

TOWN OF AMHERST
Conservation Commission

September 23, 2020

APPROVED - Amended

1 In attendance via Zoom: Rob Clemens – Chair, Jared Hardner, John Harvey, Vick Bennison,
2 Frank Montesanto, Peter Lyon, Rich Hart [7:10pm] Mike Cohen (Alternate) and Bill Stoughton
3 (Alternate).

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

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6 Chairman Rob Clemens called the online meeting to order at 6:58 pm, with the following
7 statement. As Chair of the Amherst Conservation Commission, I find that due to the State of
8 Emergency declared by the Governor as a result of the COVID-19 pandemic and in
9 accordance with the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04,
10 as extended by various Executive Orders, this public body is authorized to meet
11 electronically.

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

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

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

17 We are utilizing Zoom for this electronic meeting.

18
19 All members of the Board have the ability to communicate contemporaneously during this
20 meeting through this platform, and the public has access to contemporaneously listen and, if
21 necessary, participate in this meeting through dialing the following phone #312-626-6799
22 and password 891 9641 0603, or by clicking on the following website address:
23 <https://zoom.us/j/89196410603> that was included in the public notice of this meeting.

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

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

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

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

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

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

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

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43 **Rob Clemens, Jared Hardner, John Harvey, Frank Montesanto, Vick Bennison, Bill**
44 **Stoughton, Mike Cohen, and Peter Lyon – all present and alone.**

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Bill Stoughton sat for Lee Gilman.

Mike Cohen sat for Rich Hart.

ADMINISTRATIVE:

1. Chair Comments

Rob Clemens stated that he's going to try to avoid lengthy meetings.

2. Minutes (9/9)

Bill Stoughton questioned the correct monetary amount for inventory control mitigation motion listed on Line 470.

Mike Cohen moved to accept the minutes of September 9, 2020, as amended. Vick Bennison seconded.

Discussion:

Bill Stoughton suggested postponing approval until the correct amount is known.

Mike Cohen withdrew his previous motion.

3. Treasurer's Report

The Board postponed discussing the Treasurer's Report until the next meeting.

4. Planning & Permitting

Bill Stoughton stated, in regard to Planning & Permitting items, that he limits his role at the ACC. He will not comment on the merits of, or form opinions on applications, until the applications come before the Planning Board.

a. Founder's Village Subdivision (Michachunk Development / Mike Foisie)

1) Follow-up discussion regarding trailhead parking and trail documentation within Open Space.

2) Request comment for planning board CUP application (to be heard on Oct 7th) for additional wetland buffer disturbance for increased stormwater management due to updated AoT permitting requirements – phases 3 & 4 Founder's Way.

Ken Clinton, Meridian Land Services, entered the meeting.

Ken Clinton explained that the Founder's Village Subdivision has been slowly being built since 2009.

Rich Hart entered the meeting.

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Ken Clinton stated that Phase I of the project is located off Amherst Street. Phase II came next, and then Phase III connects to North Street. Phase IV is the last phase of the project. Mike Foisie, of Michachunk Development, has lately been pursuing Phases III and IV. The Phase III infrastructure and permitting is based on the updated Alteration of Terrain (AoT) permit. The plans need to be updated based on trailhead parking and trail use. Based on the current documents, these are not allowed. There is also a pending Conditional Use Permit (CUP) based on impacts, per the new AoT process.

Ken Clinton explained that the current trailhead parking access is off North Street. There are five spaces worth of parking in that area. This parking area is constructed and in place now, which satisfies the Warrant Article requirement to formal discontinuance of North Street. He explained that the fact that the right for public trail use was not originally in the documents, was simply an oversight. This will be addressed in Phase III. This item and an expansion to include a trailhead parking area, outside of the right of way, will be collected in a trailhead parking easement. There will be an additional sentence relative to existing trails, such as one on North Street that extends up to the Old Skid Road trail, with a slight section of the Patch Hill Trail included. The trails and the easement will be included on plans sent to the Planning Board. Ken Clinton explained that there are no wetland buffer impacts as part of this. Lots 24 and 33 will have amended, expanded easements to the Town for future maintenance purposes. The amended subdivision plan, which will run concurrent with the amended CUP application, will introduce the proposed easements, and collect the AoT, additional easements, trailhead parking, and trail use.

In response to a question from Rob Clemens, Ken Clinton explained that North Street from Milford is technically a Class 6 road up to the Founder's Way intersection. This could then continue onto the greater Town trail system, but that isn't currently documented as an allowed use. It exists on the ground, but there is specific language that doesn't yet allow it. This is an oversight left to correct.

Ken Clinton stated that, in regard to the wetland CUP, as part of Phase IV, the AoT permit wanted two additional stormwater features that were not part of the original design. There are three lots on the north side of Founder's Way that shed drainage to the east and end up untreated in the wetland there. The stormwater will now be collected from the lots and brought across the road into a basin. From there it will be treated, infiltrated and, ultimately, released back into the wetland. The road design has not changed; this is simply to satisfy the current AoT requirements. These lots are still developable, but marginalized due to the stormwater basins.

