

TOWN OF AMHERST
Conservation Commission

August 25, 2021

APPROVED

In attendance: Rob Clemens – Chair, John Harvey (remote), Vick Bennison (remote), Lee Gilman (remote), Peter Lyon – BOS Ex-Officio, Jared Hardner, Bill Widmer, Rich Hart, and Bill Stoughton (remote) (Alternate).
Staff present: Kristan Patenaude – Recording Secretary (remote).

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

ADMINISTRATIVE:

1. Chair Comments

Vick Bennison stated that he was recently diagnosed with Stage IV lung cancer. He continues to feel healthy and will learn more about treatment soon. Rob Clemens noted that the Commission is willing to do anything it can to help.

2. Minutes, July 28, 2021

These will be reviewed at the Commission's next meeting.

3. Treasurer's Report

Bill Widmer stated that he spoke with Laurie May, Finance Director, regarding some issues with the Commission's budget. There is approximately \$16,500 left in the Commission's budget. He noted that he submitted a recent invoice for signage to the Town to go against the FY21 budget, only to be told that the FY21 budget is closed, and it will have to be charged to this year's budget. He has not seen this process done by the Town previously. Previously, the last month of the fiscal year was kept open in order to allow final charges to trickle in. There has been no additional activity or deposits into the land account. He added a gift check for approximately \$200 some time ago, but the Town did not currently have the July statement available yet to show that transaction.

Bill Widmer noted that there is an outstanding bill to Currier from June that has not yet been paid by the Town. This will probably have to come out of this year's budget, even though it was submitted in time for last year's budget.

John Harvey stated that the Town's inability to keep up to date with the ACC's LUCT fund account has denied the ACC a significant amount of interest over the many months that the deposits were not made. He believes this interest should be made up somehow.

Rob Clemens stated that he has discussed this with Town Administrator Shankle and Board of Selectmen Chair Peter Lyon regarding this situation.

Bill Stoughton echoed John Harvey's concerns. He asked when all of these issues will be cleared up.

Town Administrator Shankle stated that he will look into some of these specific items. There has been a complete turnover in the Town's Finance Department recently. One of these positions has

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been upgraded to an Accountant position and recently began work. These budget issues have been similar for all Town Departments.

Rob Clemens stated that the Open Space Advisory Committee is hoping to start up soon and will be looking to spend much of the funding in the Land Account before requesting additional bonding authority to purchase open space parcels in Town. It will be important to know exactly how much money there is to work with.

Bill Widmer sat for Frank Montesanto.

Jared Hardner moved to accept the Treasurer's Report as presented. Seconded by Rich Hart.

Voting: Rob Clemens – aye, John Harvey – aye (remote), Vick Bennison – aye (remote), Lee Gilman -aye (remote), Jared Hardner - aye, Bill Widmer - aye, Rich Hart – aye; motion carried unanimously.

4. Planning & Permitting

Bill Stoughton stated that the Planning Board will soon be seeing all of the applications that are being heard by the Commission tonight. The Planning Board's next meeting is September 8, 2021, the same evening as the next Conservation Commission meeting. This was necessary in order for the Planning Board to hold its meeting at the Souhegan High School, due to there being a large number of applications.

- a. CASE #: PZ14589-080321 – EIP One Bon Terrain Drive, LLAC (Owners & Applicants) – 1 Bon Terrain Drive, PIN # 002-026-004 – Conditional Use Permit Application. To depict proposed site improvements including but not limited to a 30,000 square foot building addition, parking expansion, secondary tractor trailer truck access lane and drainage infrastructure. Zoned Industrial.**

Doug Brodeur, Meridian Land Services, LLC; Tom Carr (remote), Meridian Land Services, LLC; and John Hennessey (remote), owner of the property, joined the Commission

Doug Brodeur stated that this property is the former F.W. Webb facility. The plan presented to the Planning Board and ACC in June had just under 50,000 s.f. of buffer disturbance. The current plan submitted to the Planning Board for a CUP contains modifications, such as sliding the proposed building modification approximately 60' east in order to make the right hand turn around the northwestern corner of the building easier. The proposed access road has also been pulled back significantly and has been put in line with the existing drive aisle. This has reduced the buffer impacts to approximately 24,000 s.f. total. There are no wetland impacts proposed. The truck yard has also been reduced significantly. The drainage system is proposed to be an advanced biofiltration system. All impervious surfaces will be captured, treated, and redirected to an infiltration basin. This will then go to a subsurface infiltration basin. The last drainage improvement is to convert an existing detention basin into a gravel wetland. This is an allowed

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treatment method in Class A watersheds. This will go before the Planning Board on September 8th for a CUP.

