

TOWN OF AMHERST
Conservation Commission

January 25, 2023

APPROVED

1 In attendance: Rob Clemens – Chair, Jared Hardner, Rich Hart (remote), Steve Lutz, Christian
2 Littlefield, Frank Montesanto, Lee Gilman [7:03pm], John Harvey, Bill Widmer (remote), Peter
3 Lyon – Board of Selectmen Ex-Officio
4 Staff present: Kristan Patenaude – Recording Secretary (remote).

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

7
8 **ADMINISTRATIVE:**
9

10 **1. Chair Comments**
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12 Rob Clemens noted that Mark Bender has submitted his application to sit on the Conservation
13 Commission. This will be voted on by the Board of Selectmen at a future meeting.
14

15 **2. Minutes: December 14, 2022 and January 11, 2023**
16

17 **Christian Littlefield moved to approve the meeting minutes of December 14, 2022,**
18 **as presented. Seconded by Frank Montesanto.**

19 **Vote: 5-0-1; motion approved [J. Hardner abstaining.]**
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21 The Commission agreed to discuss the minutes of January 11, 2023, at its next meeting.
22

23 **3. Planning & Permitting**
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25 Steve Lutz noted that the Planning Board held a public hearing on the revised Master Plan. Rob
26 Clemens stated that the Board subsequently adopted the Master Plan, as presented.
27

28 *Lee Gilman entered the meeting.*
29

30 Will Ludt, Chair, Heritage Commission, noted that the Master Plan Steering Committee
31 mentioned that a story map is yet to come, as part of the Master Plan. John Harvey explained that
32 a story map is a web-based narrative, containing a scroll of text, images, and maps, some of
33 which could be interactive.
34

35 Rob Clemens noted that there were a number of recommendations at the end of the Master Plan
36 which either impact the Commission or are left to the Commission to implement. Steve Lutz
37 agreed that the public comments centered around making sure this document does not simply sit
38 on a shelf. Jared Hardner stated that this is ultimately the single most important document which
39 provides guidance and allows the ACC to do its work and promote its conservation efforts. He
40 encouraged Commissioners to review it and refer to it often.
41

42 Steve Lutz noted that the three items that the Commission will hear this evening were voted on
43 in terms of regional impact by the Planning Board at its last meeting. These applications will be
44 taken up by the Planning Board at its next meeting, so the Commission should consider any

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relevant comments or questions this evening. He noted that, at its next meeting, the Planning Board will also discuss regional impact on TransFarmations, which appears to be a joint farming/housing venture proposed on a single piece of land in Town.

- a. CASE #: PZ16836-011023 – Sheila Armand; The Armand Living Trust (Owner & Applicant); 16 Clark Avenue, PIN #: 025-035-000 – Conditional Use Permit. Raze the existing family home and construct a more conforming single-family home. Zoned Residential/Rural. – Taylor Hennas, Meridian Land Services**

Taylor Hennas, Meridian Land Services, stated that this property is located partially within the 250' Shoreland Zone of Baboosic Lake and is entirely within the Wetland and Watershed Conservation District. The 100' buffer associated with Baboosic Lake is the only one shown on the plan, as the other associated buffers overlap. Lot 25-35 is zoned Residential/Rural and is a pre-existing, nonconforming lot of record. The existing single-family home was built in 1930, is currently served by a cesspool, and has no potable drinking water supply. The existing impervious area on the lot within the Shoreland Zone is currently 18.5%, and the existing lot currently has no stormwater management techniques. This proposal intends to raze the existing primary structure and construct a more nearly conforming primary structure that will be serviced by a pretreatment septic system, well, and stormwater management techniques. The proposed primary structure will be constructed within the limits of the existing footprint, so no variance will be required. Although not required by the State, the proposed primary structure will be surrounded by a drip edge and a porous paver driveway. The combination of both techniques exceed the storage and infiltration capacity for a 10-year storm event, provided by the New Hampshire Stormwater Manual Volume 2. The proposed permanent impact area includes 676 s.f. from the associated build of the primary structure and temporary impacts of 2,127 s.f. from the installation of the pretreatment system of the well, reducing the overall impervious area on the lot and within the Shoreland Zone to 13.7%. The work area will be bounded with a double erosion control, including woven silt sock and silt fence. No welded plastic or biodegradable plastic will be used on site for best management practices provided by New Hampshire Fish & Game. A number of trees will be removed in order to facilitate razing the existing house and constructing the new primary structure, as well as the leach field, but the stumps will remain for soil stabilization. The National Heritage Bureau (NHB) has identified that, although there are rare species and exemplary habitats within the project vicinity, the proposed scope of work will have no adverse impacts on these respective species or habitats. This project meets all of the Department of Environmental Services Shoreland program requirements and was approved on October 25, 2022. The septic design has also been locally approved and received construction approval through the Subsurface Bureau.

