

TOWN OF AMHERST
Conservation Commission

September 9, 2020

APPROVED - AMENDED

1 In attendance via Zoom: Rob Clemens – Chair, Jared Hardner, Lee Gilman, Frank Montesanto,
2 Bill Widmer (Alternate), Mike Cohen (Alternate) and Bill Stoughton (Alternate).
3 Staff present: Natasha Kypfer – Town Planner, Kristan Patenaude – minute taker.
4

5 Chairman Rob Clemens called the online meeting to order at 7:01 pm, with the following
6 statement. As Chair of the Amherst Conservation Commission, I find that due to the State of
7 Emergency declared by the Governor as a result of the COVID-19 pandemic and in
8 accordance with the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04,
9 as extended by various Executive Orders, this public body is authorized to meet
10 electronically.

11 Please note that there is no physical location to observe and listen contemporaneously to this
12 meeting, which was authorized pursuant to the Governor’s Emergency Order.

13 However, in accordance with the Emergency Order, I am confirming that we are:

14 Providing public access to the meeting by telephone, with additional access possibilities by
15 video or other electronic means:

16 We are utilizing Zoom for this electronic meeting.
17

18 All members of the Board have the ability to communicate contemporaneously during this
19 meeting through this platform, and the public has access to contemporaneously listen and, if
20 necessary, participate in this meeting through dialing the following phone #312-626-6799
21 and password 833 6126 2326, or by clicking on the following website address:
22 <https://zoom.us/j/83361262326> that was included in the public notice of this meeting.
23

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

25 We previously gave notice to the public of the necessary information for accessing the
26 meeting, including how to access the meeting using Zoom or telephonically. Instructions
27 have also been provided on the website of the Planning Board at: www.amherstnh.gov.
28

29 Providing a mechanism for the public to alert the public body during the meeting if there are
30 problems with access: If anybody has a problem, please call 603-341-5290.
31

32 Adjourning the meeting if the public is unable to access the meeting:

33 In the event the public is unable to access the meeting, the meeting will be adjourned and
34 rescheduled.
35

36 Please note that all votes that are taken during this meeting shall be done by roll call vote.
37

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

42 **Rob Clemens, Lee Gilman, Jared Hardner, Frank Montesanto, Bill Stoughton, Mike**
43 **Cohen, and Bill Widmer – all present and alone.**
44

September 9, 2020

APPROVED - AMENDED

Bill Stoughton sat for Vick Bennison.
Bill Widmer sat for John Harvey, until his later arrival.
Mike Cohen sat for Rich Hart, until his later arrival.

ADMINISTRATIVE:

1. Chair Comments

Rob Clemens stated that Wes Robertson has officially tendered his resignation from the ACC.

Rich Hart entered the meeting.

2. Minutes (7/29)

Bill Stoughton moved to approve the minutes from July 29, 2020, as amended [To alter Line 275 to read: "He also expressed concerns that one of the proposed cul de sacs crosses over into the wetland buffer area and comes close to the drainage way from Dream Lake out to Upham Road." Mike Cohen seconded.

Roll call: Lee Gilman – aye; Rob Clemens – aye; Frank Montesanto – aye; Jared Hardner – abstain; Bill Widmer – aye; Rich Hart – aye; and Bill Stoughton – aye. 6-0-1; motion carried.

John Harvey entered the meeting.

3. Treasurer's Report

Bill Widmer noted that there has been a \$129 charge for phosphite for invasive mitigation, and another \$400 charge for Lee Gilman for invasive mitigation. The balance for the invasive mitigation line is \$2,471. Bill Widmer stated that the rest of the actuals are affiliated with Kristan Patenaude's time.

In response to a question from Bill Widmer, Rob Clemens explained that Bill Wichman's family bequeathed \$3,000 to the ACC's gift account for the King Post bridge. Jared Hardner noted that this was voted on by the ACC about one year ago. Jared Hardner explained that a local contractor had agreed to do the work for this project but then became busy. He believes that it would make sense to reauthorize this expenditure once the contractor is ready.

