

TOWN OF AMHERST  
Conservation Commission

March 22, 2023

**APPROVED**

In attendance: Rob Clemens – Chair, Jared Hardner, Rich Hart, John Harvey, Peter Lyon –  
Board of Selectman Ex-Officio, Steve Lutz - alternate, 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 noted that Clean-Up Day will be occurring May 6<sup>th</sup> and Commissioner help will be needed.

**2. Minutes: March 8, 2023**

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

**3. Planning & Permitting**

Mark Bender updated the Commission on the most recent, March 15<sup>th</sup>, Planning Board meeting. He explained that there were two Conditional Use Permit (CUP) applications for properties on Baboosic Lake. One to construct a detached with an accessory dwelling unit (ADU) was denied based on the fact that the Planning Board felt it required a zoning variance for a non-conforming lot, due to the extent of the additional disturbance from the proposed garage. That plan had been amended to include the Commission's recommended drip edge and vegetation along the driveway. The second CUP project was to raze an existing building and reconstruct a new building in the existing footprint. There was discussion regarding the increased square footage of the project and the pretreatment septic system. This CUP was ultimately granted by the Board. Finally, the Planning Board heard again from Resin Systems, located on Route 101, regarding a request for an extension of a previously approved project. The Planning Board granted a three-year extension to March 30, 2026. Some of the conditions of approval include that there will be no further extensions, that the applicant will meet the new stormwater requirements of the Town, the building foundation must be in place within the timeframe given for the extension, and the applicant will have to get a new Alteration of Terrain (AoT) permit from the State.

Mark Bender stated that the next Planning Board meeting is on April 5, 2023. The agenda includes the Curran application, a request to subdivide a lot on Thornton Ferry Road I, a lot line adjustment along Merrimack Road, and a non-residential site plan review application for an industrial property. As this meeting is being held at the Souhegan High School, there will be no Zoom access for remote participants.

**a. Conditional Use Permit Applications for Transformations, Christian Hill Rd. (Lots 5-100 and 148) - Sam Foisie, Meridian Land Services**

March 22, 2023

**APPROVED**

Sam Foisie, Meridian Land Services, explained that the applicant will be submitting two separate CUP, CUP2 and CUP3, applications to the Planning Board, but will present these together for this presentation. CUP2 will look identical to the project presented three years ago. CUP3 contains modifications to CUP2, based on comments made throughout this process.

Carter Scott, TransFarmations, stated that both projects revolve around homes surrounding a farm. Most of these homes will have solar and will be within 30 degrees of true south. There are also four solar farm lots proposed. The homes and the farm should produce more energy than they consume. CUP2 includes 60 units, 43% of which, or 26 units, are workforce housing. There is a State incentive for having workforce housing, with the Town receiving \$10,000 per workforce housing unit, or \$260,000 in this case. An existing farmhouse on the property is in disrepair and Carter Scott showed photos of similar houses he has rehabilitated and made into housing. The differences between CUP1 and CUP2 integrate comments from the Planning Board, Conservation Commission, Fire Chief, the Department of Public Works, abutters, and other residents of the Town. The CUPs also take into account the Housing Needs Assessment completed in January 2020, which found that if Amherst produced in the next 10 years 100% of all projected housing to be workforce housing, the Town would still be short of its fair share of workforce housing.

Sam Foisie noted that CUP1 was previously denied by the Planning Board. The presentation gives information regarding how the applicant moved from that denied CUP to the current CUPs.

Carter Scott stated that the Town's current deficiency is 379 units, according to the Housing Needs Assessment report. He noted that workforce housing does not have to look like substandard or deficient housing. There are nice designs that can incorporate ADUs and follow all of the rules and regulations of the ADU guidelines for the Town of Amherst.

Sam Foisie noted that the representations shown during the presentation will also be part of CUP3. He explained that, as part of CUP2, the proposal is for 15 acres of developed area on the farm side, and approximately 21 acres of developed area on the hillside. Based off the CUP process and the Integrated Innovative Housing Ordinance (IIHO), there will be 21 acres of open space on the farm side and 63 acres of open space on the hillside, essentially preserving roughly 80 acres of land. On the farm side, the developed area circles what will be a community farm, with units around it and open space behind. The hillside contains a road up the hill with an additional spur off that to support the housing, with open space in the bottom left-hand corner of the area. A public trail will circumvent the farm.

