

TOWN OF AMHERST
Conservation Commission

March 24, 2021

APPROVED

1 In attendance via Zoom : Rob Clemens – Chair, John Harvey, Peter Lyon – BOS Ex-Officio,
2 Mike Cohen, Vick Bennison, Rich Hart [7:05pm], Lee Gilman [7:44pm] and Bill Stoughton
3 (Alternate).

4 Staff present: Natasha Kypfer – Town Planner, and Kristan Patenaude – Recording Secretary.
5

6 Chairman Rob Clemens called the online meeting to order at 7:01 pm, with the following
7 statement. As Chair of the Amherst Conservation Commission, I find that due to the State of
8 Emergency declared by the Governor as a result of the COVID-19 pandemic and in
9 accordance with the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04,
10 as extended by various Executive Orders, this public body is authorized to meet
11 electronically.

12 Please note that there is no physical location to observe and listen contemporaneously to this
13 meeting, which was authorized pursuant to the Governor’s Emergency Order.

14 However, in accordance with the Emergency Order, I am confirming that we are:

15 Providing public access to the meeting by telephone, with additional access possibilities by
16 video or other electronic means:

17 We are utilizing Zoom for this electronic meeting.
18

19 All members of the Board have the ability to communicate contemporaneously during this
20 meeting through this platform, and the public has access to contemporaneously listen and, if
21 necessary, participate in this meeting through dialing the following phone #646-558-8656
22 and password 850 3570 0951, or by clicking on the following website address:
23 <https://zoom.us/j/85035700951> that was included in the public notice of this meeting.
24

25 Providing public notice of the necessary information for accessing the meeting:

26 We previously gave notice to the public of the necessary information for accessing the
27 meeting, including how to access the meeting using Zoom or telephonically. Instructions
28 have also been provided on the website of the Planning Board at: www.amherstnh.gov.
29

30 Providing a mechanism for the public to alert the public body during the meeting if there are
31 problems with access: If anybody has a problem, please call 603-341-5290.
32

33 Adjourning the meeting if the public is unable to access the meeting:

34 In the event the public is unable to access the meeting, the meeting will be adjourned and
35 rescheduled.
36

37 Please note that all votes that are taken during this meeting shall be done by roll call vote.
38

39 Let’s start the meeting by taking a roll call attendance. When each member states their
40 presence, please also state whether there is anyone in the room with you during this meeting,
41 which is required under the Right-to- Know law.
42

43 **Vick Bennison, John Harvey, Mike Cohen, Bill Stoughton, Rob Clemens, and Peter**
44 **Lyon – all present and alone.**

March 24, 2021

APPROVED

Mike Cohen sat for Jared Harder in his absence.

Bill Stoughton sat for Frank Montesanto in his absence.

Rich Hart entered the meeting [7:05pm].

ADMINISTRATIVE:

1. Chair Comments

Rob Clemens explained that Jared Hardner gave a presentation to the Board of Selectmen on Monday night regarding the Forest Management Plan. He believes this was a good opportunity to get the information in front of the Board and the public.

2. Minutes

The Commission agreed to discuss the minutes of March 10, 2021, at their next meeting.

3. Planning & Permitting

Bill Stoughton stated that the Clearview CUP IIHO has been approved by the Planning Board for up-to 44 units. This project will now move on to the site development phase.

a. Wetlands CUP Application for 482 Boston Post Rd.

Ken Clinton and Jason Bolduc of Meridian Land Services made a presentation to the Commission on behalf of the applicant. Ken Clinton explained that he is looking for the Commission's endorsement of a CUP already filed with the Planning Board, along with a lot line adjustment proposal and subdivision application. His client is pursuing individual lot development with some buffer concerns. Ken Clinton noted that he briefly introduced this project to the Commission some months ago.