Rob Clemens explained that Craig Fraley, Recreation Department Director, has received the invoice from Classic Signs for the sign at the entrance to Buck Meadow. The ACC needs to authorize a payment for half of this invoice, per the previous agreement. Bill Widmer stated that the ACC's portion of this invoice comes to \$2,172.

Frank Montesanto moved to authorize Bill Widmer to instruct the Town to withdraw the funds from the Conservation Fund. Lee Gilman seconded.

Bill Widmer noted that this expenditure had been authorized prior to an ACC vote. He cautioned that the vote should precede the expenditure.

September 9, 2020

APPROVED - AMENDED

Roll call: Lee Gilman – aye; Rob Clemens – aye; Frank Montesanto – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; and Bill Stoughton – aye.
Motion carried unanimously.

Rob Clemens explained that Craig Fraley has sold the golf carts that came with the Buck Meadow property for about \$18,000. The ACC will receive about \$12,000 of this money, an identical proportion of the money the ACC invested to purchase the property.

John Harvey moved to accept the Treasurer’s Report. Frank Montesanto seconded.
Roll call: Lee Gilman – aye; Rob Clemens – aye; Frank Montesanto – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; and Bill Stoughton – aye.
Motion carried unanimously.

4. Planning & Permitting

Bill Stoughton noted that he had nothing new to report from the Planning Board.

a. 22 Clark Ave – CUP Application

Tom Carr, Meridian Land Services, and Obadiah Dart, applicant, entered the meeting.

Tom Carr explained that he is presenting a redevelopment plan for 22 Clark Ave near Baboosic Lake for Obadiah Dart. He explained that the existing conditions include a house on the property that Obadiah Dart has owned for a number of years, a driveway, a concrete pad with an entryway, and another with a deck. There is gravel along the edge of the traveled way that has grown in with weeds. There is a lawn area and a septic system, which has become a cesspool; this is considered a failed septic system. He explained that there are multiple roof lines that drain down with no means currently to infiltrate the water.

Tom Carr explained that Obadiah Dart tried years ago to hook up the property to the Town septic system, but it was at max capacity and not accepting new hookups. Test pits have been placed in the driveway and lawn areas, and the property has been surveyed. He noted that there is road frontage for the property that goes to the Lake through the Town right of way. Other neighbors appear to be using this land openly, and the decks and fire pits there are existing conditions.

Tom Carr stated that he tried to fit a conventional septic system on the lot, but cannot fit a leach field in the space. Obadiah Dart has decided to redevelop the lot, as the existing house is non-compliant with electrical code, egress, etc.

The proposed house has living space, with a deck in front, an open-air carport with septic system underneath, and living space above the carport on a second floor. He stated that the property will have a one pitch roof, which will pitch away from the Lake. The roof will have gutters with downspouts that will pipe down to the driveway. There will be a stone trench that wraps around the house to collect all of the roof water and infiltrate it into the ground. A second gutter will also

September 9, 2020

APPROVED - AMENDED

run into another downspout, with a perforated pipe that runs into the ground and becomes contained within the stone trench.

Tom Carr stated that the septic system will have a pretreatment system. The proposed house will be slightly smaller than the current house, in order to fit into the rectangular footprint. He explained that the edge of the right of way that is currently a gravel surface will be removed, loamed and seeded with grass. This will make the area more friendly for infiltration and better at slowing down runoff. He stated that the drip line will be crushed stone with a drip edge. He stated that there is a note on the plan in which the owner acknowledges that lawn chemicals and deicing materials are contrary to this district and will not be used on site.

In response to a question from Jared Hardner, Tom Carr explained that a cesspool is automatically classified as a failed septic system because it leeches all of the solids out. Tom Carr is unsure how deep this cesspool is. The owner had it pumped in the past. The proposed septic system will be a vast improvement to the groundwater in this area. Obadiah Dart stated that he had the cesspool pumped once and it was approximately 600 gallons.

In response to a question from Rob Clemens, Tom Carr stated that the proposed septic system chambers will be located under the carport about 2' above the seasonal water table. After being pretreated the effluent will infiltrate into the subsurface.