In response to a question from Jared Hardner regarding the request for the Conditional Use Permit (CUP), Taylor Hennas explained that this is needed because all construction will take place within the Wetland and Watershed Conservation District. Jared Hardner asked how this project is proposed to improve water quality on the site more so than if the existing structure were to be left. Taylor Hennas explained that the project looks to reduce the overall impervious area on the lot from 18.5% to 13.7%. It will also implement stormwater management techniques,

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including a drip edge and porous paver driveway. The existing septic treatment for the site is a cesspool, and the site is not serviced by a potable water drinking supply. This proposal will also install a pretreatment septic system.

Rob Clemens asked about the difference between the current cesspool functionality versus the proposed pretreatment septic system. Taylor Hennas stated that the current cesspool is a stone-lined hole in the ground in which the effluent is eventually treated within the soil. The proposed pretreatment septic system has a tank with three chambers, where treatment occurs within the tank itself, so that by the time the effluent reaches the leach field it is supposedly completely treated. The treated effluent will go back into the ground as groundwater. A seasonal high-water table of 24" was seen on the site, with the groundwater not far below.

Will Ludt stated that he went to examine the existing structure and found that the external structure has been modified over the years and lost some of its historic character and features. He stated that he has no issue with razing this structure, but requested the applicant submit any photos or other historical documentation of the site to the Heritage Commission, prior to demolition.

Frank Montesanto noted that, in past similar CUP applications near the Lake, the Commission has stated that it wants to see an improvement from net neutral to net positive conditions on the site. He suggested the potential for additional vegetation near the shoreline for erosion purposes.

In response to a question from Rob Clemens, Taylor Hennas stated that the applicant is not required to replace any of the trees removed from the site, as part of the shoreland permit. While there is a point scale if trees are removed from the woodland buffer of the site, the State considered this to be a 0% for this site, because there are only standalone trees within that buffer of the site.

- b. CASE #: PZ16835-011023 – Scott McEttrick (Owner & Applicant); 6 North End of Lake, PIN #: 008-066-000 – Conditional Use Permit -** Construct a detached garage with an Accessory Dwelling Unit and approved ISDS and reclaim areas of the existing gravel driveway to be restored back to an unaltered state. Zoned Residential/Rural. – Taylor Hennas, Meridian Land Services

Taylor Hennas stated that this site is partially within the 250' Shoreland Zone of Baboosic Lake and partially located within the Wetland and Watershed Conservation District. Lot 8-66 is zoned Residential Rural and contains a nonconforming primary structure, an approved septic system for a 3-bedroom house, and an attached garage. The existing impervious area on this lot within the Shoreland Zone is 48.2%. This proposal intends to construct a detached garage totaling 792 s.f., with an accessory dwelling unit (ADU) and a conventional sewage disposal system that will be sized appropriately for a 3-bedroom house and the proposed ADU. All of the work for the detached garage and ADU is proposed to occur outside of the Wetland and Watershed Conservation District. If the applicant instead proposed an attached addition to the nonconforming structure, this would result in a variance, an impact to the existing easement, or

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impacts within the associated wetland buffer. The proposed detached garage will have drip edges on either side of the roof to store and infiltrate the runoff from a 10-year storm event. This proposal also intends to remove and reclaim areas of the existing gravel driveway within the wetland buffer, to overall reduce the impervious area on the parcel. 1,676 s.f. of gravel will be removed from within the wetland buffer and will be loamed and seeded for erosion control. The plan notes that no fertilizer is to be used in this area, once reclaimed. The proposed permanent impact area within the Shoreland Zone includes 1,003 s.f. from the construction of the proposed garage and driveway modification. Temporary impacts include 6,503 s.f. from the installation of the septic and the construction of the garage. This proposal will reduce the overall impervious area within the Shoreland Zone to 43.8%. This work area will be bounded with silt fencing. NHB has identified that, although there are rare and exemplary habitats within the vicinity, the proposed scope of work will have no adverse impacts on species or their respective habitats. This project meets all of the DES Shoreland program requirements and was approved on December 5, 2022. The septic design was also locally approved and has received construction approval through the Subsurface Bureau.

