

October 27, 2021

APPROVED

In attendance: Rob Clemens – Chair, John Harvey, Lee Gilman, Rich Hart, Jared Hardner (remote), Frank Montesanto (remote until 7:27, then in-person), Peter Lyon – BOS Ex-Officio, Bill Widmer (Alternate), and Bill Stoughton (Alternate).
Staff present: Kristan Patenaude – Recording Secretary (remote).

Chairman Rob Clemens called the meeting to order at 7:00 pm.

ADMINISTRATIVE:

1. Chair Comments

Rob Clemens explained that the previously scheduled Non-public Session will not be held tonight, as the Open Space Advisory Committee will first meet to discuss the proposed appraisal data. This will be further discussed at the ACC's next meeting.

2. Minutes, August 25, 2021; September 22, 2021; October 13, 2021

John Harvey moved to approve the meeting minutes of August 25, 2021, as written. Lee Gilman seconded.

Voting: Rob Clemens – aye, John Harvey - aye, Frank Montesanto – abstain, Lee Gilman - aye, Rich Hart - aye, and Jared Hardner – aye; 5-0-1 motion carried.

Lee Gilman moved to approve the meeting minutes of September 22, 2021, as written. John Harvey seconded.

Voting: Rob Clemens – aye, John Harvey - aye, Frank Montesanto – abstain, Lee Gilman - aye, Rich Hart - aye, and Jared Hardner – aye; 5-0-1 motion carried.

Rich Hart moved to approve the meeting minutes of October 13, 2021, as written. John Harvey seconded.

Voting: Rob Clemens – aye, John Harvey - aye, Frank Montesanto – abstain, Lee Gilman - abstain, Rich Hart - aye, and Jared Hardner – abstain; 3-0-3, motion carried.

3. Planning & Permitting

Bill Stoughton stated that the Planning Board will next meet on November 3, 2021, at the Souhegan High School at 7pm. The Board agenda includes discussions on the proposed Clearview development, and the Bon Terrain item that the ACC will hear this evening.

a. 1 Bon Terrain, Site Plan Review – Doug Brodeur, Meridian Land Services

Doug Brodeur, Meridian Land Services, joined the Commission. He explained that this application was due to a proposal to reduce the separation to the water table from the required 4' to 1'. This proposal is believed to be acceptable due to the fact that the stormwater on site will be treated through a bioretention system before flowing into an infiltration system. The application has recently been amended to include a reduction to the wetland buffer impacts of approximately

October 27, 2021

APPROVED

500 s.f. The CUP was previously proposed for impacts of approximately 24,000 s.f.; this is now reduced to approximately 19,000 s.f. The proposal includes improvements to the west side of the building and a 30,000 s.f. addition to the rear of the existing building. The proposed stormwater mitigation system meets the requirements for groundwater recharge listed in the zoning ordinance and for the Wetland and Watershed Conservation District and the Aquifer Conservation and Wellhead Protection District for infiltration.

Mr. Brodeur noted that part of the CUP application included converting a detention basin on the property to a gravel wetland. An additional easement in this area that was previously discussed with that landowner is now thought to be detrimental to that parcel, so alternatives are being examined to accomplish the same thing by diverting some of the roof drains that do not currently meet the treatment requirements. This may require reopening the public hearing for the CUP.

Mr. Brodeur stated that there are two locations on site that contain a State threatened plant species, licorice goldenrod. There is a large cluster in the southwesterly corner of the site. This is far removed from any of the proposed construction. The Natural Heritage Bureau has visited the site to examine the other cluster. This is a fairly tolerant species. Prior to construction, the contractor must do a seminar with a Plant Biologist to point out the plants and any others possibly discovered. There will be an orange construction fence barrier placed around the second cluster and, post-construction, there will be a permanent 4' high right of way fence placed around the cluster with placards.

In response to a question from Rob Clemens regarding if this plant species is found elsewhere in Town, Mr. Brodeur stated that there is licorice goldenrod in other areas around the site. A survey was done preemptively, but this would have come up during the Alteration of Terrain (AoT) review. This plant is listed as threatened in New Hampshire but is not federally listed.