In response to a question from Mike Cohen, Tom Carr stated that the effluent will infiltrate from the tank away from the Lake. The property's foundation is in between the septic system and the Lake.

In response to a question from Lee Gilman, Tom Carr stated that the drain rate has not yet been calculated for the proposed stone trench. Tom Carr explained that this type of trench has been used for houses in Amherst and Hollis and has percolation rates of up to 12 minutes per inch. He believes this system will be able to handle a 2" rainstorm. He stated that this type of system is standard for this type of soil.

John Harvey mentioned that he believes the Obadiah Dart/Meridian design proposed should be the model for future restorations along Baboosic Lake.

Rob Clemens stated that he agrees this is a significant upgrade to the existing conditions. However, if looking at this area with the houses packed together as they are, he is unsure the carrying capacity for the number of houses in this area. He stated it is unfortunate that there is not a cap on septic systems in this area.

Bill Stoughton noted that he limits his role at the ACC, in his capacity as representative to the Planning Board, and will not comment on the merits or form opinions of any application until it comes before the Planning Board.

September 9, 2020

APPROVED - AMENDED

In response to a question from Bill Stoughton, Tom Carr explained that the State does not take into consideration nitrate reduction as part of these applications. Tom Carr explained that the State does not take the position of saying that these are preferred systems by giving them any leniency.

In response to a question from Bill Stoughton, Tom Carr stated that the Shoreland Division will look at the infiltration trench in approving the Shoreland Water Protection Permit.

Bill Stoughton noted that there will be some nitrates from this property in the stormwater and wondered if there is a better alternative for treating it.

In response to a question from Rich Hart, Tom Carr stated that the proposed septic system will operate like a standard septic tank with chambers for pretreatment and pumping.

In response to a question from Rob Clemens, Tom Carr stated that he believes there are large boulders on the site but that it could also be bedrock. He does not believe that any blasting will be needed on site.

In response to a question from Rob Clemens, Tom Carr stated that this type of septic system has been used around Baboosic Lake before with success and that Scott Tenney, Building Inspector, is familiar with it.

In response to a question from Rob Clemens, Tom Carr stated that there is one encroachment on the property. In this spot the road runs on to Obadiah Dart's lot. This encroachment will stay as the owner has no issue with it.

Tom Carr stated that the State review process is underway and that this application will be heard by the Planning Board next week on Wednesday the 16th. Rob Clemens stated that the ACC will submit its comments to the Community Development Office prior to that meeting.

b. 24 Brook Road – Revised Conceptual Plan

Chad Branon, Fieldstone Land Consultants, and Ron DeCola, applicant, entered the meeting.

Chad Branon stated that John Walsh originally owned this property, but that Ron DeCola purchased it about a month ago. Chad Branon stated that the original plan went through the Conditional Use Permit (CUP) stage, through the Integrated Innovative Housing Ordinance (IIHO) for a 38 unit development. He noted that there is a Town property located directly in the center of this larger property. Chad Branon stated that the owner is taking a different approach in this proposed plan, striking a line along the natural divide of the property.

Chad Branon stated that the current proposal requests 25 units toward the front of the property. This proposal still looks to have a trailhead parking area. The intention is to sell back a portion of the property to the Town as conservation land. This proposed area is about 105 acres, as currently depicted. He noted that this leaves about 21.6 acres to develop, which will be pursued

September 9, 2020

APPROVED - AMENDED

through a planned residential development (PRD). He explained that there were a lot of concerns from the past plan, as noted by the ACC and Town residents. This plan looks to develop only the front of the property, which is believed to be more prudent and addresses some of the previous concerns.

In response to a question from Bill Widmer, Ron DeCola stated that, based on a 2007 proposal, the sales price value of 100 acres of this property could be about \$1,037,000.

Jared Harder stated that, in comparing this proposal to the previous Walsh design, the ACC was slated to get about 80% of what is currently being proposed as conservation land but at no cost. He questioned if the extra 20% of this proposed land offer at a higher cost makes sense for the ACC as stewards of the community's money.

