

March 27, 2024

DRAFT

1 In attendance: Jared Hardner (Chair), Rob Clemens, Mark Bender, John Harvey (alternate), Peter
2 Lyon (Board of Selectmen ex-officio), Christian Littlefield, Steve Lutz, Lee Gilman

3
4 **Administrative:**

5
6 **1. Chair Comments**

7
8 Jared Hardner opened the meeting at 7:00pm.

9
10 **Minutes Approval**

11
12 The Commission agreed to table discussion of the minutes to the next meeting.

13
14 **Treasurer's Report**

15
16 Mark Bender reviewed the Commission's February budget report. There is a balance in the
17 budget of approximately \$5,000. There have been significant transactions in the Land Account
18 dealing with recent land acquisitions. He noted that he would be adding detail regarding forestry
19 work to the budget report for the Commission's next meeting.

20
21 **Special Topics & Presentations**

- 22
23
 - **Vonderosa Properties, LLC, Subdivision, Map 4 Lot 118, 119, 121 & Map 6 Lot 102**

24
25 *Jared Hardner and Rob Clemens recused themselves from this item.*

26
27 Steve Lutz explained that the Commission has previously submitted comments on this proposal.
28 He asked for a description on what has been changed or updated.

29
30 Brett Vaughn, 3 Huxley Lane, explained that he would like to discuss the larger (Hazen) piece of
31 land. He is currently proposing a subdivision of this piece of land in an application that is
32 currently in front of the Planning Board. He has offered a proposal of land to the Planning Board
33 that the Board may not be able to consider. Thus, he decided to come before the Conservation
34 Commission to discuss this potential land sale. The Commission could then pass along its
35 recommendation on the item to the Planning Board. He asked that the Commission consider
36 eliminating the condition allowing him to waive any potential costs to rebuild the road.
37 Regarding the 135-acre parcel of land proposed to be sold to the Town, he requested \$1M, while
38 waiving the change of use penalties that would be incurred for all of the properties involved in
39 this subdivision. He asked that the Commission either express its interest or lack thereof of this
40 proposal to the Planning Board.

41
42 Steve Lutz stated that there have been a number of recommendations made by the Commission
43 regarding the open space proposal from the applicant. There are still some open issues with these
44 recommendations. The Commission is considering how best to protect the wetlands in this area

TOWN OF AMHERST
Conservation Commission

March 27, 2024

DRAFT

45 and minimize impacts to them. These items would have to be addressed prior to making further
46 recommendations to the Planning Board. Brett Vaughn stated that he believes all of the
47 conditions regarding wetlands and buffers would still be in play.

48
49 Steve Lutz stated that conservation is important to the Commission and its recommendations
50 were made with this in mind. Spending money on these properties is not solely a Commission
51 decision and there is no money available for acquisitions at this time.

52
53 Brett Vaughn stated that this could be a long-term plan, specifically regarding the change of use
54 tax. The \$1M could be spread out over time.

55
56 Mark Bender stated that this is an interesting proposal and other Town departments/boards will
57 need to discuss it further.

58
59 Jared Hardner stated that the Commission is currently out of funds for land acquisition. Brett
60 Vaughn stated that he wants it to be clear to the public and Town that he is offering that piece of
61 land for that amount of money. This is being proposed to simplify things with the Planning
62 Board.

63
64 Christian Littlefield asked if the proposal is to reduce/eliminate LUCT funds in order to make a
65 deduct on the road. Brett Vaughn stated that this was the original proposal. He currently has an
66 application in front of the Planning Board that a percentage of the road cost will be borne by
67 him. His new proposal is that this will be waived while also waiving the LUCT funds on the
68 properties in exchange for the piece of land at the proposed amount. In order to simplify the
69 process, he asked that this piece be purchased in cash in exchange for the LUCT changes.

70
71 Christian Littlefield asked what the proposed cost is for that lot outside of all the other conditions
72 in front of the commissions/boards. This amount could then fund the other conditions proposed.
73 Brett Vaughn stated that the current value of the 50 lots over 15 years is less than what the Town
74 would pay. The Planning Board does not want to discuss covering the road tax amount. Christian
75 Littlefield stated that, given the potential complexity, it may be easier to give a base value of the
76 proposed lot for the Commission to consider separately from other considerations.

77
78 John Harvey stated that the Commission wants to acquire large parcels to protect. Waiving the
79 LUCT could be a State issue.

