

TOWN OF AMHERST  
Conservation Commission

August 12, 2020

**APPROVED as Amended**

1 In attendance via Zoom: Rob Clemens – Chair, Jared Hardner – Vice Chair, Bill Widmer –  
2 Treasurer (alternate), John Harvey, Vick Bennison, Rich Hart, Lee Gilman, Frank Montesanto,  
3 Mike Cohen (Alternate) and Bill Stoughton (Alternate).

4 Staff present: Natasha Kypfer – Town Planner, Kristan Patenaude – minute taker.

5  
6 Also present: Mike Gagnon – Hillsborough County Forester.

7  
8 Chairman Rob Clemens called the online meeting to order at 7:02 pm., with the following  
9 statement. As Chair of the Amherst Conservation Commission, I find that due to the State of  
10 Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance  
11 with the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04, as extended by  
12 Executive Orders 2020-05, 2020-08, 2020-09, and 2020-10, this public body is authorized to  
13 meet electronically.

14  
15 Please note that there is no physical location to observe and listen contemporaneously to this  
16 meeting, which was authorized pursuant to the Governor’s Emergency Order.  
17 However, in accordance with the Emergency Order, I am confirming that we are:  
18 Providing public access to the meeting by telephone, with additional access possibilities by video  
19 or other electronic means:

20  
21 We are utilizing Zoom for this electronic meeting.

22 All members of the Board have the ability to communicate contemporaneously during this  
23 meeting through this platform, and the public has access to contemporaneously listen and, if  
24 necessary, participate in this meeting through dialing the following phone #312-626-6799 and  
25 password 876 8370 1455, or by clicking on the following website address:

26 <https://zoom.us/j/87683701455> that was included in the public notice of this meeting.

27 Providing public notice of the necessary information for accessing the meeting:

28  
29 We previously gave notice to the public of the necessary information for accessing the  
30 meeting, including how to access the meeting using Zoom or telephonically. Instructions  
31 have also been provided on the website of the Planning Board at: [www.amherstnh.gov](http://www.amherstnh.gov).  
32 Providing a mechanism for the public to alert the public body during the meeting if there are  
33 problems with access: If anybody has a problem, please call 603-341-5290.

34  
35 Adjourning the meeting if the public is unable to access the meeting:

36 In the event the public is unable to access the meeting, the meeting will be adjourned and  
37 rescheduled.

38  
39 Please note that all votes that are taken during this meeting shall be done by roll call vote.

40 Let’s start the meeting by taking a roll call attendance. When each member states their  
41 presence, please also state whether there is anyone in the room with you during this meeting,  
42 which is required under the Right-to- Know law.

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Roll call attendance: Vick Bennison, Rob Clemens, Lee Gilman, Jared Hardner, John Harvey, Rich Hart, Frank Montesanto, Bill Stoughton, Bill Widmer, and Mike Cohen – all present and alone.

ADMINISTRATIVE:

**1. Chair Comments –**

Rob Clemens thanked Bill Widmer and Kristan Patenaude for their help organizing Town-Wide Clean Up Day. The event seemed to be successful, even with the limitations of COVID-19.

**2. Minutes (7/29)**

The Commission agreed to table review of the minutes to its next meeting.

**3. Treasurer's Report**

Bill Widmer stated that the Commission finished out the FY with a deficit of about \$129. This was mostly due to unexpected signage costs and the estimate for Kristan Patenaude's salary. All of the pending charges have now been filed with the Town. The Land Account balance is \$227,202.69, and the Gift Account balance is \$13,606. He explained that the ACC's portion of the Gleason easement settlement has been sent to the Town for processing. The bill for Meridian's work will be sent for payment out of the Conservation Fund.

In response to a question from Rob Clemens, Bill Widmer stated that the Gift Account currently has about \$13,000. This is after the expenditure of about \$3,375 for the Buck Meadow kiosk.

In response to a question from Rob Clemens, Kristan Patenaude stated that she believes a LUCT payment of about \$13,000 was recently approved by the Board of Selectmen.