Mr. Brodeur explained that the AoT permit now requires that a Wildlife and Habitat Assessment be done on site. There were no specific rare, threatened, or endangered species encountered, but a number could exist on the site due to the habitat of the site. He explained that notes for this have been placed on the plan.

In response to a question from Lee Gilman regarding placement of the barrier fence, Doug Brodeur stated that the temporary orange barrier will remain up continuously through construction. It could be the erosion control inspector's responsibility to make sure that this fencing remains standing during construction.

Mr. Brodeur showed the Commission the rare, threatened, and endangered species plan that will be attached to the plan. This plan shows pictures of each species and notes that a wildlife biologist will need to be consulted if any species is encountered on site during construction.

Mr. Brodeur explained that this application will go before the Planning Board next week for site plan acceptance and possible discussion of the full application.

October 27, 2021

APPROVED

In response to a question from Frank Montesanto regarding if a formal survey was ever completed, Mr. Brodeur stated that a formal survey for the rare, threatened, and endangered species on site was completed months ago.

In response to a question from Bill Stoughton regarding if the proposed easement on site was a compensatory easement, Doug Broader stated that, as part of the CUP process, there were proposed impacts in the Wetland and Watershed Conservation District. Following the Army Corp of Engineers method, these impacts require mitigation 20 times the amount of the disturbance proposed in the buffer. While this is not normally required, it was being proposed for this project. Mr. Brodeur explained that the northern end of this property skirts the wetland buffer, and the easement is intended to make it more difficult for future owners to further impact the buffer. The formal easement will be recorded with the deed.

b. Clearview Development, Subdivision Plan Review

Bill Stoughton explained that the Clearview development was previously in front of the Planning Board for a density CUP under the Integrated Innovative Housing Ordinance (IIHO). At that time, the development was granted a CUP of up-to 44 units. This development is proposed between Boston Post Road and New Boston Road. There are two developments located within the larger proposal, one located on the east side of the property involving mainly senior housing, and one located on the west side of the property with proposed single-family houses and a large open space area. This open space area is proposed to be an easement issued to the Amherst Land Trust (ALT).

Frank Montesanto entered the meeting in-person at 7:27pm.

Bill Stoughton stated that the Clearview development is now going to be in front of the Planning Board for subdivision approval, and a CUP for a wetland crossing and possible stormwater management located in the buffers. He expects that the developer will come in front of the ACC for a CUP presentation once it is ready. Mr. Stoughton stated that the wetland crossing is to access uplands on the site. A site walk of this area last fall showed a wetland that was mostly dry. This wetland has a 25' buffer. The development proposed on the east side of the property, off New Boston Road, is proposed to be an elderly housing development, served by community wells. This proposed development will stay north of Beaver Brook and the associated floodplain. There do not appear to be any wetland or buffer encroachments on this side of the property. The west side of the property is proposed to have a loop road with houses located on both sides. While he did not see any wetland or buffer impacts on this side of the property either, the CUP narrative says that there are.

Bill Stoughton stated that there is a trailhead and parking proposed on the east side of the property. This is proposed to be a public loop trail around the property toward the Wilkins land, which holds an easement to create connectivity. This trail could also lead down to a town-owned lot for a trail terminus. There are existing trails on the property now that are blazed, although it is unclear who made them.

October 27, 2021

APPROVED

In response to a question from Frank Montesanto, Bill Stoughton stated that he did not see any notes regarding the proposed surfaces for these trails.

Bill Stoughton noted that it may be appropriate for the ACC to say that there needs to be minimized crossing of wetlands on the site or, if the proposed trails must cross the wetlands, that the trail standards or Best Management Practices (BMP's) be followed.

In response to a question from Frank Montesanto, Bill Stoughton stated that exterior lighting is usually part of a non-residential site plan. The Town's lighting standards should still apply to this development.

