

TOWN OF AMHERST  
Conservation Commission

June 22, 2022

**APPROVED**

In attendance: Rob Clemens – Chair, Jared Hardner, Rich Hart, Bill Widmer (remote), Peter Lyon – Board of Selectmen Ex-Officio, and Christian Littlefield (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 thanked the Commissioners for carrying on the group's work while he's been away.

**2. Minutes: April 13, 2022 & May 11, 2022**

The Board agreed to table discussion of the minutes to the next meeting.

*Christian Littlefield sat for Frank Montesanto.*

**3. Treasurer's Report**

Rob Clemens explained that the Treasurer's Report shows that the Commission will be able to expend its budget before the end of the fiscal year. Bill Widmer agreed that the Commission overran its budget, based on invasives work, but this has been worked out so that the budget is a break even at this point in time.

**Jared Hardner moved to approve the Treasurer's Report, as presented. Christian Littlefield seconded.**

**Voting: 4-0-0 motion carried.**

**4. Planning & Permitting**

Rob Clemens explained that there was a Planning Board meeting, on June 1, 2022. This included a review of a Conditional Use Permit (CUP) for 10 Clark Island Road. The Planning Board reviewed the Commission's comments, decided it needed more time to review the application, and continued the hearing to July 6, 2022. There was also a subdivision proposal for a portion of the Hazen property. Also, a 6-lot conventional subdivision on Cricket Corner and County Roads which the Planning Board deemed to be incomplete and tabled to a later date. There was a conceptual discussion regarding another 40-lot conventional subdivision for the Hazen property off County Road, to be phased out over 10 years. This item resulted in a lot of feedback from the Planning Board to the applicant. The Commission submitted previous comments regarding the proposed wetland crossing and not being in favor of it. The Planning Board requested that applicant come back before the Commission for more discussion at a future meeting. Another proposal from the Currans regarding parcels on Baboosic Lake Road was presented as a 43-lot conventional subdivision. The Planning Board identified stormwater concerns, density on the backlots, and encouraged the applicant to come before the Commission. The Commission provided previous comments regarding interest in the lot with respect to the Town-owned Grater Woods/Pond Parish/Converse Woods properties.

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Rob Clemens stated that the June 15, 2022, Planning Board meeting involved a review of the proposed Clearview subdivision. This hearing was tabled to July 20, 2022, for submission of additional documents. A pool/patio construction application on 17 Thornton Ferry Road I was discussed. This is proposed within a wetlands buffer. The Planning Board reviewed the applicant's presentation and the Commission's comments and approved the application. Also, the Board voted that there was no regional impact on the 10 The Flume and Walnut Hill applications that the Commission will hear more about this evening.

**a. CUP Application for 10 The Flume – Russell Tedford, Hancock Associates**

Russ Tedford, Hancock Associates; and Luke Hurley, Gove Environmental Services, presented to the Commission.

Russ Tedford stated that the application is for a CUP within the Wetland and Watershed Conservation District for construction of a pool, pool house, and patio. 10 The Flume is located in the Northern Rural district and is approximately 5.7 acres, with an existing single-family house. A wetland bisects the property around its midpoint. To limit the amount of grading into the buffer, the applicant is proposing walls along the west and south sides. A stormwater design has been completed, including two infiltration systems. These will recharge and attenuate stormwater from the disturbance. There are yard drains proposed which will filter into the system. The proposal includes approximately 27,000 s.f. of disturbance, some within the 100' buffer of the wetlands. The closest point of work within the buffer is approximately 50' away on the northern side of the property.

Rob Clemens stated that the 100' setback of the wetlands buffer is shown to be encroached on. He asked which wetland buffer is associated with this site. The Commission does not want to see encroachments on any wetland buffers period. He asked why the applicant believes encroachment is appropriate for this site, as it seems to be avoidable depending on the layout of the patio and pool.

Russ Tedford stated that he is attempting to respect the buffer by filing a landscape plan which includes a natural buffer to the wetlands. The 50' no-build buffer is intended to be respected by the applicant.

Rob Clemens asked if the label "no-build buffer" came from The Flume's development or the Town's wetland ordinance. Russ Tedford stated that he believes this is associated with the Town's wetland ordinance. Rob Clemens stated that he asked the Community Development Office this question and it seems to depend on how the wetland buffers are classified.