Chad Branon explained that the original Walsh proposal requested 46 units in the CUP. The Planning Board cut back on the density of the proposed project. He noted that the plan ultimately would have been modified because the conservation easement was proposed as an attempt to increase density. This density was not going to be given by the Planning Board and so the plan would have been reexamined. The original proposal of the reduced 38 units would have had some requirements for an amount of conservation land, but it would be less than half of what is currently being proposed.

Rob Clemens explained that, the last the ACC left the approval for this property, there were 38 approved units with some availability of acreage for conservation land. He noted that it seems that the density on the smaller piece of land remains for this current proposal. The ACC still has interest in what the town will see in return for that density.

In response to a question from John Harvey, Ron DeCola stated that his flexibility regarding the type of sale of the conservation land comes down to the financial viability of the project.

In response to a question from Jared Hardner, Chad Branon explained that the topography of the area leaves one side of the lot on the other side of the wetlands from the proposed area to be developed. This will have to be crossed in order to access the community wellhead.

Jared Harder explained that the Town has many points of access to the conservation land on this property. He stated that an additional access point is not a huge bargaining chip for the ACC.

Chad Branon stated that this proposal proposes just over 105 acres of conservation land to be sold; the original easement property was approximately 80 acres. He explained that the original proposal considered creating larger lots on the property after the requested density bonuses were not granted, which may have reduced the amount of conservation area offered.

Chad Branon explained that a legal opinion of the project stated that it would still fall within IIHO review and under PRD review as well.

September 9, 2020

APPROVED - AMENDED

In response to a question from Ron DeCola, Rob Clemens stated that he believes this conceptual design looks like a truncated version of the first design. The ACC's comments after the original plan was presented dealt with wetland buffers, wetland protection, Joe English Brook, and access to the conservation land that sits in the middle of the property.

Chad Branon explained that this design looks similar to the original design in the front of the property, but it reduces the overall infrastructure, overall impacts, overall footprint, and is aware of where to place systems on the property. He explained that Joe English Brook is a sensitive area and that the owner hopes to maintain buffers and setbacks with this project.

In response to a comment from John Harvey, Chad Branon stated that the original variance for the proposed bridge over the Brook on this property is still valid as it was approved. This variance will need to be updated.

In response to a question from Rob Clemens, Chad Branon stated that he believes this application will be ready to go before the Planning Board within the next 30 days.

Rob Clemens stated that there is a large difference for the ACC in terms of an easement for this conservation land versus fee simple management.

John Harvey suggested that the ACC send information to the applicant regarding the tax benefit for landowners of forested parcels of land. Jared Hardner stated that this area has already been logged.

TOPICS

5. Social Media/Communications Plan

Chris Buchanan joined the meeting.

Mike Cohen stated that goal 7 in the ACC's Conservation Plan deals with social media. He has been considering better integration of the ACC's website with trails and the map systems. This could also be enhanced with a phone app. He explained that he spoke with Craig Fraley regarding the Recreation Dept. website, which is regularly used and has been enhanced. The Recreation website is a standard website built for Recreation Departments that costs around \$4,200 per year. He also spoke with the NHACC who suggested web sites for him to look at that are more contemporary, up to date, and user-friendly. He stated that he believes the ACC needs a website that is more user-friendly and easier to manipulate than their current website.

Chris Buchanan stated that he has been a web developer for the past 13 1/2 years. He showed the group an example of a useful website for Allegany County. He explained that the Town's website is currently managed through Civicplus and has limitations to the flexibility that groups have with their own web pages. He explained that one solution to this is creating a separate website for the ACC. One way to do this is for the ACC to create a website, design it, and maintain it itself. A second way would be to have someone build the site using various content management

September 9, 2020

APPROVED - AMENDED

systems and manage it. He explained that the site could also contain a newsletter that could be sent to interested parties. He explained that there are many features that can be included on websites that the ACC might find of interest, such as mapping tools like a live map. This map could have selected features and customized fields, and could be converted to a phone app.