TOPICS

4. B&M Trail Reconsolidation and Easements – Chris Buchanan, Bike/Ped Cte.

Chris Buchanan, Chair of the Amherst Bicycle and Pedestrian Advisory Committee (BPAC) stated that there is a grant opportunity for an interjurisdictional grant for outdoor recreational infrastructure that is 100% federally funded. This grant is first-come first-served. In order to meet the various requirements of the grant, the BPAC is attempting to piece together existing trails with the town of Milford. The area with the most potential for this grant seems to be the abandoned B&M railbed. In order to be eligible, the Town must engage in serious conversations with landowners along the route regarding public trails on private land. The BPAC has worked with the Board of Selectmen and ALT on a draft trail easement. He is hoping to find out if the ACC will coordinate with engaging with landowners regarding trail easements along this route.

Mr. Clemens noted that the ACC already has one easement along this route, located at 12 Baboosic Lake Road, where there is currently an issue with an existing foot bridge.

Mr. Buchanan stated that the BPAC would like to have a conversation with every landowner along the railbed, in collaboration with the ACC and ALT.

In response to a question from Mr. Clemens regarding a letter to the DOT to support the effort of the project, Mr. Buchanan stated that a portion of the railbed between Walnut Hill Road and Baboosic Lake Road is currently in the State's 10-year Plan, with funding to acquire access beginning in 2029. Between now and then, there is an opportunity each year for this item to stay in the State's plan or be jettisoned. Mr. Buchanan stated that a letter to the DOT would show support and feasibility for the proposed project. Additional efforts to meet with landowners shows an organic interest by the Town to pursue this project, which could possibly bolster its status for the grant.

Mr. Buchanan explained that the BPAC has also created a pamphlet for landowners regarding public trails on private land, with associated FAQs.

TOWN OF AMHERST
Conservation Commission

October 27, 2021

APPROVED

In response to a question from Rich Hart, Mr. Buchanan stated that the BPAC has recently communicated with Camp Young Judaea, and that the property is likely to sign a trail easement agreement within a month or so.

In response to a question from Mr. Widmer, Mr. Buchanan stated that the grant funding could be used for right of way potential and to rehab the trail. A last resort for the funding would be to pay landowners for easements. The budgeting for this project has not yet been completed, as the Town cannot be considered for the grant without obtaining some of these easements. This funding would eventually be used to make a rail trail. The rail trail would likely be made of crushed stone. Mr. Buchanan noted that the section of the rail trail from Walnut Hill Road to Baboosic Lake Road, as budgeted by DOT, is approximately \$900,000.

Mr. Clemens stated that the ACC has always had interest in re-establishing the B&M Trail. He noted that there is a problem with the previously discussed footbridge as an access/egress for the trail. Mr. Buchanan noted that part of the State's 10-year project proposes a tunnel under Route 101 for access. If the drainage in this area needs to be upgraded to a 12'x12' box culvert, this could allow for such access.

Mr. Stoughton suggested that the BPAC examine the easements and deeds of any ACC-managed lands proposed for use as part of this project for possible restrictions. He noted that e-bikes are generally a precluded use. He stated that he would avoid characterizing any risk to landowners in the pamphlet. He stated that it is not up to the Town to say if there is a risk; this is up to the landowner. He stated that he believes the ACC should support this effort if it can.

In response to a question from Mr. Clemens regarding e-bikes, Mr. Buchanan stated that e-bikes are included in the draft easement language per the State RSA language that exists. Mr. Montesanto noted that electronic transport vehicles are growing in popularity at an astronomical rate.

Mr. Clemens stated that he would circulate the list of landowners along this route to Commissioners to see if there is an interest in reaching out to any of them.

Mr. Clemens stated that, regarding the footbridge located on an ACC easement at 12 Baboosic Lake Road, the ACC previously stated that it will remove the damaged bridge, but not whether it will replace it. Mr. Buchanan stated that he would suggest keeping some sort of an access point on that property, even as a terminus to the trail, as this is the access point for a significant portion of the railbed. Mr. Stoughton noted that the easement on the land is the ACC's, even if a bridge is not rebuilt there. Mr. Montesanto stated that the existing bridge will be removed within the week.

