

TOWN OF AMHERST
Conservation Commission

June 23, 2021

APPROVED

1 In attendance: Rob Clemens – Chair, Jared Hardner, Lee Gilman, Rich Hart, and Bill Stoughton
2 (Alternate).

3 Staff present: Kristan Patenaude – Recording Secretary.
4

5 Chairman Rob Clemens called the meeting to order at 7:04 pm.
6

7 **ADMINISTRATIVE:**
8

9 **1. Chair Comments**

10 He noted that the meeting is being videotaped for replay but there is not a hybrid option tonight.
11 This will be examined for future meetings.
12

13 *Bill Stoughton sat for John Harvey.*
14

15 **2. Minutes, June 9, 2021**

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17 **Jared Hardner moved to approve the meeting minutes of June 9, 2021, as written.**

18 **Bill Stoughton seconded.**

19 **Voting: 5-0-0; motion carried unanimously.**
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21 **3. Treasurer's Report**

22 Rob Clemens noted that there is no Treasurer's Report to review at this time. The Commission
23 still has a fair amount of money remaining in the budget that will be returned to the Town, if not
24 encumbered tonight.
25

26 **4. Planning & Permitting**

27 Bill Stoughton explained that the newly elected Planning Board met last week for an
28 organizational meeting on the Green. Future meetings will be held in person, likely at Town Hall
29 as long as the audience is not too large. There were no applications reviewed at the last meeting.
30

31 **a. EIP Concept Plan for 1 Bon Terrain Dr. (Lot 2-26-4)**

32 Doug Brodeur, Meridian Land Services, and John Hennessey, Director of Construction Services
33 for Equity Industrial Partners, joined the Commission. John Hennessey explained that this
34 concept plan is for office space and industrial warehouse space. He explained that his company
35 finds unutilized properties and rehabilitates it to be used for these purposes. The F.W. Webb
36 building was sitting empty and has been purchased to be repurposed. One side of the building
37 will be used as a warehouse for Alene Candles. The other side will be leased by Novo Building
38 Products, a company that creates and delivers moldings, stair parts, etc.
39

40 John Hennessey explained that the existing building will be remain unchanged on the Alene
41 Candles warehouse side. A small addition is being proposed off the back left side, for
42 distribution for Novo Building Products. Products will come into the front of the building, be
43 handled internally, and then distributed out the back.
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Doug Brodeur noted that this building is located at the corner of Bon Terrain and Northern Boulevard. There is a 30,000 s.f. addition proposed off the back of the building for one of the new tenants. The property needs to have wetlands re-delineated and certified. There is one wetland on site that was created from a stormwater management area, and thus has no associated buffers. The proposal looks to disturb 49,250 s.f. of wetland buffers. The reason for this impact is to allow for trucks to enter into the property, drive down the side to the back, and have enough room to turnaround.

In response to a question from Rich Hart, Doug Brodeur stated that there will be new pavement added to the back of the property for parking spaces for the new tenants. John Hennessey noted that there will be a small office component of the building, approximately 3,500 s.f. There was no parking in the area proposed prior to this. Doug Brodeur noted that any stormwater on site will be collected and treated per Amherst and State regulations.

Doug Brodeur explained that there are two treatment system options for the site: a biofiltration system, or a gravel wetland system. There will probably be a combination of these two systems used on site. The stormwater will then be infiltrated.

In response to a question from Lee Gilman, Doug Brodeur stated that the stormwater study has not yet been completed, but the stormwater management systems will likely be located off the pavement areas and outside of the buffers. The pavement will be pitched inward to a series of catch basins.

In response to a question from Rob Clemens, Doug Brodeur stated that the wetlands on site drain to the south through an intermittent stream and then continue south to Witches Brook.