Doug Brodeur stated that to meet the Town's current standards will require a tremendous amount of fill in the back, in some places as high as 12-14'. This is to maintain the 4' of vertical separation between infiltration practices required in the Town's zoning and the high-water table. There is a variance requested to allow this vertical height to be reduced to 1'. This will treat approximately 2" of runoff, where the standard is only 1". All of the runoff entering the infiltration system will have first been processed through the biofiltration system. This will essentially be clean water by the time it enters the infiltration system. One foot of vertical separation is standard for that allowed by AoT. In this area, if not pretreated, a 4' separation would be required. This will meet all zoning requirements.

Jared Hardner stated that the ACC asked at the last meeting for the applicant to show that, at net, the treatment being proposed on this site will be better than the current facility. Doug Brodeur stated that there will not be any runoff directed to any surface waters. This will all go into the bio-infiltration system, due to elevation. This is also happening in the current system.

Jared Hardner asked for figures to demonstrate what was previously requested by the ACC.

Doug Brodeur noted that there are two requirements for infiltration, per the ordinance. One is to match the two-year total storm volumes for pre and post, and one is to match the ten-year volumes. The two-year rate currently is .09 acre/foot of runoff, and this will be matched exactly by the proposal. The ten-year rate is 0.25 acre/foot, and the proposal looks to reduce this by 0.03. This will essentially net neutral. Other parts of the drainage system will be improved through the gravel drainage system and the added infiltration system from the roof runoff.

In response to a question from Jared Hardner regarding total volume of water going into these basins, Doug Brodeur stated that this system will support a 98% removal efficiency for total suspended solids, a 96% removal efficiency for zinc, an 88% removal efficiency for phosphorus, and a 95% removal efficiency for nitrogen. The existing detention basin is close to 0% for all of these removal efficiencies. Jared Hardner stated that water running in under the new treatment will come out cleaner than in the current system, and any not entering the system will be essentially net neutral.

In response to a question from Rob Clemens regarding how the bioretention system functions, Doug Brodeur explained that there is an 18-24" layer of biomedix located within the system that is a combination of organic matter that allows microorganisms to live in and remove pollutants. Water sits in the media, percolates and is treated. It is then forced through an impermeable membrane. Crushed stone sits beneath as a permanent reservoir. The water sits inside the system until the next storm and goes anaerobic during this time, allowing for a high level of nitrification to occur. The outlet pipe then leads to the infiltration system. These systems will treat all impervious surfaces on site.

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In response to a question from Jared Hardner, Doug Brodeur stated that the owner will need to rake the biomedias at least once a year. There is a regulatory report to be filled out every other year. This permit follows the site, even if it changes hands.

In response to a question from Rich Hart, Doug Brodeur stated that trees are not really meant to be planted in these biomedias areas and so are not proposed to keep the temperature of the water running to the brook cool. It is hard to grow vegetation in these biomedias areas. The south slopes of this property will be vegetated with wildflower conservation mix. Doug Brodeur stated that he is not too concerned with the water temperature because none of the runoff is being discharged directly to the surface.

In response to a question from Rob Clemens regarding the proposed treatment facility on the Town's drainage easement, Doug Brodeur stated that the easement is dedicated to the Town for the purpose of construction and maintenance of drainage systems. There are rights to go into the easement, but permission is needed from the Town to allow this. The applicant will be responsible for the maintenance of this facility. The cattails in this area will be removed and it will be converted to a gravel wetland. He explained the process of a gravel wetland. There are three cells: the first one is a 4-bay system to remove the sediment; this then flows into two cells that are similar to biofiltration systems with biomedias on top and a stone reservoir below. After that there is a normal detention basin. This has the same removal rates as a normal biofiltration system. The pipe going in deals with 1/4 of the entire roof area and the front area of the site. Currently, this impervious area is discharged directly into the ground.