Sam Foisie stated that a key focus of CUP2 is related to traffic. Stephen Pernaw conducted a traffic impact and site assessment study in 2020, and in January 2023, the traffic counts were updated for the Boston Post Road, Foundry Street, and Church Street intersection. The applicant believed it was necessary to bring the traffic study up to date to make sure the proposal would not have an adverse impact on the roadway. Amendment #1 to the study was completed on February 21, 2023, and has been submitted with the CUP2 package. This amendment found that traffic from the project will increase utilization of the subject intersection by 7%-9%. Normal

March 22, 2023

**APPROVED**

variations in traffic flow in Amherst change with a range of 20%-26%, demonstrating that the increase in traffic from this site is within the ebbs and flows of traffic on a day-to-day basis.

Sam Foisie stated that CUP3 is essentially a reduced density CUP. Members of the Planning Board and residents from the Town voiced two desires during the 2020 CUP process, to reduce the density and, by reducing the density, reduce traffic impacts. CUP3 plans to reduce the proposed density from 60 units to 33 single family lots, with a four-unit barn. The single-family homes will be larger in square footage and represent more closely the housing that currently exists in Town. These will also have a higher tendency to have higher property values, helping further the Amherst tax base. This plan does not provide the same level of open space as CUP2. This one provides 40%, as a requirement, and additional land will likely be sold off to abutters with certain restrictions stripping that land of development rights. CUP3 shows developed areas on the farm side of approximately 7 acres, with an associated 29 acres of open space. A portion of that open space will contain a solar farm area and greenhouses. On the hillside, there is a proposed developed area of 14 acres, surrounded by 20 acres of open space. The remainder of approximately 50 acres is planned to be sold off to an abutter, deed restricted to be similar to open space.

Sam Foisie noted that the wells and septic systems shown on the plan are placeholders only. They are shown as oversized on the plan but will be reduced in footprint based on the appropriate size for the chosen unit. A couple of the septic locations will need to be pulled closer to the buildings and more finely designed, as they currently sit within the buffer area.

Carter Scott stated that CUP3 contains six units of workforce housing, with four units in the barn and 2 two-bedroom cottage designs behind the barn. The same \$10,000 State incentive applies for these workforce housing units, for a total \$60,000 payment to the Town. Mid-sized homes are clustered on Lots 8-11, with optional ADUs available on certain models. Two new all-on-one level designs geared toward empty nesters are included in this plan.

Sam Foisie stated that both of these CUPs are geared towards an environmentally conscious approach to development, specifically with the solar proposed. While there are some impacts to wetland buffers adjacent to the development, the applicant believes the overall area proposed for open space outweighs those impacts. Once the applicant submits an application for subdivision of the lots, a separate CUP will be needed for buffer impacts, and the applicant will be back before the Commission to continue that discussion. As these are not yet fine-tuned plans, it may be difficult to speak specifically to these buffer impacts at this time.

Jared Hardner suggested that the Commission review each CUP to discuss these proposed buffer impacts. Sam Foisie stated that the wetland buffer runs adjacent to the roadway in CUP3. The proposed road location area is most appropriate due to sight distance and minimal disturbance of the hill. There is some grading disturbance proposed adjacent to the actual roadway. Sam Foisie stated that his priority approach was to keep pavement outside of the buffer, then to keep structures outside of the buffer. There may be some yards and grading within the buffer.

March 22, 2023

**APPROVED**

Jared Hardner asked if permission is needed to place stormwater retention items within the buffer. Sam Foisie stated that, hydrologically, this is an ideal place to put stormwater items, in order to treat stormwater before it gets into the wetlands, but a CUP permit is still needed to disturb within the buffer for the stormwater.

