

TOWN OF AMHERST
Conservation Commission

February 22, 2023

APPROVED

In attendance: Rob Clemens – Chair, Jared Hardner, Rich Hart, Frank Montesanto, John Harvey,
Bill Widmer, Lee Gilman, Mark Bender - alternate
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 welcomed Mark Bender as a new alternate member of the Commission.

2. Minutes: January 11, 2023 and January 25, 2023

Frank Montesanto moved to approve the meeting minutes of January 25, 2023, as presented. Seconded by John Harvey.

Vote: 7-0-0; motion approved.

The Commission agreed to discuss the minutes of January 11, 2023, at its next meeting.

3. Treasurer's Report

Bill Widmer noted that the Commission has so far spent approximately \$7,500 of its \$15,800 budget. There is approximately \$8,200 left in the budget for the year. There are a large number of pending items to come from the Land Account. He noted that Finance Director, Debbie Bender, has stated that she will reconcile the Land Account and the LUCT Fund in March. There will then be approximately \$1.066M in the LUCT Account. A donation from the Rapf family of \$15,000 will likely be voted on and accepted by the Board of Selectmen within the next couple of weeks via a public hearing. This will then be added to the Gift Account.

4. Planning & Permitting

Rob Clemens noted that there will be a number of items addressed at the March 1, 2023, Planning Board meeting, including the TransFormations project. While he was expecting to hear from someone from Meridian Land Services this evening on this project, he found out that the applicant is not currently seeking a Conditional Use Permit, but a Design Review. The Commission will hear from this applicant once a Conditional Use Permit application is submitted.

- a. CASE #: PZ12161-121319 - Robert H. Jacobson Revocable Trust, Laurie Stevens, Trustee (Owner) & TransFormations, Inc. (Applicant), 17 Christian Hill Road, PIN #s: Tax Map 005-148-000 & 005-100-000 - Conditional Use Permit. Design Review. To depict a 60-unit Planned Residential Development per the Integrated Innovative Housing Ordinance (IIHO). Zoned Residential Rural.**

The Board tabled discussion to later in the meeting.

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b. CUP Application – 55 Broadway (Map 25, Lot 52) – Chris Guida, Fieldstone Engineering

Chris Guida, Fieldstone Engineering, stated that this is a stormwater management plan. The project has not yet submitted a Conditional Use Permit (CUP) application to the Planning Board. The shoreland permit has been submitted to the State and the wetlands permit should be submitted to the State next week. There is a steep lawn on this site, leading to the lakeshore. There is an existing, degraded retaining wall of fieldstone along the shore and an existing dock with a set of stairs. This is a very small lot, approximately 72' wide and 70' deep. The slope leading to the Lake is approximately 15%-20%, so runoff currently goes straight down over the lawn and into the Lake. During heavy rainstorm events, this area gets eroded, and this has gotten worse over time.

Bill Widmer asked the height and depth of the retaining wall. Chris Guida stated that there are two retaining walls on the site, requiring two separate State shoreland permits. The shoreland wall reduces slopes in the backyard and is approximately 3.5' high and 1' deep. The material of this wall is a Techo-Bloc. Along the shore is an existing fieldstone/boulder wall that has partially caved into the Lake. There is erosion going on behind this wall. The plan is to replace any fallen stones and augment the wall with some additional stones to solidify it and remove some of the steep slope from the bank. A crushed stone infiltration trench is proposed along the high side of this wall, leading to a rain garden. The plan for this project is to reduce the slope of the site, create a flat area from the house and deck, allow for infiltration, and reduce erosion.

Jared Hardner stated that the Commission typically reminds applicants doing work on Baboosic Lake that this is an impaired water body. One issue is that there are excessive nutrients running into the water. The Commission would like to see each project turn a bad situation into a somewhat better situation, leading to a net gain in ecological function. This project makes arguments for improving ecological function by reducing runoff, and by virtue of the proposed stormwater controls. This will lead to better nutrient retention on site. He stated that he would defer to State authorities with regard to the habitat impacts of a retaining wall on the waterline.

