

TOWN OF AMHERST
Conservation Commission

July 28, 2021

APPROVED

In attendance: Rob Clemens – Chair, John Harvey (remote), Lee Gilman, Rich Hart, Mike Cohen (remote, Alternate), and Bill Stoughton (Alternate).

Staff present: Kristan Patenaude – Recording Secretary (remote).

Chairman Rob Clemens called the meeting to order at 7:01 pm.

ADMINISTRATIVE:

1. Chair Comments

Rob Clemens explained that there are Commissioners both in-person and remotely attending the meeting. He congratulated John Harvey for being named Amherst Citizen of the Year.

Bill Stoughton sat for Jared Hardner.

Vick Bennison entered the meeting remotely at 7:04pm.

2. Minutes, June 23, 2021

Vick Bennison moved to approve the meeting minutes of June 23, 2021, as written.

Rob Clemens seconded.

Voting: Rob Clemens – aye, John Harvey (remote) - aye, Lee Gilman - abstain, Rich Hart - aye, Mike Cohen (remote) – abstain, and Bill Stoughton – abstain; 3-0-3 carried.

3. Treasurer's Report

Rob Clemens explained that Bill Widmer sent an email along with his Treasurer's Report noting some discrepancies between the Town's records and his own. Bill Stoughton stated that all of the discrepancies seem to be located in the Invasives line item. Rob Clemens explained that there was a bill from Vegetation Control Service that was mistakenly paid for out of the Operating Fund by the Town but should have been paid for from the Conservation Fund. This has been requested to be resolved.

In response to a question from Bill Stoughton, Rob Clemens explained that there have been LUCT funds collected that have not yet been resolved in the ACC's budget yet.

In response to a question from Mike Cohen, Rob Clemens stated that it is unclear if these items will be resolved by the ACC's next meeting, but that Bill Widmer is working diligently to get accurate reporting correlated.

The Board discussed that Vick Bennison will pick up the completed signs for Great Meadow and the canoe port, in order to process the invoices.

4. Planning & Permitting

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Bill Stoughton stated that the Planning Board's August 4, 2021, meeting at 7pm will be held at the Souhegan High School, due to three large developments being discussed: Clearview, Brook Road, and the Hazen property. The materials for these proposals are available on the Planning Board website.

In response to a question from Rob Clemens regarding any proposed changes to these projects, Bill Stoughton explained that the Clearview project was originally given Conditional Use Permit (CUP) approval for up-to 44 units. The project is now proposing a design review with a reduction to 38 units. There will be a conceptual design discussion for the Brook Road property for a proposed approximately 38-unit development. There will also be a conceptual design discussion for the Hazen property, which is still looking to propose approximately 128 units.

Town Administrator Shankle noted that the Town will also be trying to hold this Planning Board meeting as a hybrid meeting with options to join remotely via Zoom.

In response to a question from Mike Cohen, Rob Clemens stated that the ACC previously provided comments to the Planning Board regarding the Clearview proposal. It is unclear if new or different comments are needed due to the reduction in units. The ACC provided comments on a previous planned development for the Brook Road property. He is unsure what the new plan looks like in order for the ACC to comment on it. The Hazen property applicant came before the ACC in the past for a conceptual presentation. The ACC raised questions and made comments at that time, but he is unsure how the plan has changed since that time.

Bill Stoughton stated that none of these projects have submitted a formal application to the Planning Board yet. The Clearview development does not yet have a final application submitted for the Planning Board to take action on. The other two developments are for discussion items only with the Planning Board and public.

a. Wetlands CUP Application for 70 North Street (3-93)

Mark West, NH Certified Wetlands Scientist, of West Environmental, Inc.; Dave Jeffery, of Promised Land Services; and Matt Arel, of Unified Development, LLC, joined the Commission.

Mark West explained that there is a fair amount of wetlands on this site. He stated that, after completing a functional analysis of the wetland, a 25' buffer was selected, along with a 50' buffer for a section of the wetlands rated to be significant. He looked at the features of the wetland that give functions, such as the sediment shoreland stabilization, which protects the area from flooding and erosion. There is a wildlife habitat function for the whole site. While there are condominiums and residential properties nearby, the parcel is undeveloped. There will be less impact to the wildlife habitat because approximately 75% of the site is proposed to be left as woodland. There is also some sediment trapping on site, even though there are slopes, due to some flat areas on site. Mark West stated that he applied these three functions of the site to the questions in the CUP. Other important features included in this application are the drainage report, roof infiltration report, roadway system infiltration report, and temporary erosion control measures. The roadway located along the property boundary lies where an existing lot is. There

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are other uplands on the site that could be suitable for building, but these would require additional wetland crossings.

Mark West explained that the site is part of a 102-acre watershed and there is a culvert on site that is sized for a 50-year storm. The proposed wetland crossing is across a Tier 1 wetland. There are no open bottom requirements or fish passings required for this crossing. This property is located high up in the watershed and not near any aquifers. The proposal is for a low-density development, with less than 3,000 s.f. of impacts. This proposal will meet all requirements because it leaves much of the site under protection for wildlife habitat and proposes minimum impacts to the site.

Bill Stoughton stated that, as a representative to the Planning Board, he will not form opinions until this is heard by the Planning Board.

In response to a question from Bill Stoughton, Mark West stated that he did not use Amherst-specific rate factors when looking at the wetlands evaluations of the buffers.

Rich Hart stated that most developments look to move drainage away from wetlands and streams on site as fast as possible. He questioned if the developer would consider slowing down this flow to slow effects of flooding due to increased rainfall and warming. Mark West stated that the fact that drainage is leaving a forested area and being infiltrated helps with slowing these effects. He noted that DES does not want to detain water and infiltration is one of the best tools to deal with mitigation of runoff. Mark West explained that the proposed development is not large enough to have a detention basin, so infiltration off the driveway as proposed is best. Mark West stated that the goal of the plan is to leave 25' wooded buffers around the wetlands.