In response to a question from Jared Hardner regarding the reason for this CUP, Taylor Hennas explained that there is currently an existing garage on the site, but the homeowner would like to construct a separate, two-story garage, with the top story used for an ADU. The CUP is needed for the ADU. The existing garage is proposed to remain on the lot. The total impervious surface area will be reduced by reclaiming areas of gravel from the existing driveway. The existing gravel driveway is quite wide and will be reduced to a normal 12' width. Jared Hardner noted that the existing gravel driveway is already somewhat porous. Taylor Hennas stated that the State claims that compacted gravel is completely impervious. Removing parts of this land, seeding it, and then letting it grow to an unaltered state would allow for the infiltration of a lawn, or field.

In response to a question from Rob Clemens regarding the existing subsurface treatment system, Taylor Hennas explained that the conventional system has been designed to be capable of handling the load proposed, which is 675 gallons per day. The separate combination tank will service the house and the detached garage, and both will pump up to the conventional leach field. The water supply for this property is an existing well on the east side of the primary structure. This is adequate to also service the ADU.

In response to a question from Rob Clemens, Taylor Hennas stated that the shoreland permit is required because some of the work is occurring within the 250' buffer of Baboosic Lake.

Rob Clemens stated that this proposal matches the requested improvements to Baboosic Lake that the Commission usually looks for. Jared Hardner stated that this application proposes slimmer gains in terms of reduction in impervious areas. He suggested increasing the vegetation along the Lake or other items to improve water quality that relates to runoff. Steve Lutz agreed that the Planning Board will likely discuss the potential of other items, such as a drip edge to enhance stormwater performance on the site.

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In response to a question from Rob Clemens, Taylor Hennas stated that the applicant made an effort to not propose any sort of disturbance surrounding the primary structure, such as a drip edge, because it is within the 100' buffer of Baboosic Lake. Rob Clemens suggested looking into stormwater improvements for the existing structure. Taylor Hennas stated that drip edges could be discussed with the homeowner. Associated plantings, especially near the area of reclaimed gravel, could also be proposed.

Christian Littlefield stated that this application claims that there is a gain by reclaiming some gravel areas on the property, however, as this is a driveway area, it would be an easy thing to turn back into a driveway once the permit process is complete. Any vegetation that can be installed to reduce that potential would be an improvement to the plan.

Jared Hardner noted that these suggestions are as much to the homeowner's benefit, in improving the water quality of the Lake, as they are to the Commission's/Town's.

In response to a question from Bill Widmer regarding the different septic system proposed for this lot versus the previous application, Taylor Hennas stated that this is mostly due to size limitations of this lot, and cost.

- c. CASE #: PZ16834-011023 – Robert Houvener (Owner & Applicant); 13 Washer Cove Road, PIN #: 025-021-000 & Bruce Bowler (Owner & Applicant); 9 Washer Cove Road, PIN #: 025-023-000 – Subdivision Application, Lot Line Adjustment.** To adjust the lot lines for parcels Map 025-021-000 & 025-023-000. Zoned Residential/Rural.

In response to a question from Bill Widmer, Peter Lyon explained that the Board of Selectmen agreed to abandon the paper streets in this area. There was some indication that was required by statute. In its place, the Town will receive a dedicated easement to access the Town-owned portion of the land. This will be located in the same general location as the current right of way, but on a different path. Rob Clemens stated that the Town-owned lots are very small and basically wetlands, submerged, bordering Washer Cove Road. The lot line adjustment proposed does not particularly have an impact on those wetlands.

In response to a question from Christian Littlefield, Peter Lyon explained that a corner of the applicant's property was on top of that paper street. The Town abandoning the paper street, allows for the applicant to no longer be in violation.

The Commission agreed that it did not have a comment on this item.

TOPICS

4. Proposed Bragdon Fencing – Christian Littlefield

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Christian Littlefield explained that the proposal is to add some fencing back in this area, both for aesthetics and to keep motorized vehicles from accessing the area. There are a couple of options for the proposed fencing, including a split rail fence, such as the one installed at the Buck Meadow parking lot area, a slip rail fence, or a three-rail fence. The latter would allow for a bit more height coverage to keep people and animals out. He suggested that the Commission consider the longevity of the fence, based on its placement near an area that receives traffic, road salt, etc. He stated that the quotes he has received have been for pressure-treated posts, Locust split rails, and pressure-treated split boards.

Rob Clemens noted that, even though this property is technically in Bedford, it is the entrance to Amherst. The Master Plan notes the importance of preserving the rural aesthetic of Amherst. This is an opportunity for the Commission to dress up a scenic field. It is also being maintained as a hayfield.

Christian Littlefield noted that there are already areas of split rail fence at the Bragdon property. Jared Hardner asked if the Commission should consider replacing all of these at the same time. Christian Littlefield stated that this is certainly a consideration, especially if the Commission decides to move forward with a slip rail fence for this area in question.