Rob Clemens stated that he would like to know if the 50' buffer or the 100' buffer on this site is the applicable one. If it is the 100' buffer, the applicant is fully in violation of that with this proposal's encroachment. If it is the 50' buffer, there is less of a proposed impact. There is a fire pit proposed which is completely within the 100' buffer, which he believes would include a lot

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of disturbance to construct. These disturbances would not be supported by the Commission, especially as there seems to be other ways to orient the site to further minimize the encroachments.

In response to a question from Christian Littlefield regarding the amount of fill proposed, especially with what appears to be a 23' change in grade within the proposed construction area, Russ Tedford explained that a volume analysis would be needed to determine the fill amount. Christian Littlefield stated that there appears to be a lot of impact to the surrounding area due to the potential amount of fill needed.

Luke Hurley stated that the backyard is currently fairly flat, until it slopes down steeply to the stream. The slope is proposed to be pushed out and then graded down to the bottom. This is part of the impact to the buffer but will be revegetated afterward.

In response to a question from Jared Hardner, Luke Hurley stated that the stream onsite is intermittent. Jared Hardner stated that he believes it is thus the 50' buffer that is associated with this site.

In response to a question from Jared Hardner, Luke Hurley stated that he does not believe any ecological or hydrological functions will be impacted because the area is very well vegetated, and the slope will be replanted. Also, the stormwater system is designed to treat any and all water from the surface of the patio and pool deck.

Rob Clemens noted that the Commission has previously raised questions regarding potential pool water chemical impacts. The Planning Board may raise these as well. He noted that there were no stormwater calculations provided relative to capacity to treat the proposed extra impervious surfaces. Russ Tedford stated that the groundwater recharge volume was calculated using 7,630 s.f. of new impervious surface. The majority of that number is from added impervious surface area only.

In response to a question from Rob Clemens, Russ Tedford stated that the stormwater system was designed to handle existing roof runoff, plus the new impervious surface area. A water quality analysis under the 1" storm is also calculated. He argued that the pool is technically a "clean" impervious surface, as there are no cars being stored on it or oil, gas, etc., generated on it.

Rob Clemens suggested that the applicant review the new Amherst Stormwater Ordinance, which considers specific treatment standards for nitrogen, phosphorus, and Total Suspended Solids (TSS). There is a concern that chemicals should not be discharged into the environment or a stormwater system which might negate treatment capabilities. He asked that the applicant look into this item as well.

Mike Nowicki, landscape architect with The MacDowell Company, stated that he has worked with Environmental Pools, the company doing the installation. There is no dewatering or

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pumping necessary in this type of internal system. If the pool does need to be pumped, it will be pumped into a truck and taken offsite. He believes this is proposed to be a saltwater pool, so not much chlorine will be involved in the system. He stated that there is an existing water well in the yard, along with a propane and gas line which the proposal is situated to avoid. The 100' buffer will be encroached upon regardless of the amount of grading done on site.

There were no additional comments or questions at this time. Rob Clemens stated that the Commission will compile its thoughts and send them to the Planning Board.

**b. Walnut Hollow Realty/Dunnick Subdivision**

Rob Clemens stated that there is no presenter for this item. The plan is to subdivide a property on Walnut Hill Road that abuts the B&M Trail which the Commission manages.

In response to a question from Jared Harder regarding one of the subdivided lots being a narrower piece which seems to be predominantly wetland, Rob Clemens stated that there appears to be enough land on that proposed lot to develop a structure. There is a 25' setback from the trail's property line.

Jared Hardner stated that the associated wetland and waterbody are important and sensitive. He would like to make sure this is emphasized to the Planning Board and to signal that the Commission does not wish to entertain any sort of a CUP for that lot.

**TOPICS**

**5. Amherst Fourth of July Preparations**

Rich Hart reviewed preparations for the Fourth of July. He noted that he is looking for people to sign up to volunteer to man the Commission tent during the day. Rob Clemens noted that this is a great opportunity for engagement with the public. Residents usually like to find their house on the conservation map and read the available materials.

Rob Clemens thanked Mark Bender, abutter to the Grater Wood property, for his help on the trails.