In response to a question from Mike Cohen, Mark West stated that the topography of the site includes plenty of good soil and setback distances for the proposed septic systems. A very small portion of the 4,000 s.f. area on site is needed for the septic systems.

In response to a question from Rob Clemens regarding choosing a different area on site to access the property in order to avoid wetland impacts, Mark West stated that the lot will still need frontage and two driveways. There will need to be a wetland crossing to access the site, or else there will be development within the buffer zones in other areas of the site.

In response to a question from Rob Clemens regarding a fairly significant stream on site that drains down the back of the lot to the Souhegan River, Matt West stated that all wetlands were flagged on the site. There is only one stream on the property that comes from the northwest and drains under the driveway. Matt Arel explained that there are streams that run along the back of the property line and cross onto the condominium properties located in Milford.

Rob Clemens noted that the stream that drains under the driveway ultimately continues onto the Souhegan River. Mark West stated that the density proposed on the site and the proposed amount of impervious area are less significant than already existing nearby properties.

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Rob Clemens questioned the size of the culvert for a 50-year storm versus a 10-year storm, as noted on the plan. Mark West noted that he will revisit this item, as it was examined by a separate engineering company.

Bill Stoughton explained that the Town recently revised its stormwater regulations to match the State's. In terms of stormwater management systems, the regulations now require them to be sized for a 50-year storm. However, there is language in the wetland's ordinance for the Town that still mentions sizing for a 10-year storm. This will need to go to Town Meeting to be changed.

Rob Clemens asked if the applicant still plans to request a waiver for the stormwater management plan. Matt Arel stated that he is unsure if the Planning Board acted on this waiver. Bill Stoughton noted that the Planning Board took no action on this waiver, but one Board member suggested that similar developments have been required to comply with all stormwater regulations. In equity, fairness, and to protect the water supply, Bill Stoughton stated that he would like to see the regulations complied with as part of this application.

Bill Stoughton noted that the applicant can use the State's Stormwater table to look at the credits given for Best Management Practices but could also consider the UNH Stormwater table.

Rob Clemens stated that the ACC will send any thoughts and comments on this proposal to the Planning Board.

TOPICS

5. Invasives Projects

Lee Gilman explained that he has cleared any State permitting issues, and there is now a permit that can be broadly applied to access on all Town-owned lands in Amherst and street right of ways. He explained that the right of ways are a primary avenue for invasives to spread through towns. He now has access to these areas and will be able to treat them to improve conservation lands. The permit allows for a private contractor to be hired by the Town to do work in access areas. Some of these invasives will continue onto private properties and treatment will end there, unless there is outreach made to property owners. He encouraged owners with questions regarding treatment to contact him. Lee Gilman stated that he will continue to donate his time for broader treatments around Town, while seeking funding sources for additional treatments.

In response to a question from Bill Stoughton regarding if Lee Gilman works with the DPW on treatments along Town roads, Lee Gilman stated that he would like the DPW to aid in funding for treatment. The DPW connects all Town properties with their actions and can potentially spread invasives.

Rob Clemens suggested that the DPW could be contacted regarding permitting and licensing. Lee Gilman noted that the DPW has its own licensed treatment applicator on staff.

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Rob Clemens stated that he received an email from the town of Milford regarding how the ACC controls invasives in Town and if there are any ordinances from the Planning Board side to make sure invasives are controlled within new developments. Bill Stoughton stated that there is limited coverage regarding invasives in the ordinances. Lee Gilman stated that he would reach out to work with Milford on this.

The Commission discussed possibly contacting the schools to find someone interested in helping obtain a permit for treating the school areas in Town.

6. Other Business

Vick Bennison explained that it was decided that there will be a poster and map added to the Great Meadow kiosk. The historic marker will be placed separately.

Vick Bennison moved to expend up to \$75 to complete the printing of the poster for Great Meadow. Seconded by Bill Stoughton.

Voting: Rob Clemens – aye, John Harvey (remote) - aye, Lee Gilman - aye, Rich Hart - aye, Mike Cohen (remote) – aye, and Bill Stoughton – aye; motion carried unanimously.

John Harvey explained that the Board of Selectmen approved the Discretionary Easement draft policy on Monday night. This will be discussed further at a future Board meeting.

Bill Stoughton stated that the Board of Selectmen also approved the Open Space Advisory Committee. This can now be populated and start its work.

Rob Clemens explained that the DOT presented its easement proposal for drainage on the Bragdon property at the Board of Selectmen meeting. This was approved. The DOT will receive an easement to create a swale on the property and the Town/ACC will receive \$3,200 from the appraised price.

Rob Clemens stated that the improvements being done to the kayak and canoe launch on Route 122 are moving ahead slowly due to DES permitting requirements. He requested that that ACC pay for this permitting as the owner of the property.

Rob Clemens moved that the ACC expend \$400 to support the DES permitting application from the Gift Account. Seconded by John Harvey.

Voting: Rob Clemens – aye, John Harvey (remote) - aye, Lee Gilman - aye, Rich Hart - aye, Mike Cohen (remote) – aye, and Bill Stoughton – aye; motion carried unanimously.

Rob Clemens stated that an ad seeking new alternate members of the ACC will be placed on the Town website.

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220 The ACC will next meet on August 11, 2021.

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222 **Vick Bennison moved to adjourn at 8:20pm. The meeting was adjourned.**

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226 *Respectfully submitted,*

227 *Kristan Patenaude*

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229 Minutes approved: October 13, 2021