Ken Clinton explained that the Theriault family is proposing to modify the lot lines of these parcels to create one new residential lot out of the three residential properties. Two of these lots stretch from Boston Post Road to Aglipay Drive. The new proposed residential lot has enough area but has a narrow building envelope due to wetland buffers that exist from the brook through the property. This includes a 100' buffer and a 50' wetland buffer, however this property is also in the Pennichuck Brook Watershed, adding a 50' buffer, for a total of a 100' wetland buffer. The property has 3.126 gross acres, and 2.1 net acres.

Ken Clinton explained that Don Theriault would like to build a residence on the lot. Due to the wetland and buffer areas, the applicant will end up with a narrow envelope to build on. Ken Clinton stated he may want to consider if it is reasonable to come in for a CUP for wetlands buffer impact not encroaching upon either the 50' wetland buffer or the 100' buffer to the brook, but the "separation" between those buffers and the extra PWW brook watershed land i.e. the transitional area. He explained that both the southeasterly high point and long plateau of land on the property mimics the 50' wetland buffer. This area may be potentially used for building, if deemed appropriate.

March 24, 2021

APPROVED

Ken Clinton explained that the applicant made a selective cut on all three properties mistakenly. Stumping and grubbing was completed, without understanding the wetland buffer impact. He recommended that the applicant install a silt fence to make sure the area is now stable. The applicant will come back to the ACC and Planning Board to request relief from this mistake. The applicant will need to reclaim some of the disturbed buffer.

Jason Bolduc, an environmental scientist for Meridian, stated that he has evaluated the property. The property has a 50' buffer to the freshwater wetland, but due to it being located in the Pennichuck Brook Watershed, that buffer is extended to 100', making for a narrower building envelope. He explained that a silt fence was put up to protect the exposed area, due to the stumping and grubbing completed. He stated that the applicant would look to reclaim this area with low bush blueberries, bearberries, and sweet fern. The area was previously covered with tall white pines that left little ground cover. The applicant plans to plant the previously noted species and then let the area regenerate naturally to allow for diversity for wildlife.

Jason Bolduc explained that the intent of the Wetland and Watershed Conservation District is to look at protecting the area by proper conveyance of stormwater. Thus, the applicant is proposing a swale to capture the runoff from the existing lots into a small stormwater basin which has been sized by an engineer. The basin is sized for a 25-year flood event. The intent is to capture any runoff before it gets to the wetland and treat it. All of the structures proposed are well within the applicable building setbacks. Impact to the buffer comes from the gravel driveway, which is proposed to be surrounded by the conveyance swale on one side, and the revegetated area on the other. The conveyance swale is proposed to be a permanent structure on site.

Ken Clinton stated that, in a normal subdivision application, the lot is put up for sale without knowing the end buyer or use. In this case, the end buyer is known, Don Theriault, and it is also known how the driveway and unit are proposed to look. There will be an ADU as part of this proposal for in-laws. There are several vehicles on the property to store, and thus a detached garage is also being proposed out back. He believes the proposal is a reasonable use of the family property.

Lee Gilman entered the meeting [7:44pm].

In response to a question from John Harvey, Jason Bolduc stated that he is an apprentice to a certified wetlands scientist, under Tom Carr. Jason Bolduc noted that Tom Carr's stamp is on the plans.

In response to a question from John Harvey, Ken Clinton stated that he has reached out to Pennichuck regarding the encroachment, but that Pennichuck offered no specific comments on this item. Pennichuck was mostly interested in who would have access to their waterline. Pennichuck will be the water supply for the property, as a water main runs right by it. The applicant also intends to tap into Liberty utilities and gas.

March 24, 2021

APPROVED

In response to a question from Mike Cohen, Jason Bolduc stated that it will be up to the owner to maintain the permanent swale on the property. Jason Bolduc stated that he normally recommends that owners clean out the swale twice per year. The applicant is aware of this, and it is stated on the plan under Note 7, on the infiltration basin plan sheet. Ken Clinton noted that the swale is designed to be next to the driveway in part because it delineates the land that can be used by the owner, from that which should be left to grow back into a natural state.