Chris Guida noted that the intention is only to replace stones along the existing fieldstone wall. This wall will be good habitat for wildlife along the shore.

Frank Montesanto asked if the lower section of the site will remain lawn. Chris Guida stated that this is an existing area of natural vegetation, woods and lawn. Some native plantings could be included along the shoreline. This will not be a manicured lawn and will be vegetated.

In response to a question from Frank Montesanto, Chris Guida stated that the intention is to balance a cut on one side, and some fill on the other to level the area.

Frank Montesanto asked for a description of a rain garden. Chris Guida stated that this is essentially an organic infiltration basin. It will contain organic layers with porous soils, including

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a layer of compost/mulch, with plantings on the top, such as different types of grasses and shrubs.

John Harvey suggested that the applicant consider using the same construction technique for the lawn area as is being proposed for the rain garden in order to improve ecologic functioning and buffering. Chris Guida agreed that his intention is to include a well-drained gravel base to this area.

Lee Gilman asked about waterfront buffer vegetation. Chris Guida stated that the existing vegetation can be augmented with some low shrubbery and grasses, however this is not ideal for placing in the water itself, due to the energy and action from the Lake. There could be some infill for the shoreline retaining wall, such as loam or compost.

Rob Clemens asked about the water level line for this site. Chris Guida stated that the high-water line is 231'. It was noted that the water level rises in the spring by approximately 1'-1.5'. The water has never come up over the retaining wall near the shore.

Rob Clemens asked if there will be excavation completed for reconstruction of the lakeside wall. Chris Guida stated that minimal surface excavation may be needed to make sure stones do not fall, but there will not be additional excavation. The base stones will remain, with additional stones on top. There will be filter fabric and drainage methods placed behind the wall.

Rob Clemens asked how water will flow into the rain garden. Chris Guida stated that a drain line is proposed along the back side of the retaining wall. Anything that does not infiltrate, will run down the pipe into the rain garden. The front gutter drains into the loose gravel driveway and the back gutters drain into the grass side yard. Rob Clemens explained that the Commission is trying to cut back on stormwater running into the Lake. The plan does not look to decrease impervious surfaces. Chris Guida stated that runoff from the gutters could be picked up and directed to the infiltration trench.

Rob Clemens suggested making the entire lower tier of the site a rain garden.

Rich Hart stated that fertilizer should never be used on this site, and this should be mentioned on the plans. Chris Guida stated that this can be added to the drainage details and face of the plan under the shoreland permit notes.

Rob Clemens stated that the Commission would capture its comments and send them to the Planning Board.

- a. **CASE #: PZ12161-121319 - Robert H. Jacobson Revocable Trust, Laurie Stevens, Trustee (Owner) & TransFormations, Inc. (Applicant), 17 Christian Hill Road, PIN #s: Tax Map 005-148-000 & 005-100-000 - Conditional Use Permit. Design Review. To depict a 60-unit Planned Residential**

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**Development per the Integrated Innovative Housing Ordinance
(IIHO). Zoned Residential Rural.**

Rob Clemens noted that a request for comments was sent from the Community Development Office for the TransFormations proposal. There will be a design review on March 1st, at which time the applicant will update the Planning Board on the project. He asked if the Commission has any additional comments/questions to send along regarding the proposal.

The Commission's comments from three years ago included interest in the amount of open space proposed to be set aside from the project. This would be contiguous to other Town-owned parcels. There was concern regarding some of the development proposed near the Great Meadow wetlands, with some interest in moving the development back from the buffers. Other groups in Town had concerns regarding traffic and other items.

Frank Montesanto stated that there were water quality concerns in terms of Great Meadow. He is curious what the plan is for the field, as this was originally proposed as an agrihood, with farm animals and animal waste in that area. Four structures are proposed on the opposite side of Great Meadow within the buffer. Rob Clemens stated that he believes the revised plan removed those from the buffer, as previously commented on by the Commission.