80
81 Rob Clemens asked for clarification regarding the proposed 135-acre parcel. Brett Vaughn
82 outlined the area on a map and explained that there is a potential for a trail system within the
83 parcels for interconnectivity. This includes an easement area as shown on the plan. He stated that
84 George Bower, of the Amherst Land Trust is interested in the value of the aquifer by itself. The
85 previous exchange proposed was 135 acres for \$5M, but it did not include the aquifer or the
86 easement area. The current proposal is beneficial for all parties and a reasonable request. Rob
87 Clemens noted that the Town previously considered a \$1M purchase for the land including the
88 County Road properties.

March 27, 2024

DRAFT

89
90 There was discussion regarding potentially amending the lot lines of the proposed acquisition.

91
92 The Commission agreed to discuss this proposal further in Non-Public Session.

93
94 **Other Business**

95
96 **• Agri leases update**

97
98 Christian Littlefield stated that he has received some positive feedback on the proposed lease
99 language from one contractor. He recommended moving forward with this at this time.

100
101 **Rob Clemens moved to approve the contracts with minor edits to be made by Mark**
102 **Bender. Seconded by Rob Clemens.**
103 **Vote: 6-0-0; motion approved.**

104
105 **• Spring cleanup day update**

106
107 Steve Lutz stated that Clean Up Day has been promoted on Facebook for April 20-21. The trail
108 steward invasives class will be held on April 20, 2024, from 11am-3pm and 12 people have
109 signed up thus far. The goal is to give trail stewards clear goals as to how to handle different
110 invasives species.

111
112 **• Vernal pools class update**

113
114 *This item was not directly addressed at this time.*

115
116 **• Trail stewards invasives class update**

117
118 *This item was previously discussed.*

119
120 **• July 4th preparations**

121
122 The Commission agreed that Rich Hart would work on the July 4th preparations.

123
124 Rob Clemens explained that the Commission previously heard about a lot on Chestnut Hill on
125 which a house was proposed to be built within a large chunk of the wetland buffer. The applicant
126 indicated that, as this would not be allowed or supported by the Commission, a variance would
127 be sought from the ZBA. At the March 19th ZBA meeting, a variance was sought from the
128 Wetlands Ordinance supported by a legal opinion as to why this would be acceptable. The ZBA
129 questioned whether a waiver could be sought from the road setback instead of building in the
130 wetland. An abutter then expressed concern regarding sight lines if the house was moved closer
131 to the road. The ZBA decided to hold a site walk of the property next Thursday at 5pm. The
132 Commission previously gave comments to the ZBA regarding why building in the buffer should

March 27, 2024

DRAFT

133 not be allowed and a variance should not be granted. He recommended that Commissioners
134 could attend the site walk and the next ZBA meeting on April 16th. The Commission's case
135 should be regarding the legal opinion filed by the applicant, which states that there is no harm to
136 the public interest for the proposed variance.

137
138 Jared Hardner suggested issuing another official letter from the Commission to the ZBA, in case
139 public comment is not accepted at the next meeting. This letter could also be read by a
140 Commissioner at the meeting. The Commission could also consider cumulative impact of this
141 project and fairness. Each developer should be held to a particular set of rules, and it is not fair
142 for a variance to be granted based on a flimsy argument.

143
144 Christian Littlefield stated that the original presentation on this item to the Commission showed
145 no data for the temporary wetland impacts, which will be much more significant than the
146 permanent. A firm regimented plan for how to repair this area should be considered if the
147 variance is approved by the ZBA.

148
149 **Non-Public Session per RSA 91-A:3, II, (d)**
150 • Consideration of the acquisition, sale, or lease of real or personal property which if
151 discussed in public, would likely benefit a party or parties whose interests are adverse to
152 those of the general community.

153
154 **Jared Hardner moved to enter Non-Public Session per RSA 91-A:3, II, (d) at**
155 **7:52pm. Seconded by Rob Clemens.**
156 **Roll Call Vote: Jared Hardner - aye; Rob Clemens – aye; Mark Bender – aye;**
157 **Christian Littlefield – aye; Steve Lutz – aye; Lee Gilman – aye. 6-0-0; motion**
158 **approved.**

159
160 **Rob Clemens moved to exit Non-Public Session at 9:10pm. Seconded by Steve Lutz.**
161 **Roll Call Vote: Jared Hardner - aye; Rob Clemens – aye; Mark Bender – aye;**
162 **Christian Littlefield – aye; Steve Lutz – aye; Lee Gilman – aye. 6-0-0; motion**
163 **approved.**

164
165 **Rob Clemens moved to seal the Non-Public meeting minutes of February 28, 2024.**
166 **Seconded by Steve Lutz.**
167 **Vote: 6-0-0; motion approved.**

168
169 **Rob Clemens moved to adjourn at 9:12pm. Seconded by Steve Lutz.**
170 **Vote: 6-0-0; motion approved.**

171
172 *Respectfully submitted,*
173 *Kristan Patenaude*