Bill Widmer explained that the Town's budget cycle for the next fiscal year will begin soon. The cycle starts on September 4, 2020, with a first draft of the budget being discussed by the Board of Selectmen on September 14, 2020. He suggested that the ACC get together their budget ideas before the August 22, 2020 meeting in order to be prepared. Rob Clemens agreed to discuss this with Bill Widmer and Jared Hardner, and asked that Commissioners send their budget proposals along before the next meeting.

**Frank Montesanto moved to accept the Treasurer's Report as presented. Jared Hardner seconded.**

**Roll call vote: Vick Bennison – aye; Rob Clemens – aye; Lee Gilman – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; Frank Montesanto – aye.**  
**Motion carried unanimously.**

**4. Planning and Permitting**

Bill Stoughton, representative from the ACC to the Planning Board, explained that the Planning Board recently heard and approved the application for an accessory dwelling unit on Stearns

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Road, located in a wetland buffer. The Board had concerns regarding the number of bedrooms and size of the septic system on the property. The Board decided to make the approval conditional on a note being added to the drawing that if the owner were to increase the number of bedrooms being used to more than four, there will be a review and approval of an updated septic system.

Bill Stoughton explained that the Board also heard the Pine Road self-storage facility application. The proposed storage units are adjacent to the wetland buffer, with infiltrated areas in the buffer itself. The Board continued this hearing to its September 16, 2020, meeting.

**TOPICS:**

**5. Forestry Update – Mike Gagnon, Hillsborough County Forester**

Mike Gagnon stated that he started in this position in December 2019. He has been completing site visits with land owners and workshop series, following very strict protocol due to COVID-19. There will soon be a Timber Harvest Seminar for Municipalities that the ACC might be interested in. He is hoping to organize tree walks in local towns to help improve the resource base for municipalities and landowners.

Bill Widmer explained that the ACC discussed pocket openings in the Town's mature forests about a year ago; he asked for guidance on this issue. Mike Gagnon stated that there is actually value to mature forests in this part of the state. However, there is also timber revenue that can be accumulated from cuts. Mike Gagnon stated that he would be happy to walk properties with ACC members and Charlie Koch. While Charlie Koch deals more with the consulting forester items at hand, Mike Gagnon explained that he deals with the education and advisory aspects of this issue.

Jared Hardner explained that Charlie Koch is completing the final inventories on areas in Joppa Hill for the Forest Management Plan. He would like there to be an evaluation of the regenerated cut areas before the Plan is finalized. He is not satisfied that the patch cuts are doing what was hoped for. The primary goal for these cuts was to promote a diversity of wildlife habitats in the forests. In reviewing one year's worth of camera trap data for these areas, he is mostly still seeing deer browsing on oak trees. He saw one bear, one coyote, and one fox each on one day out of 365. He suggested the ACC wait a few years to see what will happen in these areas.

Mike Gagnon agreed with Jared Hardner's idea of waiting for now on these areas. He explained that there's also no biomass market currently.

In response to a question from Rob Clemens, Jared Hardner stated that the deadline for the completion of the Forest Plan is about three months from now. However, he believes it's more important to get the plan right before putting prescriptions in place. He explained that Matt Tarr has deemphasized the benefit of some of the management interventions we have been considering, in favor of managing for unfragmented forest. He believes the ACC should leave the large contiguous chunks alone for now.

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Mike Gagnon explained that there is value to Amherst's intact forests, as these are becoming scarce in southern New Hampshire. Contiguous forest landscapes should not be taken lightly and chopped up.

Rob Clemens noted that there were LUCT funds earmarked for the planning of the Forest Management Plan, and that the ACC has an obligation to the Board of Selectman and Town to report out information.

Jared Hardner explained that there is currently a database of forest stands in GIS that can have analyses run on it. He does not recommend prescribing cuts now, as he is not confident in the outcomes.

Rob Clemens suggested that the group set up a site walk with Mike Gagnon.