Bill Stoughton noted that, as a member of the Planning Board, he limits his comments in this forum regarding this application and will not form opinions or comment on the merits of the application until it is heard by the Planning Board. He asked about the proximity of the site to the PFAS contamination. Doug Brodeur stated that he believes this will need to be dealt with as part of this project. He explained that DES recently decided that if a site faces contamination but has no receptors (wells) within a certain distance, infiltration will be allowed. The nearest well to the site is up Northern Boulevard at the train tracks.

In response to a question from Bill Stoughton, Doug Brodeur stated that he is unsure of the exact amount, but believes the proposal may increase the amount of impervious surface on the site by 100,000 s.f.

Jared Hardner explained that the idea of allowing impact to the wetland buffers is that there is a net gain of ecological function elsewhere on site. This proposal, however, looks to impact areas of the highest habitat value in the region that drain into the highest habitat areas for the State. He asked if there are plans to mitigate this impact elsewhere on site. Doug Brodeur stated that he would discuss this further with the owner.

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Jared Hardner noted that compensatory mitigation occurs at the State level, but the Town looks at the fact that this proposal will impact wetland buffers and substantially increase impervious surface areas on site. He explained that the ACC looks at this area of Town in a cumulative way to examine the impacts of all nearby sites as a whole.

Doug Brodeur stated that a biology and habitat assessment will be completed as part of this project.

In response to a question from Rob Clemens regarding other configurations for the site to allow for drivable areas without impacting buffer areas, Doug Brodeur stated that he looked at a number of other configurations, but none work for the tenant.

Rob Clemens noted that the applicant should look into how to get back the lost ecological function due to buffer impacts on the site. He suggested a possible rain garden along the new paved area, or something compensatory off the property. The ACC has concern for this area because Peacock Brook and Witches Brook run into the southern part of the Pennichuck Watershed. There is also a Class A stream on site.

John Hennessey stated that there is currently an above ground diesel tank on site. The applicant is proposing to remove and dispose of this tank. The area that the tank currently sits on could then be regained as part of this mitigation. The tank is approximately 15,000 gallons, with a concrete pad under it, taking up approximately 1,800-2,000 s.f.

Doug Brodeur noted that there is also currently 10,000 s.f. of chemical storage area inside of the existing building. The applicant plans to remove that storage area. He explained that approximately 40% of the existing site flows to a culvert across the road. He will look into converting that into a bioretention pond.

Rob Clemens explained that the ACC is looking at this area of Town with increased interest and is continuing to do more with water quality improvements.

Rich Hart noted that Witches Brook is one of the few areas remaining with NH native brook trout.

Bill Stoughton explained that this concept plan is slated to come before the Planning Board on July 7, 2021.

TOPICS

5. Bragdon Farm Easement Review and Approval

Kayla Woods, NHDOT Right of Way Agent, joined the Commission.

Rob Clemens explained that the ACC received the DOT's offer for the Bragdon Farm Easement. He spoke with Amherst Land Trust (ALT) member, Sally Wilkins, who stated that she was

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trying to collect feedback from her Board members, but believes the ALT is okay with the ACC proceeding as discussed. The next step in the process is for the ACC to decide if it will recommend to the Board of Selectmen to accept this proposal and that it is not contrary to the conservation restrictions on this easement.

Kayla Woods explained that the DOT will not replace the gate on the property but will relocate it. The DOT will replace the fencing within the easement. The fencing and gate will be part of the whole project that is bid on in the fall.

In response to a question from Rob Clemens, Kayla Woods explained that the ACC could contact the contractor, once known, to discuss the type of fencing and if they would be willing to extend the fencing outside of the easement.

Rob Clemens explained that there is a fence in this area in order to keep out motor vehicles and educate people on where the easement is. Jared Hardner noted that a fence might not be best for wildlife, as it may restrict movement on/off the property.