**6. Other Business**

Jared Hardner stated that a split rail fence, gate, and kiosk have been added at Buck Meadow. His daughter recently cut in the new trail between Parkhurst Place and Buck Meadow. He noted that some additional You Are Here and trail marker signs need to be added in this area.

**Jared Hardner moved to expend up to \$140 for signage at Buck Meadow from the FY23 Signage account. Christian Littlefield seconded.**

**Voting: 4-0-0 motion carried.**

Christian Littlefield stated that the DPW recently received two quotes for some roadway signage for the Commission, including a sign along Stearns Road for the access point to the canoe port. 12 hiker signs, the canoe sign, and the Trail to Tunnel sign at Bragdon Farms were quoted at

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\$963.71 and \$742.09. He explained that DPW recommended to go with the lowest quote for these signs.

**Christian Littlefield moved to expend up to \$742.09 for signage at 12 locations throughout Town as previously discussed. Jared Hardner seconded.**  
**Voting: 4-0-0 motion carried.**

Christian Littlefield stated that the Pond Parish parking lots were trimmed and cut, and it is on the DPW's list to grade the lots and fix existing potholes.

Rich Hart stated that the Bicycle & Pedestrian Advisory Committee (BPAC) submitted an application for approximately \$2M of funding to Senator Shaheen's Office. The Office forwarded this, with comment, to the Senate Transportation Committee.

Rich Hart noted that there was interest in extending an existing trail up to the center of Mont Vernon using a Class VI trail, through the Wilkins land. The BPAC thought that a trail connecting the two town centers would likely be a good thing. Jared Hardner stated that this trail already exists but is not official.

The Commission discussed midblock crossings. These are areas where pedestrians or bikers must cross roads in order to access trails. The BPAC has also been addressing this issue. There are many different marking possibilities. A road crossing was created at the Josiah Bartlett extension toward the B&M Trail, one was also recently created on Veterans Road for the new Parkhurst Place Trail, and an additional one is across Amherst Street to reach the sidepath. John Harvey is requesting that the Commission work with the BPAC and DPW to upgrade how these crossings are marked in order to warn drivers in advance of people crossing. Rob Clemens stated that he will send John Harvey's presentation to the Commissioners.

Jared Hardner stated that the Master Plan draft document is coming together quickly. He believes the Commission will have a very short amount of time to review additional materials submitted for the draft. The document has a heavy conservation focus. He asked Commissioners for feedback once the document is sent to them in July.

Rob Clemens stated that an observation of wet areas on the Atherton Trail was made. Frank Montesanto reviewed the area and there may be a need for materials in the future. He also looked at some items to repair at Peabody Mill Environmental Center. The footbridge at Pulpit Brook is a more major project that will require a design and materials.

Jared Hardner noted that there is a need to replace the fence on the Bragdon property once road construction is complete. Rob Clemens noted that the cherry tree has been cut down, but the existing fence has not yet been removed. The Commission previously noted that it would like a nicer fence put in place after construction is complete.

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Rob Clemens stated that there will be a Celebration of Life for Vick Bennison at the Amato Center on July 9, 2022, at 9:30am. All are invited through RSVP.

**7. Non-Public Session - (pursuant to NH RSA 91-A:3 II (1))  
- Review of potential property acquisitions.**

**Rob Clemens moved to enter into Non-Public Session - (pursuant to NH RSA 91-A:3 II (1)), to review of potential property acquisitions at 8:15pm. Jared Hardner seconded.**

**Roll Call Vote: Rob Clemens – aye; Jared Hardner – aye; Rich Hart – aye; and Christian Littlefield – aye; 4-0-0 motion carried.**

**Rob Clemens moved to exit Non-Public Session. Jared Hardner seconded.**

**Roll Call Vote: Rob Clemens – aye; Jared Hardner – aye; Rich Hart – aye; and Christian Littlefield – aye; 4-0-0 motion carried.**

**Jared Hardner moved to approve an amount not to exceed \$3,000 for a property appraisal, to come from the Conservation Fund. Rob Clemens seconded.**

**Voting: 4-0-0 motion carried.**

**The meeting was adjourned.**

*Respectfully submitted,  
Kristan Patenaude*

Minutes approved: July 13, 2022