Mike Gagnon explained that landowner's often don't know that the UNH Extension is a resource for consulting forest or arborist information.

Lee Gilman stated that one of the ACC's largest management efforts is on the Bragdon property. He stated that the area is currently invaded by at least eight different invasive species. He would like to look at the quality of the native species there. Jared Hardner also suggested expanding the roughed up edge of the property and cutting back the perimeter of the upper field.

Rob Clemens mentioned that, through the current proposal for the Farmhouse Marketplace application, 25 acres of a conservation easement may soon extend the forest footprint at Bragdon.

## **6. Stormwater Ordinance Review**

Rob Clemens explained that the ACC has responsibilities under the Town ordinances regarding stormwater regulations.

Bill Stoughton stated that the State and Town have responsibilities for managing stormwater. The Town's responsibilities include stormwater involving small projects in Town, providing additional protection to sensitive areas, and integrating stormwater controls with development planning. The current Town stormwater regulations were last revised in 2007. He suggested that the ACC review the water resource protections and the disconnects between the State and Town requirements. The MS4 permit requires the regulations to be reviewed and/or revised. This review was due in July 2020.

Bill Stoughton reviewed some of the State/Town disconnects. Amherst's regulations currently look at the size of stormwater facilities for small events based on the 25 year storm, versus the State using a basis of the 50 year storm. The precipitation tables in Amherst's regulations are from the 1940's, whereas the State's tables contain more current data.

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Bill Stoughton explained that the Town's regulations currently fall short in a number of areas, including: the disconnects with the State regulations; not addressing treatment standards for sediments, nitrogen, and phosphorous; not requiring the setback of stormwater facilities from waste supply sources; not integrating low impact development provisions; and limited requirements for groundwater recharge.

Bill Stoughton stated that he reviewed the 2019 Manchester and Nashua Regional Stormwater Coalition draft regulations. Former Community Development Director, Gordon Leedy, was involved with this group. He explained that the Town could use the DES Alteration of Terrain (AoT) framework but apply it to areas important to the Town. These draft documents should be reviewed with the Community Development Office and DPW. The ACC could then have a discussion on these and decide on any revisions. This would then need to be considered and voted on by the Planning Board and Board of Health (Board of Selectmen, and Scott Tenney).

Jared Hardner suggested that the group get a feeling for what types of mitigation is possible and which types are practical. He used the recent road construction along Christian Hill Road as an example. He explained that the area now pours stormwater into the surface water on conservation lands. There is no infrastructure in place to manage the stormwater on the roads.

Bill Stoughton explained that the State regulations have a section for dealing with the best management practices of stormwater mitigation, such as detention, infiltration, and treatment methods. He explained that the current regulations could be altered to include language regarding infiltration methods.

In response to a question from John Harvey, Bill Stoughton explained that, because a new ordinance is not being proposed, this would not need to go to Town Meeting, but would need approval from the Planning Board and Board of Selectmen. He does believe that this item needs to be handed off in order to be further pursued.

Rob Clemens explained that the Community Development Office is responsible for a lot of this, but could probably use some help. Eric Hahn, DPW Director, has noted that private landowners often have no knowledge of stormwater issues, erosion, and the effects on wetlands. There seems to be a possible area for educational outreach that the ACC might be able to help with.

Rich Hart suggested that some ways to control the runoff from storms might be to increase the volume of water in wetlands, or ask developers/landowners to create vernal pools to trap the water for a bit.

Bill Stoughton noted that the draft regulations require that the volume of water leaving the site post-development not exceed the flow pre-development, per the 50 year storm.

Rob Clemens stated that the ACC will need to discuss the aquifer protection ordinance requirements at its next meeting, in regards to the Amherst Subaru project proposal. Due to the location of the proposed project, the applicant will need to comply with the Town's aquifer

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protection requirements. The project will probably need to follow the State's guidelines to be in compliance.