In response to a question from Mike Cohen, Ken Clinton explained that four test pits were dug on site and one was selected that is adequate and meets the requirements. Jason Bolduc explained that the septic system is proposed directly behind the house in order to get to the lowest point on the property so that no pump system is necessary. Jason Bolduc explained that the test pit showed 110" before the high-water table was hit. These plans will also be submitted to Scott Tenney, Building Inspector, and the State.

Bill Stoughton noted that, as representative from the Commission to the Planning Board, he will not comment on the merits of this application, nor will he form opinions on it until it is heard by the Planning Board. He noted that the stormwater basin was designed to a 25-year storm event, the Town's new regulations call for it to be designed to a 50-year storm event. He noted that the applicant should look into that issue and make sure that it meets the BMPs for nitrogen as well, before the application moves to the Planning Board.

In response to a question from Bill Stoughton, Ken Clinton explained that he spent a lot of time with the family, trying to decide how best to configure the lot for the owners and for the land. Ken Clinton explained that the proposed driveway will be paved to the house and gravel out to the barn. Jason Bolduc noted that there is a current curb cut where the driveway is proposed. Ken Clinton stated that the area has safe sight distance, but if the driveway was continued around the southeast side, a fair amount of grading would be necessary and would push the house into the buffer area. In order to balance this, the proposal is to put in a gravel driveway with a drainage swale of the appropriate size. Ken Clinton stated that the basin will be checked for its ability to handle a 50-year storm.

In response to a question from Mike Cohen, Jason Bolduc explained that the shrubs proposed to be replanted will be maintained by the owner. The proposal is for plantings and seed mix with 4" of loam on top, to give the area a head start on regeneration. Ken Clinton noted that the applicant is very excited for the types of shrubs being planted.

Tom Carr, of Meridian Land Services, entered the meeting.

Tom Carr explained that he looked at the layout of the site in depth. He believes it is designed appropriately. If the layout is done differently, there will be a lot of cuts and fill needed.

In response to a question from Rob Clemens, Ken Clinton explained that the maximum envelope area on the site is from the northeast corner of the garage, through the driveway, toward the house and narrowing toward the back.

March 24, 2021

APPROVED

In response to a question from Rob Clemens, Ken Clinton stated that there are four adults and one grown child living on the property, with five cars in all. There are also other items that need to be stored. This is why an extra garage is being proposed on the back of the property, as well as a garage in front. Rob Clemens noted that the proposed garage in the back looks as large as the house. Rob Clemens explained that the second garage and the driveway seem to drive the encroachment on the buffer. He questioned if one of the other lots could help to support the extra cars on this lot.

Rob Clemens stated that the area that was aggressively over-logged was a pine forest before; the applicant is proposing to revegetate it with blueberry bushes. He questioned why the area is not being reforested. Ken Clinton stated that the applicant did not over-log the area but did stump and grub within the wetland buffer. This area could be replaced with pine trees, but these would not help with the stability of the understory or the diversification of habitat for wildlife. Jason Bolduc noted that the forest was previously oaks and pines that were approximately 10-20' apart with little understory. The proposal will allow for an understory to grow and allow for additional nitrogen fixing. Jason Bolduc also noted that pines will begin to regenerate in this area within about 5-6 years.

John Harvey explained that he is especially concerned with any endangered species located in the nearby brook. This property drains directly to Stump Pond, which is one of the highest ranked habitats in the State. This neighborhood is one of the most biologically diverse habitats in Amherst. The NH Natural Heritage Bureau has identified about 5-6 pages of species near this property. The list of species found in/around Stump Pond include 105 birds, 20 mammals, 8 amphibians, 6 reptiles, fish, and 400 different vascular plant species. He explained that this is why wetland and buffer incursions in this area should not be taken so lightly.