Mr. Buchanan explained that, after the State rehabilitates the Route 101 bridge in this area, the State has allowed the town to put a painted treatment on the road to create a proper multimodal facility to cross Route 101. It is hoped that this project will eventually be carried down Route 122 to pick up the Amherst Street sidepath. Mr. Buchanan noted that the B&M railbed resumes at Thatcher Drive and continues parallel to Route 122. The ultimate goal would be to connect

October 27, 2021

APPROVED

this area to Souhegan High School. This would require approval from approximately 10 private landowners.

5. Miscellaneous Items

a. Bennison Bench Plans

Mr. Widmer stated that he will be going on Friday to look at granite bench types at Swenson Granite Works. It will cost approximately \$785 to have Vick Bennison's name inscribed on the granite bench. He is working with Mr. Bennison's wife on any additional wording for the bench. It will take 8-10 weeks to inscribe the bench.

Lee Gilman moved expend an amount not to exceed \$900 from the Gift Fund for the Vick Bennison memorial bench to be placed at Buck Meadow. John Harvey seconded.

Voting: Rob Clemens – aye, John Harvey - aye, Frank Montesanto – aye, Lee Gilman - aye, Rich Hart - aye, and Jared Hardner – aye; 6-0-0, motion carried unanimously.

b. Eagle Scout Project Review

The Commission discussed Mr. Widmer's proposed Scouting Policy. Mr. Widmer explained that the policy includes that the scout must be onsite whenever work is performed, that any communication to the ACC come directly from the scout, that the scout will make any presentations regarding the project to the ACC, that the scout will come before the ACC if any changes are proposed to the project, and that anyone involved in the scout project will be respectful in conduct to the ACC and Town.

Mr. Montesanto suggested adding language that the ACC reserves the right to inspect the project and provide oversight at its discretion. He would also like to see language that the scout will have to include detail on how the project will be achieved at an initial meeting with the ACC. Mr. Clemens stated that this could include references to soil and erosion items for each project.

The Commission discussed how it felt about taking on Eagle Scout projects that require State permits. Mr. Stoughton stated that he believes Eagle Scouts should be required to obtain State permitting information themselves, unless the project is one that the ACC would be doing on its own anyway.

The Commission agreed to include comments from Mr. Montesanto in the draft document and review it again at the next meeting.

6. Non-Public Session, per RSA 91-A:3, II, (d)

This Non-Public Session was not held.

7. Other Business

TOWN OF AMHERST
Conservation Commission

October 27, 2021

APPROVED

Rich Hart stated that he has set up a mailing list through Google Groups for the trail stewards. He will try to send out a mailer monthly and get a list of which trails in Town are being covered by which stewards at this time.

John Harvey explained that the NHACC Annual Meeting will take place on November 6, 2021, remotely. The ACC will reimburse the cost for any Commissioner who wants to attend.

Mr. Clemens stated that the Recreation Commission recently voted to not support hunting at Buck Meadow. He stated that the ACC will stay with its recent decision on this item for this season but rethink it for next season and consider posting the whole property against hunting for the future, due to it being a recreational space.

Mr. Clemens stated that he recently heard concerns from Peabody Mill Environmental Center regarding invasives on the property, the disrepair of Sawyer Cottage and beaver activity in the pond. The Commission had a brief discussion and agreed to look into these items.

Mr. Widmer noted that he has two disease-resistant elm trees that can be planted next year near the parking lot at the Bragdon property. The Commission agreed to this plan.

The ACC will next meet on November 10, 2021.

**John Harvey moved to adjourn at 9:04pm. Seconded by Frank Montesanto.
Voting: Rob Clemens – aye, John Harvey - aye, Frank Montesanto – aye, Lee
Gilman - aye, Rich Hart - aye, and Jared Hardner – aye; 6-0-0, motion carried
unanimously.**

The meeting was adjourned.

*Respectfully submitted,
Kristan Patenaude*

Minutes approved: November 10, 2021