Jared Hardner asked if either plan proposes crossing of the buffer by impermeable surfaces of roads or houses. Sam Foisie stated that he believes they do not. However, as these are not yet definitive plans, some adjustments may still be needed.

Jared Hardner asked about grading or non-natural yards within the buffer areas. Sam Foisie stated that he believes pavement is likely the worst thing that can be placed in the buffer, a structure is likely second worst, manicured lawn is likely third worst, grading that does not go back to a natural state is likely fourth worst, and grading allowed to go back to a natural state is somewhat appropriate. It is also important to keep septic systems out of the buffer, whenever possible.

Jared Hardner asked about nutrient loading from the farm aspect of the project. He expressed concern regarding nutrient loading to the Great Meadow. There is interest in knowing what types of farm activities are planned. John Harvey asked what types of mechanical features will be used to prevent pollution from running into Great Meadow. This is one of the Town's largest wildlife habitats which also feeds Beaver Brook, the Souhegan River, and the Merrimack River. Carter Scott stated that the prior use of this farm was for cornfields. Carter Scott noted that, at one time, there was likely 50-60 truckloads of manure spread across the farm which melted down into the wetland. John Harvey stated that the Commission would like to keep that from happening again, not only for manure, but possibly pesticides, herbicides, nitrates, phosphates, etc. John Harvey expressed concern that this type of farm use may not be regulated by the current developer into the future.

Carter Scott stated that this is proposed to be an organic community supported agriculture (CSA) endeavor. The perimeter of the site has a pathway which will act as a buffer. The path can be phyto-enhanced to uptake any pollutants. The proposal also looks to ban the use of chemical fertilizers and/or pesticides across the site. The intention is to minimize what is coming into the system and use low impact development techniques to slow the water down and infiltrate it.

John Harvey stated that the best method would be to plant organic filtration, such as bushes or shrubbery, at a depth that will absorb the underground nutrient loads. Sam Foisie stated that this is a buffer treatment method. The project is essentially being considered under the Town's 2019 regulations, which did not include the current Amherst stormwater regulations. However, the applicant will still need to get an AoT permit for stormwater regulations, and this will include treatment practices similar to that. Sam Foisie noted that the path could essentially be used as a berm to divert the water to a treatment system, before discharging it into the wetland.

March 22, 2023

**APPROVED**

Rob Clemens asked what type of farming is envisioned. Carter Scott stated that this will be a diversified farm, with some row crops, likely some chickens, and potentially growing stock to sell, such as permaculture type plants.

Rob Clemens asked if this will be a homeowner's association (HOA) governance. Carter Scott stated that CUP2 contains condominiums through an HOA, CUP3 contains single family, fee simple homes, with open space that is owned in common. The farm aspect is included in both CUPs. CUP2 proposes farming easements and CUP3 proposes individual lots for farm and solar. The farming aspect is exclusive of any Planning Board approvals, as farming is by right in Amherst.

Jared Hardner asked what prevents future owners from changing their vision of farming for the site. Carter Scott stated that there is flexibility in the rights to farm this area, as farming is a by right use in Amherst. Most CSAs have a typical look to them.

Rich Hart stated that, regarding slowing runoff into the wetlands, one suggestion might be to plant blueberries. He noted that, 100 years ago, this area was completely open with no trees, and the wet area was visible from the road. The land was hayed by horses because heavy equipment would not work on the wet land. He stated that he believes three years ago the Conservation Commission discussed possibly getting rid of the trees to open up the area to wildlife. He believes historical people would like to see the land look like it did 100 years ago and that this might be a good way to extend the wet environment. Carter Scott asked how other members of the Commission feel about this idea, as he has been taught to increase the phyto-enhanced buffers instead of decreasing them. Rob Clemens explained that this item has been raised by Rich Hart numerous times, but it is unclear if other Commissioners agree.

Steve Lutz asked how actions taken can be preserved for future owners. Rob Clemens explained that this could be written into HOA documents but would be more difficult for single-family house owned governance.