Rich Hart stated that the field buffer into the wetland area has grown into trees with wet roots. This was previously a hay field that had to be mowed with horses, as it was too wet for trucks. There was discussion regarding possibly removing the trees from this area, returning it to a wetland state, and allowing the applicant more field space. Rob Clemens asked if a forested area would be just as valuable and functional in terms of water and nutrient management. Rich Hart stated that a forested area is not a wetland habitat. More evaluation may be needed on this item.

The Commission agreed to send along its original comments on the proposal. The Commission could send along new comments, once a revised plan is shown.

Frank Montesanto stated that, while he believes it would be great to get additional conservation space in Town, he does not want to sell out to get it.

Will Ludt, 3 School Street, asked if the Planning Board will be reviewing the original application plan or a revised one. Rob Clemens stated that he believes it is the original set of plans but is not completely clear on this. Will Ludt noted that the submitted plans seem to include a Pennichuck water hookup for the project area. Frank Montesanto agreed that he does not see any wells shown on the plan.

Jim Hendrix, 44 Christian Hill Road, stated that he made comments in 2019 during a site walk of this area. The water coming off the hill creates a mud bog in the field. He asked the applicant's engineer at that time how much fill would need to be brought in to make the area perc. He was told that no fill was planned to be brought in. The leach field behind the farmhouse is approximately two stories tall. He asked the Commission its thoughts regarding leach fields and

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fill proposed on the site. Rob Clemens stated that he believes the State/Town will deal with suitability of septic design. The Commission considers it in some cases regarding surface water around the Lake, but this is mostly dealt with by septic ordinances. Jared Hardner stated that the Commission will likely comment on the potential increased nutrient loading to the Great Meadow from this development, including septic systems and runoff.

Jim Hendrix asked about wetlands defined by vegetation on the hill of this site and the proposed layout of the project. Rob Clemens stated that site work will have to identify wetlands, per State requirements, defined by criteria including vegetation. A certified soil scientist will need to delineate the wetlands, and these will be identified on the plans. Rich Hart noted that one of the first designs for the site showed houses or roads invading the buffers of wet areas on the hillside. This was mentioned by the Commission and the next design shifted these items from those areas.

Jim Hendrix asked which plan will be presented on March 1st. The plan submitted had Pennichuck water proposed, and it is unclear which original plan that was on. If the Pennichuck inclusion was on the first plan submitted, and that plan also contained wetland buffer encroachments, the Commission may want to further consider this. Rich Hart stated that the first plan had more houses than the second plan. Jim Hendrix stated that it also contained tiny homes, which were pulled for the second plan.

Rob Clemens stated that the CUP application, once prepared, will have to examine a current plan relative to wetlands and buffer delineations. This will be a principal review item of the Commission.

Mark Bender stated that a note on the submitted plan states that there will be access by both public and private roads, will be served by Pennichuck Water, individual and shared septic systems, and underground electric phone and cable.

TOPICS

5. Clean-Up Day

Bill Widmer stated that he solicited 15 different organizations to get co-sponsors for Clean-Up Day. He has received interest from five organizations, the Congregational Church, the Village Bible Church, both Boy Scout troops in Town, and the Amherst Junior Women's Club. There will be a meeting in March or April to decide on territories. He committed to the co-sponsors that their names and logos would appear on signs, posters, and materials for the event. Last year, a number of large poster signs were printed, and these will need to be reprinted for the event.

**Bill Widmer moved to expend up to \$450 from the Educational Outreach line for signage materials in support of Clean-Up Day. Seconded by Jared Hardner.
Vote: 7-0-0; motion approved.**

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Bill Widmer stated that in the past, dumpsters were placed around Town for Clean-Up Day. Many of them had little use. He suggested having Commissioners, Town staff, or a third party pick up full trash bags around Town, instead of utilizing dumpsters.

Rich Hart asked if trash items will be segregated into recyclables. Bill Widmer stated that the DPW has stated that trash from the roadside is considered trash and should not be separated. Rob Clemens stated that asking people to self-sort could be too much of a request.