Rob Clemens agreed and noted that this is why he asked about the location of the garage and the proposed encroachment on the Pennichuck buffer. There is concern about the biological importance of this area. Jason Bolduc noted that he would compile a list of the species from the NH Natural Heritage Bureau to share with the Theriaults and their contractors.

In response to a question from Rob Clemens, Ken Clinton stated that it is not customary to share the plans and Natural Heritage Bureau report with Pennichuck. He will ask Pennichuck if there are comments regarding the buffer impact. Bill Stoughton noted that, per Section 4.11.I.g., Pennichuck will review the CUP before the Planning Board acts on it. The Planning Board may send this information to Pennichuck.

The Commission agreed to send its comments to the Planning Board for this application.

TOPICS

4. Eagle Scout Project Presentation for Lindabury Orchard – Caitriona Row

March 24, 2021

APPROVED

Caitriona Row joined the Commission to discuss her Eagle Scout project. She explained that her proposal is to help build a bridge at Lindabury Orchard. The proposed bridge will be 5' wide, 24' long, and 3' tall, with handrails on both sides. The estimated cost for this project is \$2,245, but she has included some padding in her estimate, to bring it to \$2,918.50. She believes that most, if not all, of these funds can probably be raised through donations. She will also hold a car wash to raise funds. She believes this project is needed to help add increased safety to the area. This will also help to unite the two halves of the orchard.

In response to a question from Lee Gilman, Caitriona Row stated that the estimated height at the center will be under 5'. This is so that pedestrians can pass through, but so that motor vehicles cannot. This bridge will be different from others currently on ACC properties because it will be larger and have concrete footings. Caitriona Row explained that she has an engineer who has offered services to make sure the bridge is designed to be as safe as possible and up to all standards. This bridge will be entirely on Town property.

In response to a question from Vick Bennison, Caitriona Row stated that the bridge will run over the drainage pipe from Christian Hill Road.

In response to a question from Rob Clemens, Caitriona Row stated that the concrete footings will be installed by first diverting some of the water from this area and pouring concrete into tubes that will be, ideally, hand dug.

In response to a question from Rob Clemens, Caitriona Row stated that she hopes to have the plan completed by April-May, and for construction to begin between May-June. She hopes for the project to be complete by mid-summer. Caitriona Row explained that Frank Montesanto has agreed to be her sponsor for this project.

The group thanked Caitriona Row for her proposed project. The group discussed the layout for the bridge and if posts should be placed in the middle to disallow motor vehicles.

5. Other Business

Rob Clemens explained that Bill Widmer has been working to organize Clean-Up Day this year. There are many groups at Souhegan High School that would like to participate. The group discussed a possible competition with a prize involved. There will be more discussion at a later date.

Vick Bennison noted that Bruce Beckley's children have asked the Friends of the Library to take many of Bruce's old books. He offered some of the collections to anyone on the Commission who wants them.

Mike Cohen stated that he has contacted Melanie Geiser regarding some public relations for the ACC. He will work with her on some upcoming Facebook articles and blogs.

Rich Hart suggested some edits to the Who We Are section of the new website.

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263
264 Rob Clemens explained that he has been approached by the Girl Scouts regarding any upcoming
265 projects they can get involved in. He asked the group to think of any possibilities.
266

267 Rob Clemens explained that he, Bill Widmer, Peter Lyon, and Eric Hahn looked at the town-
268 owned parcels by the Lake for the previously discussed fishing dock. These areas do not lend
269 themselves well to this because they are very wet and there is poor access to them. This area
270 could be surveyed in the future for other possibilities.
271

272 Rob Clemens noted that there will be an ACC sponsored Bird Walk at Buck Meadow on May
273 15th.
274

275 **Vick Bennison moved to adjourn at 8:40pm.**
276

277 *Respectfully submitted,*
278 *Kristan Patenaude*
279

280 Minutes approved: April 14, 2021