Doug Brodeur noted that he believes Pennichuck will be in favor of this application, as it proposes to remove the fuel tank from the site. This existing tank is a 12,000-gallon, double steel walled tank that sits inside a concrete bathtub with a roof over it.

Doug Brodeur stated that the last mitigation effort proposed is putting an area into a conservation easement. This is part of the ordinance and is proposed to be approximately 10 acres. The terms of this easement have not yet been drafted. Rob Clemens stated that the ACC would be interested in seeing the terms once drafted.

Bill Stoughton stated that, as a representative to the Planning Board, he does not form opinions on applications until they are before the Planning Board.

In response to a question from Bill Stoughton regarding if there are any water table issues associated with the gravel wetland, Doug Brodeur stated that there are not, because the reservoir is lined with an impermeable membrane. Once the water is treated in the gravel wetland, the natural flow is into the wetlands. There will be efforts made to prevent erosion in this area.

Bill Stoughton stated that the Planning Board is hoping to fix the subject of the variance being sought within the zoning ordinance because it has not yet caught up to the new stormwater regulations.

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John Harvey stated that he appreciates the stormwater items discussed. The entire Bon Terrain area is within one of the highest ranked habitats in New Hampshire and the region. Every mitigation mechanism possible will go a long way to preserve this habitat. He suggested the ACC try to find the turtle nesting habitats in the area.

Tom Carr stated that the driveway is now proposed to be built on top of the septic system which will need to be removed and redesigned. The applicant is hoping to replace it with an Enviroseptic system, if possible. He noted that this is a concession being made by the applicant to stay out of the buffer zone on site.

In response to a question from Rob Clemens regarding the drainage easement continuing all the way to Pennichuck Brook, Doug Brodeur stated that it is only a bit bigger than the basin in this area.

Rob Clemens stated that the applicant appears to have done a number of positive things to the plan. The ACC will forward its comments to the Planning Board.

It was noted that there are no other attendees on Zoom for these cases.

- b. CASE #: PZ14591-080321 – Public Service Co of NH [DBA Eversource Energy] and Tana Properties (Owners & Applicants) – 2 Hertzka Drive & Bon Terrain Drive, PIN # 002-023-000 & 002-026-003 – Non-Residential Site Plan Application. To construct an electrical enclosure, a control house expansion, substation yard expansion, and associated site improvements at the existing Eversource Amherst Substation. Zoned Industrial.**

Rob Clemens stated that there do not appear to be any wetlands on site. The site is mostly high and dry.

Bill Stoughton stated that he noticed the site has a number of monitoring wells on it. He is wondering if the Town still receives data from these. This can be followed up on in the future.

Rob Clemens stated that he will let the Community Development Office know that the ACC has no substantial comments to this plan.

- c. CASE #: PZ14588-080321 – Keith E. Healey Trustee (Owner) and Healey Tree Works, LLC (Applicant) – 307 Route 101, PIN # 008-074-000 – Non-Residential Site Plan Application. To show the proposed site improvements in order to use the property as a residence and for the operation of a tree services, cordwood, and wood-chipping business. Zoned Residential Rural.**

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Bill Stoughton this property is located next to the Amherst Garden Center. This plan has not yet been presented to the Planning Board. DES has noted that there was an Alteration of Terrain without permission on the site. He believes there is a proposed mitigation for this alteration as part of this plan. This proposes to remove two existing sheds and an existing concrete pad. These facilities, located in the buffer, will be moved on site. The proposed concrete pad will have a retaining wall and a 25' buffer to the wetlands. There is a fairly extensive area of wetlands nearby. There is also proposed to be a stormwater retention pond on site.

In response to a question from Bill Widmer, Rob Clemens stated that this property is adjacent to the Amherst Garden Center and currently holds the Healey Tree Works business.

Bill Stoughton stated that there was wetland on the site filled in the past. There is restoration on site proposed to be replanted in the buffer area, while moving the business operations further from the wetland area.

Tom Carr stated that he was unaware this was going to be on the agenda tonight and he is not the project manager. He agreed that this began with DES following up on a complaint. There were wetland violations on site and buffer violations. Over 100,000 s.f. was deforested, stumped, and regraded and a concrete pad was built. Mr. Healey does tree work and cord wood operations. The restoration plan was approved by DES. Part of the plan includes a replanting plan for the wetland buffer. This initiated the site plan review which will be brought before the Planning Board. The applicant did not previously believe a site plan was needed, which led to this issue. The permit is in hand and the restoration should be done this fall.