In response to a question from Bill Widmer, Christian Littlefield stated that the pricing for the three fencing options are all within 15% of each other. The cost comes into play when discussing the length of the proposed fence.

In response to a question from Frank Montesanto regarding the purpose of this proposed fence in terms of the height, Christian Littlefield stated that this fence is likely located approximately 12' off the road and not likely to be hit by a vehicle or plow. This is located in a prime location for saplings to take root. The farmer will mow away from the fence, but the area will need to be maintained in terms of weed whacking, etc.

John Harvey stated that the Town originally purchased Bragdon because it is a green entrance to the Town and maintains the rural aesthetic. Accordingly, one potential alternative to this proposal would be to not install a fence at all. Rob Clemens stated that, if vehicular access is a problem through the gate, the Commission could focus on the gate alone.

Christian Littlefield stated that, if the fence is proposed to feather into the woods instead of ending abruptly, this could end up being a 375-600' long fence. If the culvert is mostly blocking vehicle access, other than probably 30', the Commission could consider a couple of sections of fence on either side, tapering off. This could reduce maintenance and still be aesthetically pleasing.

Jared Hardner suggested a two-phase project, with a first step to install the gate and a bit of aesthetic fencing on the sides to functionally block the vehicular entrance. If this area becomes an issue for vehicular access, the Commission could reconsider more fencing in a year. Rob

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Clemens agreed that the culvert does a lot to block vehicular access. The Commission could consider a gate with some winged fences.

Christian Littlefield suggested that the winged fence sections could taper down and have an attractive finish. He suggested that this should be two gates, which open 100%, and have approximately an 18'-20' opening. He noted that he wished the culvert had been made wider. Rob Clemens stated that this was proposed when it was built.

Jared Hardner noted that the Commission should also consider maintaining access to do forestry work further into the site in the future.

Christian Littlefield stated that the two gates, plus a bit of fencing, will likely cost approximately \$2,500. He suggested a two-rail split rail fence.

The Commission discussed funding for this project. Bill Widmer noted that the Town was supposed to receive \$3,200 from the State in return for the easement and loss of a cherry tree on the property. These funds have not yet been received. Jared Hardner stated that he believes this is a project that could come from the Gift Account.

John Harvey moved to expend up to \$5,000 for a pair of 10' gates, appropriate posts, two double-split rail fences approximately 20' long for each side of the gate, and miscellaneous repairs to other fences at Bragdon. Seconded by Bill Widmer. Roll Call Vote: Harvey – aye; Widmer – aye; Montesanto – aye; Littlefield – aye; Clemens – aye; Lutz – aye; Gilman – aye; Hardner – aye; and Hart – aye; 9-0-0; motion approved.

5. Other Business

Bill Widmer stated that he sent out 14 letters in the last week trying to solicit cosponsors for Cleanup Day. He also plans to send a letter to the school PTA.

John Harvey stated that he attended a meeting of the Nashua Regional Planning Commission (NRPC), introducing a new website for the Amherst Heritage Commission – www.amherstheritage.com. This website has a lot of value to the town. It contains interactive maps and copies of historical documents. The team to create the website included Taylor Hardner, who helped create the Conservation Commission's website. He noted that he spoke with NRPC regarding the possibility of setting aside some funds through the Community Development Office to help with GIS mapping and centralization of this information for the Commission.

Christian Littlefield explained that he has been speaking with the forestry management group regarding maintenance at Joppa Hill and Lindabury Orchard. Rob Clemens added that he spoke with the Planner for the Bedford Conservation Commission regarding collaborative items at

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Joppa Hill. Christian Littlefield stated that the groups may want to consider a joint venture at Joppa Hill and, thus, the expansion of the scope of the contract for management.

6. 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 at 8:40pm to enter 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. Seconded by John Harvey.

Roll Call Vote: Harvey – aye; Widmer – aye; Montesanto – aye; Littlefield – aye; Clemens – aye; Lutz – aye; Gilman – aye; Hardner – aye; and Hart – aye; 9-0-0; motion approved.

No votes were taken, and no decisions were made.

10. Adjourn

Frank Montesanto moved to exit Non- Public Session at 9:15pm. Seconded by Christian Littlefield.

Roll Call Vote: Harvey – aye; Widmer – aye; Montesanto – aye; Littlefield – aye; Clemens – aye; Lutz – aye; Gilman – aye; Hardner – aye; and Hart – aye; 9-0-0; motion approved.

The meeting adjourned at 9:16pm.

*Respectfully submitted,
Kristan Patenaude*

Minutes approved: February 22, 2023