Lee Gilman stated that, ecologically, plants and a buffer should function as a filter strip. More plants and more stem density at different grades would be more functional. Sam Foisie stated that the AoT includes this in their stormwater treatment arsenal of tools to treat the stormwater. If trees are removed in certain portions of the site that do not receive runoff from the farm, the pathway could create a berm to direct that runoff to a vegetative buffer that treats it before it goes into the wetlands.

John Harvey asked if the applicant will be back before the Commission in the future. Sam Foisie stated that the applicant will have to come back to the Commission regarding a CUP for potential buffer encroachments.

Jared Hardner noted that a large concern in Town is control of invasive species. After a lot of research, the Commission has determined that the use of herbicides in Town on public lands is an essential component of a responsible invasive species management regime. This is a very

March 22, 2023

**APPROVED**

large agricultural land holding which will be an invitation for invasives along the perimeter. If herbicide use is prohibited on the site, there could be an issue in terms of managing the Great Meadow and its perimeters. Carter Scott stated that there could be a carve out for approved herbicide use from the Conservation Commission for reduction of invasive species. Jared Hardner stated that he would like this noted on the plans.

Rob Clemens asked about the water supply proposed for the CUPs. Sam Foisie stated that both CUPs intend well water supply. He stated that he believes the unit count would need to be much higher than the proposed count to extend Pennichuck Water. Carter Scott noted that CUP1 proposed Pennichuck Water.

Rob Clemens asked about the differences in the water supply impact between CUP2 and CUP3. Carter Scott stated that there is one well proposed per lot and there will be differences in supply impacts due to the size of the units proposed in each CUP. A water assessment was conducted and shows that there is plenty of water that falls on the 120 acres to support the housing proposed. This has been submitted to the Planning Board but not yet reviewed.

Regarding Amherst stormwater regulations, Sam Foisie noted that the existing regulations were not enacted at the point that the original application was submitted. Amherst's regulations mimic AoT's, with the exception of nutrient removal calculations. It is unclear if these calculations will be needed through AoT for this project.

Rob Clemens asked about the differences in open space between the two CUPs. He asked how the restrictive deed item will work in CUP3. Carter Scott stated that the open space in CUP3 will be retained and maintained by the HOA, and another area of land will have the characteristics of open space but will not be open to the public. This area would be sold to an abutter and there are one or more interested.

Sam Foisie noted that, if the vegetative buffer is used for stormwater practices, any stormwater practices get put under an easement and, per past precedent, the Town maintains the stormwater practices including that buffer portion.

Rob Clemens asked how the applicant will decide which CUP to move forward with. Sam Foisie stated that the applicant is letting the Planning Board decide. The CUPs will be run concurrently in front of the Planning Board and whichever one has the path of least resistance and is approved first, will be moved forward. Input from the Commission may sway this opinion.

Jared Hardner requested that the applicant calculate how much vegetative buffer, and of what characteristics, is necessary for the range of potential nutrient loads coming off the farm area. Sam Foisie stated that this would likely be calculated during the definitive plan stormwater calculations, but assumptions could likely be made ahead of time. Jared Hardner stated that he would like to know if it is feasible to have enough of a vegetative buffer to meaningfully mitigate nutrient loading for the range of activities that are possible in the farm area. It is to the applicant's benefit to get an order of magnitude for this item. Carter Scott noted that pre- and

TOWN OF AMHERST  
Conservation Commission

March 22, 2023

**APPROVED**

post-development calculations are being considered. Previously, this was a farm with no buffers, so any of the proposed mitigation methods will improve this. Carter Scott stated that he does not believe the farming aspect is to be approved by the Planning Board, as it is a by right use. Sam Foisie stated that the overall site is being improved through this proposal, and the farm is associated with that. There will be stormwater practices associated with this. Rob Clemens noted that there are Natural Resources Conservation Services best practices for farm management that the applicant could apply.

Rich Hart asked about potential irrigation for the farm. Carter Scott stated that the farm may need irrigation. Sam Foisie stated that there will be a community well for the farm to use.

Rob Clemens noted if Will Ludt, Heritage Commission, was present at the meeting he would ask about preservation of the historic farmhouse and barn. Carter Scott stated that the existing farmhouse will be kept, and a new barn is proposed in the approximate area of the existing barn.