Jared Hardner stated the pad seems to be proposed to be moved to an area that is still only approximately 25' from the wetlands. Tom Carr stated that the buffers on site are based on the ordinance that refers to the wetland functions and values. The pad is currently in the wetland and will be moved out as part of the plan. Once the buffer is restored, the impact to the buffer and wetlands will be zero.

In response to a question from Rob Clemens, Tom Carr stated that it is unclear if the Planning Board also needs to approve the restoration plan, as it has already been approved by DES. The applicant will be required to monitor the restoration during the construction and for the next three years. The Town will be copied on these reports. This will require 90% stabilization after three years in order to close the case.

In response to a question from Rob Clemens, Tom Carr stated that the abutter of this site/ applicant for the next case is not involved in this case in any capacity.

Rob Clemens stated that the ACC will provide comments to the Community Development Office prior to the Planning Board meeting.

d. CASE #: PZ14590-080321– EAM Amherst Holdings, LLC (Owners & Applicants) – 317 Route 101, PIN # 008-072-000 – Non-Residential Site

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Plan Application. To depict proposed site improvements to utilize the subject property for a proposed Agricultural Farming and Supply Operation. Zoned Residential Rural.

Bill Stoughton explained that this is the proposed Stone Farm Agricultural site. Currently there is a small house existing on the property with a small barn. The property stretches back from the road and contains a lot of wetlands. The applicant is proposing a 9,100 s.f. building towards the back of the site, with parking areas and materials storage. There is an existing gravel road that is proposed to be expanded, along with a wetlands crossing. In the future, a roadside stand is proposed at the front of the site. This is proposed to be a tree farm/garden and supply business. A lot of the proposed growing areas extend into the 100' buffers on site. These would be considered significant wetlands. It is unclear what will be done in these impact areas. There will be no retail operations out of the back area on site. Tree farming is classified as an agricultural activity, and this is a permitted use in this zone. A site plan is not necessary as long as the best management practices are followed.

In response to a question from Jared Hardner, Bill Stoughton stated that the only discussion on the wetland crossing as part of this conceptual design review was that it would be expanded. He explained that a CUP would probably be needed for this item. It is unclear if the existing road footprint will be kept or expanded on. The entire site will be subject to all stormwater management regulations. There are designated areas outside of the wetland buffers proposed for stormwater management. If a CUP is required, this will come back before the ACC for additional comment.

Rob Clemens stated that the proposal seems to expand the road and make it more formal. This should be addressed in more detail.

Bill Stoughton stated that he would like more information on the activities that will occur within the buffer and if it meets the definition of "agricultural." He noted that the statutes give a lot of latitude in this area. Rob Clemens stated that the Best Management Practices might be the only way to control things on the site.

Rob Clemens stated that comments and questions from the ACC will be submitted to the Community Development office prior to the Planning Board meeting.

TOPICS

5. Open Space Initiative – Update

Rob Clemens stated that a charter was created for an Open Space Advisory Committee (OSAC). This was ultimately approved by the Board of Selectmen. This Committee has six members: a Board of Selectmen rep, an ACC rep, a Planning Board rep, and three public members. The at-large positions were advertised for, and four applications were received. The Board of Selectmen held interviews on Monday night and three applicants were chosen – Michael Campbell, Jamin Warren, and Rob Cissel. Along with these three people, Rob Clemens, Arnie Rosenblatt, and

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Peter Lyon, all board/committee chairs, volunteered to be on the Committee. This Committee is chartered to help the Board of Selectmen and ACC identify and acquire open space properties in Town. These will be public meetings that will begin as soon as possible.

Rob Clemens stated that there are some parcels already on the market which there might be interest in. If a property is chosen, it will be brought to the Committee for review. He explained that he, Bill Stoughton, and Peter Lyon met with Chris Wells of the Piscataquog Land Conservancy to get thoughts on his experiences with acquiring lands and additional state grant fund opportunities.

Peter Lyon stated that he is hoping the Committee will meet first on September 7, 2021, and from there decide how often to meet.