Rob Clemens asked if most trash bags were delivered to the Village site dumpster last year. Bill Widmer stated that, in previous years, many people brought the full bags to the Transfer Station themselves. Other years, people left the full bags along the roadside, and these were picked up by a volunteer. Assuming that co-sponsors will sign up for territories this year, it may make sense to decide on spots to leave full bags for pick-up by someone else. Rob Clemens stated that people could take responsibility for the full bags and bring them to the Transfer Station themselves, unless the DPW is willing to do this pick-up. Frank Montesanto stated that he has concern allowing people to leave full trash bags along the roadside throughout Town. Rob Clemens suggested broaching the pick-up idea with the co-sponsors to see if there is interest.

Rob Clemens stated that he spoke with the Souhegan River Advisory Committee and there is interest in participating along the river and at the canoe ports.

Bill Widmer stated that he spoke with Currier regarding pruning at Lindabury Orchard starting over the next couple of weeks. He passed along contact information for Commissioners regarding this project.

Bill Widmer exited the meeting.

6. Nature Stewards

John Harvey stated that he is starting a nature steward program with Steve Lutz's help. He reviewed a draft of the program plan with the Commission. He explained that Mark Worwetz will be helping with birdboxes, and Chris and Judy Shenk have agreed to look for beaver lodges around Town. John Harvey stated that he is creating some maps to be used by the stewards. Charlie Koch has also included some data that can be translated to maps.

Rich Hart stated that he has been examining flood issues around Town. Some of these issues can be dealt with through beavers and vernal pool creation. He noted that this could be considered by the nature stewards.

John Harvey stated that the nature stewards will be building slash piles, bird boxes, installing trail cameras, etc. It is up to the Commission to deal with any regulatory items and the maps may also be useful for this.

Rob Clemens noted that he received a call from Sarah Leonardi regarding the habitat brochures from Taking Action for Wildlife at the Library. Apparently, these are mostly gone from the

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Library, and she is requesting more. These brochures could also be a great vehicle for public information. In addition to Steve Lutz and John Harvey, Rob Clemens suggested the UNH Extension staff for trainings and information sessions for the nature stewards.

7. Other Business

Rob Clemens stated that a citizen called regarding trees on a conservation easement, leaning over the citizen's house. Lee Gilman examined this item and the trees do seem to be a hazard. The Board of Selectmen voted to allow these trees to be removed as part of the Town's tree contract with Gate City. The quote received was \$2,400 to remove these trees.

Jared Hardner moved to expend \$2,400 from the Conservation Fund to remove trees, as discussed. Seconded by Lee Gilman.

Vote: 6-0-0; motion approved.

Will Ludt noted that he sent Rob Clemens information on an upcoming webinar series regarding pollinators within Freedom's Way.

Rich Hart asked if there are a set of Town policies regarding herbicide use. Rob Clemens stated that a number of questions were raised during discussions on this topic. The work group will consider additional information and come back to the Commission with recommendations, before a presentation on the topic is made to the Board of Selectmen.

Rob Clemens noted that at a future meeting the Commission will hear information regarding the proposed bridge on Thornton Ferry Road I.

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 at 8:50pm 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 Jared Hardner.

Roll Call Vote: Harvey – aye; Montesanto – aye; Clemens – aye; Gilman – aye; Hardner – aye; and Hart – aye; 6-0-0; motion approved.

No votes were taken, and no decisions were made.

10. Adjourn

Frank Montesanto moved to exit Non- Public Session at 9:25pm. Seconded by Jared Hardner.

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305 **Roll Call Vote: Harvey – aye; Montesanto – aye; Clemens – aye; Gilman – aye;**
306 **Hardner – aye; and Hart – aye; 6-0-0; motion approved.**

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308 **The meeting adjourned at 9:26pm.**

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311 *Respectfully submitted,*
312 *Kristan Patenaude*

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314 *Approved: March 8, 20223*