Eric Doucette, 24 Bloody Brook Road, stated that a few years ago he stopped putting fertilizer on his lawn. The water from his property runs down into the Great Meadow. He stated that the fertilizer and chemicals for the farmland will change the ecology of this area. He asked what will happen to the aquifer. He asked about the two-acre requirement for building in Amherst. He asked about the upcoming warrant articles that address setbacks on scenic roads.

Rob Clemens explained that CUP2 harkens back to the IIHO which allowed for denser development in return for other trade-offs and benefits to the Town, such as open space. He noted that he believes CUP2 is grandfathered in, regarding upcoming zoning warrant articles. Rob Clemens stated that the presentation on this project discussed that fertilizer application and pesticide use would be restricted.

Eric Doucette asked for more information about the supposed farm and greenhouses proposed. He considers a farm to contain a crop, such as the corn previously harvested on the property. This proposal includes solar power and other items he does not understand to be a part of farming. Carter Scott stated that Laurie Stevens, Mr. Jacobson's daughter, and Trustee for the Trust, decided, instead of selling this land to a developer to construct frontage lots on either side of the road with no farm, to get in contact with him. Ms. Stevens' two goals were to preserve open space and preserve the farm. This is a proposed agricultural development, farm to table community. A lot of resources went into making a commercially viable, sustainable farm. Instead of only one intensive use crop, such as corn, this proposes a diversified farm which will be environmentally sustainable in terms of carbon. The proposal looks to reduce carbon impact and mitigate climate change. By designing the houses to include solar, this seeks to mitigate the 42% of carbon associated with the building sector. By overproducing on the houses and in the solar arrays, enough energy will be produced to power electric vehicles, going after the 25% of carbon associated with the transportation sector. This project goes further and starts to store carbon in the soil and in the insulation material.

TOWN OF AMHERST  
Conservation Commission

March 22, 2023

**APPROVED**

Eric Doucette stated that this proposal does not belong in this location and should not be approved.

Rob Clemens stated that the applicant will go before the Planning Board next on April 19<sup>th</sup>. The comments regarding groundwater are duly noted.

Corinne McNamara, senior at Souhegan High School, echoed concerns regarding use of fertilizer.

Jim Hendrix, Christian Hill Road, stated that in the spring there can be knee-deep in mud in the field. This proposal will add impervious surfaces on the west side of Christian Hill Road and the water runoff is going to create a nightmare. He asked where solar is proposed on the property. Carter Scott stated that solar is being proposed on most of the units. Jim Hendrix stated that the open space being developed is essentially a swamp and undevelopable. He noted that NRPC determined that Hillsborough County actually already has its fair share of affordable housing.

Kelly Mullin, Christian Hill Road, asked about what will happen to the trees along Christian Hill Road on the hillside and farm side. She is concerned regarding the landscape of the area and existing wildlife. Sam Foisie stated that tree clearing will be similar with both CUPs. A typical developer would create frontage lots that totally clear the area. CUP2 proposes only one road coming off the hillside. CUP3 contains some frontage lots but more than 50% of the road frontage will remain in its natural state and go toward open space. Carter Scott explained that 18% of the proposal includes housing lots, leaving 82% in open space forested and farmed. Sam Foisie noted that a cluster subdivision keeps developed land in a smaller footprint to allow for open space to remain as habitat for wildlife.

Rob Clemens asked if the open space would allow for forestry practices. Sam Foisie stated that he is unclear what the restrictions may be, but these will likely strip the land of development possibility. Conditions will be placed on the applicant to place deed restrictions on this land by the Planning Board as part of this process.

Kelly Mullin stated that she would like to see restrictions put in place with any abutter or interested party that might purchase the remaining area of land. It would be terrible to see this clear cut. She stated that she supports the right to develop this land, but the developer needs to work with the townspeople and meet them halfway.

John Harvey stated that the Heritage Commission would likely request pictures of any structures to be removed from the property. Carter Scott stated that he believes stone walls are also supposed to be documented.