## **7. Grasslands Mowing Schedule**

John Harvey reviewed the ACC's mowing schedule and costs. In August 2020, the grasslands suggested to be mowed, and the estimated costs to mow them at \$75/hour are: Joppa Hill North (\$450), Currier (\$375), Grater Woods (\$300), Ackley (\$375), Sky Meadow South (\$390), Woolsey Landing (\$190), and the Boutelle Landing (\$225). He noted that the Ackley property has been mowed by an abutter in the past, but will now be mowed by the ACC. Also, the DPW was agreed to mow that rear area of Forestview Cemetery.

**John Harvey moved to exercise a contract with Mike Riccitelli for bush hog mowing in the amount of \$2,200 to come from the Conservation Fund. Vick Bennison seconded.**

### **Discussion:**

**Bill Widmer stated that he believes, per the Town Purchasing Policy, that competitive bids need to be sought for this work. If a competitive bid is based on price, there shouldn't be any surprises along the way.**

**John Harvey stated that Mike Riccitelli's contract is with the ACC, not with the Town. The agreement needs to be updated and signed, but was previously for \$65/hour for mowing services. This rate has not changed in the past four years.**

**In response to a question from Bill Widmer, John Harvey stated that, in the past, the contract was signed by the ACC and filed with the Town Administrator.**

**Bill Stoughton noted that the ACC is a Town entity, and should follow the Purchasing Policy.**

**John Harvey noted that the mowing contract is considered habitat management, and is thus funded from the LUCT Fund, not from the Town budget. He believes the Town Purchasing Policy only effects the Town budget. The policy is thus a guideline that this contract is not beholden to.**

**Bill Stoughton mentioned that LUCT funds are still the people's moneys.**

**Rob Clemens agreed that, as a Town entity, the ACC should follow the Town's Purchasing Policy. He also believes that the negotiated rate of \$65/hour seems reasonable. He questioned if going out to bid made sense for completing smaller mowing projects around Town.**

**Mike Cohen suggested that Mike Riccitelli should have a fixed contract with a clear scope.**

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**Rob Clemens suggested that next year the ACC take some advance time to look at the options for mowing.**

**John Harvey amended his motion: to exercise a contract with Mike Riccitelli for bush hog mowing, at the following properties: Joppa Hill North, Currier, Grater Woods, Ackley, Sky Meadow South, Woolsey, and Boutelle Landings, in the amount of \$2,200 to come from the Conservation Fund, to be completed in 2020. Vick Bennison seconded.**

**Roll call vote: Vick Bennison – aye; Rob Clemens – aye; Lee Gilman – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; Frank Montesanto – aye. Motion carried unanimously.**

#### **8. Trail Signage Requirements**

Vick Bennison explained that he is working to bring trail signage up to a standard. Then there will be no real signage needs, unless a new trail/property is acquired. He questioned if the ACC prefers metal or PVC signs. He prefers metal signs, as they seem to be longer-lasting. He stated that the cost of a PVC sign is about \$5-10, whereas a metal sign is about \$25.

Jared Hardner stated that he would prefer to stick to the standard and work on negotiating with the sign company.

**Vick Bennison moved to expend an amount not to exceed \$130, to purchase five metals signs for Pond Parish and Converse Woods.**

**Vick Bennison amended his motion: to expend up to \$530 for metal and PVC signs on the trails from the Signage line. Jared Hardner seconded.**

#### **Discussion:**

**Bill Stoughton stated that Vick Bennison does an amazing job on trail signage. He also wants to make sure the ACC doesn't overspend the funds in the budget for signage.**

**Roll call vote: Vick Bennison – aye; Rob Clemens – aye; Lee Gilman – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; Frank Montesanto – aye. Motion carried unanimously.**

#### **9. Drop Box Account**

Jared Hardner explained that he has looked into various other services similar to Drop Box for the ACC's use. He explained that for \$204/year, the ACC can sign up for a Family Account on Drop Box. This will allow six ACC members full access to all of the documents. The other members can use free accounts to access individual folders.