Rich Hart stated that he would like to focus on parcels with the highest conservation values, and not house lots that do not merit being conserved. Jared Hardner stated that, per the Conservation Plan, there are criteria for selection of lands to acquire based on threat and conservation value. There is no need to acquire parcels if already protected, even if there is high conservation value. This plan was endorsed by the ACC and was used by the Board of Selectmen to explain the Warrant Article. The Warrant Article lists specific selection criteria based on that matrix. In order to move forward with trying to acquire a property, the property must be both under threat and have conservation value. This was agreed on by the Town through the vote on the Warrant Article.

Rob Clemens stated that the ACC is still in the driver's seat to bring parcels forward to the Committee, which will then review the idea and give advice. He noted that Bill Stoughton went through an example exercise to purchase a parcel. Regarding timing, the process would have to be started with an offer by early November to be completed this fiscal year.

6. Other Business

Jared Hardner stated that there was a Master Plan Steering Committee meeting last night. The group reviewed the consultant's profiles to provide baseline conditions. These will be ready to be made public soon, and there will hopefully be public forums scheduled in November. These forums will likely be held at Souhegan High School, via a hybrid format. He would like to cross-post information about the Master Plan update through the ACC's outlets.

Bill Widmer stated that he sent a note to the Commission members regarding wooly adelgids. He walked a few trails in Town to check for infestations on hemlocks. He did not see much to warrant concerns.

Lee Gilman stated that the State permit was acquired for sites around Town.

Vick Bennison stated that he needs to be reimbursed for the Great Meadow poster, and to purchase three metal signs.

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Vick Bennison moved to expend \$120 for signage. Seconded by Jared Hardner.

Voting: Rob Clemens – aye, John Harvey – aye (remote), Vick Bennison – aye (remote), Lee Gilman - aye (remote), Jared Hardner - aye, Bill Widmer - aye, Rich Hart – aye; motion carried unanimously.

Vick Bennison stated that this weekend eight people will be going out to Buck Meadow to identify trees with County Forester, Mike Gagnon. All are welcome.

John Harvey showed the Commission a draft meadow mowing schedule. Mike Riccitelli is willing to mow again at the same rate, \$75/hour, as a sub-contractor for the DPW.

John Harvey moved to expend \$1,300 from the LUCT fund account for mowing. Seconded by Vick Bennison.

Discussion:

Bill Widmer noted that the mowing budget has gone over budget in the past and suggested upping the budget a bit.

John Harvey amended his motion – not to exceed \$1,500 from the LUCT fund account for mowing. Seconded by Vick Bennison.

Voting: Rob Clemens – aye, John Harvey – aye (remote), Vick Bennison – aye (remote), Lee Gilman -aye (remote), Jared Hardner - aye, Bill Widmer - aye, Rich Hart – aye; motion carried unanimously.

John Harvey stated that the Commission might be able to have an association with the Wood Ministry in Milford. The Wood Ministry gets wood to local people in need. He noted that there are adjacent properties to the ACC's that have trees growing into the margins. He is hoping to aid the Wood Ministry in removing some of these trees in the future. This will be an additional topic in the future.

Bill Stoughton stated that the Planning Board has a list of ordinances it plans to review and recommend changes to over the next year. There are several that the ACC should take the lead on: regulations for the Aquifer Protection District, Flood Plain District, invasive species control, and potential requirements for well water capacity and quality.

Rich Hart stated that he contacted the Superintendent of Schools and High School principal regarding helping deal with invasives on the High School property. There is a science teacher who may want to take the lead on this project, and the ACC should discuss details in the future with her.

The next ACC meeting will be held on September 8, 2021. Town Administrator Shankle noted that he will not be available that evening, as he will be at the Planning Board meeting.

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396 **Vick Bennison moved to adjourn at 8:58pm. Seconded by Bill Widmer.**
397 **Voting: Rob Clemens – aye, John Harvey – aye (remote), Vick Bennison – aye**
398 **(remote), Lee Gilman -aye (remote), Jared Hardner - aye, Bill Widmer - aye, Rich**
399 **Hart – aye; motion carried unanimously.**

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402

403 *Respectfully submitted,*

404 *Kristan Patenaude*

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406 Minutes approved: October 27, 2021