Rob Clemens asked if there was any type of baseline groundwater quality monitoring as part of the water assessment. Carter Scott stated that this was a paper study. There was a phase one environmental assessment done when purchasing the property which included some testing. There was a clean phase one report.



March 22, 2023

**APPROVED**

Rich Hart noted that there is an area of the site with young saplings on the farm side of the property. He asked what will be done with this area. Carter Scott stated that, as part of CUP2 that area would be donated to the Town and in CUP3, it is part of the open space.

Lee Gilman asked for details about putting carbon into the soil. Carter Scott stated that there are two ways to do this. More organics can raise the carbon level in the soil, allowing for more water to be absorbed. Secondly, biochar can be physically incorporated into the ground. Biochar may be made on site, depending on the end farmer. An expert on biochar is helping work on this project.

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

**b. Replacement of the Thornton Ferry 1 Bridge – Draft Letter to FHWA re: Minot Ross Bird Sanctuary**

Rob Clemens explained that part of the application for funding of this bridge through the Federal Highway Administration requires addressing an ACC trail on the Ross Bird Sanctuary indicating that there will be no lasting impact from the bridge reconstruction. Signing this letter will assist the Town in getting 100% funding for the bridge. He has visited the site and does not believe there will be a large impact. A path can be installed in the future.

Mark Bender asked what will happen to the existing granite portion of the bridge. Peter Lyon stated that, in the past, this has gone to DPW for use in other projects.

The Commission agreed to allow the Chair to sign the letter on behalf of the ACC.

Rob Clemens noted that he also needs to sign a letter of agreement that the Commission received a copy of the project plan for the replacement of Thornton Ferry Road bridge over Beaver Brook and that it hereby agrees and concurs with the proposed impacts located either within 10' of an ACC property boundary or on an ACC property. The Commission agreed.

**TOPICS**

**4. Other Business**

Corinne McNamara stated that she has finished all of her research for her senior project previously discussed with the Commission. She took the Commission's feedback and focused mostly on poison sumac, poison ivy, and poison oak. She created infographics for these and QR codes leading to the CDC Outdoor Safety and Poisonous Plant Guidelines. The signs can be resized by the Commission, as it sees fit. These could be laminated for people to carry with them on the trails.

TOWN OF AMHERST  
Conservation Commission

March 22, 2023

**APPROVED**

Rob Clemens stated that he would like these to be posted on the ACC website and in kiosks along the trails.

Corinne McNamara stated that, as part of her project, she will be running a trivia game at her school with all 17 poisonous plants in New England. Feedback from this could be supplied to the Commission. Jared Hardner stated that he would like a writeup on this to include on the webpage.

Rob Clemens stated that the Saving Special Places conference will take place on April 15<sup>th</sup>. The Recreation Department will be holding a moose talk with Fish & Game on April 20<sup>th</sup>.

Rich Hart stated that he has advertised the Lindabury Orchard pruning workshop on April 1<sup>st</sup>, with a rain date of April 2<sup>nd</sup>. Rob Clemens noted that Frank Montesanto would like all pruning hauled away.

Steve Lutz noted that the Commission has been offered a booth at the annual plant sale. This could be an interesting place to discuss the nature steward program.

John Harvey noted that he supplied the Library with additional wildlife habitat brochures.

Rob Clemens stated that next Thursday at 5pm, he Christian Littlefield and Frank Montesanto will hike Lindabury to look at the scope of mowing and mulching for the contractor.

Rob Clemens noted that he would like a motion regarding open space acquisitions the Commission is pursuing at this time.

**Rob Clemens moved to expend an amount not to exceed \$3,500 for a phase 1 environmental assessment to be conducted over the next several months. Seconded by Jared Hardner.**

**Vote: 5-0-0; motion approved.**

**5. Adjourn**

**Jared Hardner moved to adjourn at 8:33pm. Seconded by John Harvey.**

**Vote: 5-0-0; motion approved.**

**The meeting adjourned at 8:33pm.**

*Respectfully submitted,  
Kristan Patenaude*

*Minutes approved: April 12, 2023*