In response to a question from Mike Cohen, Jared Hardner stated that the six people can be changed at any point without penalty.

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**Jared Hardner moved for the ACC to establish a Family Account on Drop Box at the expense of \$204/year, for a one year period, to be taken out of the Dues and Subscriptions line. Frank Montesanto seconded.**

**Roll call vote: Vick Bennison – aye; Rob Clemens – aye; Lee Gilman – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; Frank Montesanto – aye. Motion carried unanimously.**

Jared Hardner noted that he would be the executor of the account. Bill Stoughton suggested that the Commissioners let Jared Hardner know which folders they will need access to.

#### **10. Other Business**

Bill Stoughton stated that he needs help monitoring an area near Joppa Hill and the Flume. This area has more perimeter than any of the other properties. Rob Clemens suggested that some members of the public might volunteer to help with this task as well.

Jared Hardner noted that he purchased face masks with the ACC logo on it for the group.

In response to a question from Frank Montesanto, Lee Gilman stated that the company doing the road construction on Christian Hill Road should clear the silt from the silt fence before removing it. If they don't and the sediment leaves the site, the project could be in violation.

Bill Widmer discussed a phosphite fertilizer treatment for an ash tree at PMEC. Lee Gilman stated that he has some of this treatment that he could sell to the ACC.

**Bill Widmer moved to expend an amount, not to exceed \$200, from the Invasives Mitigation line, to procure phosphite treatment for an ash tree at Joe English. Vick Bennison seconded.**

**Roll call vote: Vick Bennison – aye; Rob Clemens – aye; Lee Gilman – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; Frank Montesanto – aye. Motion carried unanimously.**

Bill Widmer noted that Clean Up Day went well. He thanked Kristan Patenaude for her help. He believes about 2/3 the total number of bags from previous years were collected. The group discussed certain areas in Town that still needed to be cleaned. The ACC agreed to try to schedule Clean Up Day around Earth Day in 2021.

John Harvey mentioned that the NHACC/DES Conservation Class will be attended by four ACC members. Vick Bennison agreed to go in place of Kristan Patenaude.

John Harvey noted that the grasslands at Buck Meadow are probably about 10-12 acres. He explained that birds usually need grasslands of much more than 10 acres to be beneficial. The grasslands currently in Buck Meadow are thin and innutritious. He explained that the options are to do nothing to the grasslands and see what happens within 2-3 years, or plant a conservation



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352 mix in the area, including drought-resistant grass, and allow the grasslands to take off by the  
353 second year.

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355 Rob Clemens stated that the ACC will address this issue at its August 26, 2020, meeting.

356

357 John Harvey stated that trails are not the only things in Town that deserve signage. He proposed  
358 placing signs at locations, such as: O'Dell Preserve and Great Meadow. These signs would be  
359 seen as people drive by and mark the locations more easily.

360

361 Jared Hardner explained that Frank Montesanto put in a kiosk at the Great Meadow that has yet  
362 to be populated with any information.

363

364 Mike Cohen stated that he and Kristan Patenaude are working on some signage for Buck  
365 Meadow.

366

367 Rich Hart stated that the apples in Lindabury Orchard look good but aren't plentiful. He  
368 explained that the hayfield there has not yet been mowed and that the lower meadow has a lot of  
369 poison ivy. Rob Clemens asked Rich Hart to discuss these items with Friends of the Orchard  
370 (FOTO).

371

372 Vick Bennison noted that he would be adding some kiosk maps into Drop Box.

373

374 Rob Clemens stated that the group will meet again on August 26<sup>th</sup> to discuss the Amherst Subaru  
375 proposal, the deer stand policy, and the Buck Meadow grasslands issue.

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377 **Vick Bennison moved to adjourn the meeting at 9:43pm. Jared Hardner seconded.**  
378 **Motion carried unanimously.**

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386 *Respectfully submitted,*

387 *Kristan Patenaude*

388

389 Minutes approved as amended: August 26, 2020