Bill Stoughton asked if the State would complete this project anyway, even if the ACC believes that the conservation restrictions prohibit it from allowing the project. Kayla Woods stated that this is correct. She explained that, even if the ACC feels this way, the State will still want her to speak to the Board of Selectmen about this project. Due to eminent domain, and the fact that the title for this land lies with the Town, this will not stop the State from proceeding with condemnation. The ACC would then be discussing this with the Attorney General's Office, as the project moves forward. Kayla Woods explained that if the title was still held by the ALT, this might be a different process.

In response to a question from Bill Stoughton, Kayla Woods stated that while the process might be different if the ALT held the title, the end result would still be the same.

Bill Stoughton stated that he has been persuaded by other Commissioners' comments regarding the likely improvements stemming from the project in terms of water quality on this property to agree that what the State is proposing to do is consistent with the conservation terms on this property.

Rob Clemens stated that he is looking at this as part of a larger piece of land that connects to Pulpit Brook and that the wildlife within will benefit from the improved flow of water under Route 101. There will also be improvements to the stormwater treatment as part of this project.

Jared Hardner moved that the ACC recommend that the Board of Selectmen and Planning Board accept the State's appraisal offer and conclude that the conservation restrictions currently on this land are not violated by the proposal. Lee Gilman seconded.

Voting: 4-0-1 (Bill Stoughton abstaining due to his role on the Planning Board).

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The Commission discussed what type of fence they might like to see in place on this property.

6. Open Space Acquisition Update

Rob Clemens explained that the procedure for identifying and recommending certain parcels for acquisition needs to be refined. This process needs to be transparent for the public.

Bill Stoughton stated that the idea is to create a subcommittee of the Board of Selectmen that will give advice to the ACC on certain parcels in Town. This will give a broader base of support in the community for this process. The proposal is to have one Selectman, one ACC Commissioner, one member of the Planning Board, and three members of the public (one of which is recommended to be a member of a local/private land trust). The group will meet as necessary and give the ACC and Board of Selectmen advice. This will be a formal committee, and so will be subject to Right to Know laws, will keep minutes, and will be open to the public. This group will disband when no longer needed.

Rich Hart asked why only one ACC Commissioner is suggested for the subcommittee. Rob Clemens explained that the ACC will still take the lead on this project and be the primary initiator for discussion on candidate parcels. The subcommittee will listen, react, and possibly bring new information to the table, but the ACC will drive the process.

Bill Stoughton moved that the ACC recommend to the Board of Selectmen the formation of an Open Space Advisory Subcommittee, as laid out in the proposed charter. Jared Hardner seconded.

Discussion:

Jared Hardner noted that he prefers the original text of the charter to some of the proposed changes. Rob Clemens agreed.

Voting: 5-0-0; motion carried unanimously.

7. ACC Officer Elections

Bill Stoughton moved to reelect Rob Clemens as Chair, Jared Hardner as Vice Chair, and Bill Widmer as Treasurer. Rich Hart seconded.

Voting: 5-0-0; motion carried unanimously.

8. Other Business

Rob Clemens explained that there has been a vacancy on the Commission since Wes Robertson left. This vacancy will be posted on the Town website. The ACC may also seek additional alternates.

Bill Stoughton noted that it is monitoring season and Commissioners should begin to gear up for monitoring properties throughout Town.

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Jared Hardner explained that the Master Plan Steering Committee had its first in person meeting with Resilience Planning & Design. Jared Hardner spoke with their GIS specialist to make sure he has all of the ACC information and data. He is impressed with the group so far and believes there will be some nice maps to see over the course of the summer.

Lee Gilman stated that there will probably be more invasive management proposals for the group to review at its next meeting.

Rich Hart suggested that the ACC look into hosting picnics with the stewards again. The group agreed that he should run the idea by Vick Bennison.

Rob Clemens stated that the ACC will next meet on July 28, 2021.

Jared Hardner moved to adjourn at 8:25pm. The meeting was adjourned.

*Respectfully submitted,
Kristan Patenaude*

Minutes approved: July 28, 2021