Jared Hardner stated that current traffic to the ACC website is generally looking for information on trails in Town, which is hard to find on the site. He stated that Vick Bennison does a great job to keep the site updated with good information. He explained that the ACC already has a digital layer of all its trails that can be viewed on multiple platforms, such as Open Street Maps, and then picked up by other sites. He explained that UNH has a website called Trailfinder, and that the ACC decided not to update their information on this site, because it believed the information would then be available to user groups not located in Amherst. He stated that there is a trade-off between making the information available to out-of-town parties, while also serving the needs of the townspeople. He stated that this information could be made very easy to obtain on other platforms, if the ACC chooses to make it available.

John Harvey stated that looking at parties interested in trails in Town is only looking at 10% of this possible opportunity. He explained that this is an opportunity for the ACC to go beyond paper. He explained that web management design would give the ACC broad capabilities to do many things.

Rob Clemens stated that Rich Hart previously maintained a separate website for the ACC. He asked why this attempt did not work. Rich Hart stated that the separate website did work but the Town changed its website design to potentially allow groups easier control over their own web pages. John Harvey stated that the ACC could go way beyond what the town is capable of, with its own website.

Mike Cohen stated that it is important to think of a potential new website not only in regard to trails, but also for other important ACC information such as easements, forest management, etc. He stated that access to this type of information may get others interested in the ACC.

Bill Widmer stated that he concurs with Mike Cohen and John Harvey. He believes that the ACC's current website is clunky and dated. It needs a generational update.

Rob Clemens stated that the website does need to be updated, but there are budget limitations. The Recreation Department collects fees, which can be used to offset the cost of their website management. Bill Widmer suggested the cost could be paid for upfront using the Conservation Fund or Gift Account. The management costs could then be factored into the next budget cycle.

Jared Hardner stated that he 100% agrees that the ACC needs a better website. His earlier comments were merely to state that the trail layers are already in hand and that the ACC had earlier voted not to share them with certain websites.

September 9, 2020

APPROVED - AMENDED

Bill Stoughton stated that he agrees the ACC could benefit from a new website. He believes that there will be some fiscal cost and effort needed to provide the information to create a new website and then to keep it up to date. He explained that an out-of-date website is not a useful website.

Rob Clemens stated that the initial reaction of the group seems positive toward creating a new website for the ACC. He would like for a small group to get together to discuss the scale, who would create the website, who would maintain the website, and the cost to do so.

Frank Montesanto stated that he would like to make sure a new website is not just a dumping ground for a lot of ACC information that might not be important to many.

Jared Hardner stated that he would like the small group to come back with a defined audience and content for the site.

6. 2022 Operating Budget

Bill Widmer reviewed the 2022 operating budget with the Commission.

In response to a comment by Bill Widmer regarding Kristan Patenaude's pay rate, Rob Clemens stated that Peter Lyon had explained to him that the Town will take care of any necessary staff increases as a matter of course, and that the ACC should not take on that item.

Bill Widmer explained that the invasive mitigation actuals have averaged around \$3,300. Thus, this budget has \$2,022 for invasive mitigation and \$500 for treatment of invasive insects.

Lee Gilman stated that the ACC should pick important hemlock tree candidates around Town to treat that have important landscape functionality.

Bill Widmer stated that this budget proposal also looks to increase the Educational Outreach line by \$250.

The group discussed where the money for a potential new website should come from. Rob Clemens stated that he believes a new website should be flagged as a special initiative. He would like a one-time development cost and fleshed out budget to be available to be presented to the Board of Selectmen in October.

The group discussed Kristan Patenaude's budget and questioned if there was a way to break out the time that she spends on separate support duties. It was noted that this is difficult to do at the ACC level.

Rob Clemens moved to approve the proposed budget, with a notation to include a look at adding a special initiative line item for web development prior to October 12, 2020. John Harvey seconded.

September 9, 2020

APPROVED - AMENDED

**Roll call: Lee Gilman – aye; Rob Clemens – aye; Frank Montesanto – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; and Bill Stoughton – aye.
Motion carried unanimously.**

7. Tree Stand Policy

The group reviewed the draft Tree Stand Policy.

Frank Montesanto suggested that he does not believe users should include their name, address, and phone number on their tree stands, but that the ACC could keep a registration number on file instead.

John Harvey suggested that the New Hampshire State guidelines reference should be cited, and contact information for the ACC should be included in the document.

In response to a question from John Harvey, Jared Hardner stated that this policy could be posted in trail kiosks.

Rob Clemens stated that he will work with Peter Lyon on a final draft of this policy.

8. Other Business

Frank Montesanto stated that he has reached out to Lance Benjamin regarding trail access at Lindabury Orchard and has not yet heard anything back.

John Harvey addressed fall mowing with the group. He stated that the Ackley and Woolsey properties will not be mowed. He explained that the Boutelle property has not yet been voted to be mowed. He explained the pros and cons of mowing Joppa Hill this fall. He stated that if Joppa Hill is mowed this fall it is already funded and was mowed four years ago. If mowing of this property is postponed, the area consists of about 99% native grasses and wildflowers. The 1% of the area that is invasive species is controllable by clipping and smothering. He explained that the area is also going through an ownership change on the Bedford side, from the Bedford Land Trust to the Piscataquog Land Conservancy.

Jared Hardner moved to allocate \$260 to mow the Boutelle property from the Conservation Fund. Rob Clemens seconded.

Discussion:

In response to a question from Frank Montesanto, John Harvey stated that the Ackley and Woolsey properties that are not going to be mowed were included on the previous mowing quote.

Jared Hardner withdrew his previous motion.

Jared Hardner moved to approve the mowing of the Boutelle property out of the funds already approved. Frank Montesanto seconded.

September 9, 2020

APPROVED - AMENDED

Roll call: Lee Gilman – aye; Rob Clemens – aye; Frank Montesanto – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; and Bill Stoughton – aye. Motion carried unanimously.

Rob Clemens suggested that the Joppa Hill mowing be discussed with the Piscataquog Land Conservancy.

In response to a question from Rob Clemens regarding the postponement of mowing the south end of Sky Meadow, John Harvey stated that the UNH Extension recommends mowing patches of habitat; he is thus recommending delaying this mowing for one year. Rob Clemens stated that mowing this property is important this year due to how dry it has been, and that wetness has been an obstacle to mowing it in the past. John Harvey stated that he will see if the property can be mowed within the funds already allocated.

Lee Gilman stated that VCS has confirmed that it will do a Phase II spraying of Scotts Field this fall for \$2,376. He stated that VCS has also quoted \$2,970 for foliar spraying. There is currently \$2,471 in this account. Frank Montesano noted that VCS has also quoted \$1,200 for spraying in Lindabury Orchard for poison ivy.

Lee Gilman moved to expend an amount, not to exceed \$2,970. Frank Montesanto seconded.

Discussion:

The group discussed where the extra funds would come from for this mitigation.

Lee Gilman withdrew his previous motion.

Lee Gilman moved to allocate funds not to exceed \$2,471.00 towards foliar treatment in Scotts Field. John Harvey seconded.

Roll call: Lee Gilman – aye; Rob Clemens – aye; Frank Montesanto – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; and Bill Stoughton – aye. Motion carried unanimously.

Lee Gilman moved to allocate funds not to exceed \$7,950 for mowing at Caesar's Brook. Bill Stoughton seconded.

Roll call: Lee Gilman – aye; Rob Clemens – aye; Frank Montesanto – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; and Bill Stoughton – aye. Motion carried unanimously.

Bill Stoughton moved to adjourn the meeting at 10:22 PM. Frank Montesanto seconded.

Roll call: Lee Gilman – aye; Rob Clemens – aye; Frank Montesanto – aye; Jared Hardner – aye; John Harvey – aye; Rich Hart – aye; and Bill Stoughton – aye. Motion carried unanimously.

TOWN OF AMHERST
Conservation Commission

September 9, 2020

APPROVED - AMENDED

482

483

484 *Respectfully submitted,*

485 *Kristan Patenaude*

486

487 Minutes approved as amended: October 14, 2020

488

489

490