In response to a question from Mike Cohen, Ken Clinton explained that the Town requirements are to design for a 25-year storm. The State's requirements are to design for a 50-year storm and create a system that could handle a 100-year storm. The State requirements also have updated stormwater rates. Per the current DES standards, the State is charged with looking into the future to make sure that the stormwater structure is designed to handle future mitigation needs.

In response to a question from Bill Stoughton, Ken Clinton explained that the intermittent stream starts where the road crossing is. It doesn't start until where the culvert ends. The transition of

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wetland buffers is there. Ken Clinton explained that the proposed locations for the stormwater mitigation systems were the only logical placed based on the topography.

In response to a question from Rob Clemens, Ken Clinton stated that the stormwater system is intended to collect the untreated runoff from the surface. Currently, this runoff simply passes into the wetland, now it will be treated. This system is to treat the development runoff, not the road runoff, and thus prevent degradation to the wetland.

Ken Clinton stated that the CUP for wetland buffers, and the second amended subdivision plan, with the collected trailhead parking and trail use agreements, should be going before the Planning Board on October 7th.

b. Prew Purchase PRD (Clearview Development)

Introduction to 49-unit PRD on Lots 7-72 & 5-159-1 which is expected to be heard by the Planning Board on Oct 7th (for IIHO CUP hearing).

Ken Clinton stated that this purchase involves Map Lot 5-159-1 on Boston Post Road, and Map Lot 7-72 off New Boston Road. The property totals approximately 75 area. Clearview Development, aka Ducal Development, purchased these two lots the Prue family and is pursuing a Planned Residential Development (PRD) under the Integrated Innovative Housing Ordinance (IIHO). It is believed that, due to the timing of this development, this application will be grandfathered in under the IIHO. The CUP will establish the number of units reasonable in the Planning Board's eyes on the property.

Ken Clinton explained that the plan set proposes 49 units in two clusters/villages. This is intended to be a multi-generational development. 18 units proposed off New Boston Road are intended to be for elders looking to downsize, while the rest of the 25 units off Boston Post Road are meant for younger families, with about 6 proposed to have attached dwelling units. There will be trails connecting the two areas. There are approximately 42 acres being proposed for open space, or about 53% of the property.

Ken Clinton explained that the proposed trail system has trailhead parking on New Boston Road, with trails that connect to the Day property and north to the Wilkins property. The Amherst Land Trust (ALT) is in discussions with landowners, abutters, and the Forest Society to create a trail network through this area.

Ken Clinton stated that the New Boston Road condominium area is proposed to have private roads, individual wells and septic systems. The Boston Post Road development is proposed to have shared wells and septic systems. He explained that he has received information that the groundwater resources in the area will not be adversely affected by the proposed wells. The open space has substantial buffers to the abutters. If the trail network is created, there could be a connection virtually from the Mont Vernon line into the Amherst Village. The final application will have one wetland crossing off Boston Post Road. The wetland impacts will be due to stormwater management.

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In response to a question from Rob Clemens, Ken Clinton stated that the original plan for the site was about 60 units. The proposed trail system and open space were presented as part of the density for the site through the IIHO. Ken Clinton stated that he believes the open space and access to it would be preserved through some easement or mechanism.

In response to a question from Frank Montesanto, Ken Clinton stated that the proposed trail has been discussed as being packed stone dust. Ken Clinton stated it would be nice if the trails could be improved for easier access.

In response to a question from Rob Clemens, Ken Clinton stated that the groundwater study was conducted during the current drought. The wells will be as deep as need be.

c. Theriault Subdivision - Request comment for planning board CUP application (to be heard on Oct 7th) for wetland buffer disturbance for a new residential lot to be created from Lot 2-170-37 Boston Post Road.

Ken Clinton stated that this is a pending application in the southeast corner in Town. One of the lots fronts on Boston Post Road; the other fronts on Aglipay Drive. The Theriault family, made up of two brothers, is proposing this lot line adjustment so that one of the brothers can create and built on a lot on Boston Post Road. There are about two acres of net area after looking at the buildable area on 3.2 gross acres. The building envelope of the site is not quite ideal.

Ken Clinton explained that he had spoken to the owners about logging some of the area to generate some revenue. They logged but, unbeknownst to Meridian, they also stumped and grubbed the area as well. There are multiple wetland buffers and the wetlands themselves, which carries a 100' buffer because it's in the aquifer. Meridian was ready to do a full build-out plan until hearing the news about the stumping and grubbing.

Ken Clinton stated that a single buffer line is needed, that is either the greater of 50' from wetlands or 100' from the edge of the brook. Some of the area will be restored, including a seed mix of New England erosion control, and shrubbery. He is requesting that a wetland buffer impacts for, either the greater of 50' from the wetlands or 100' from the edge of the brook, to the 100' buffer to the edge of wet be considered. He believes it would be reasonable to ask for buffer impacts to the top of slope because there is a distinct up-slope. However, given the circumstances, an amount of forgiveness needs to be asked for, and so the applicant is requesting to reestablish the wetland buffer in the orange zone, as shown on the plan.

Ken Clinton stated that there might be some area for drainage, if the driveway was within the transitional buffer zone. The stormwater runoff from residential development could then be collected in a swale, treated, and infiltrated there. There is no seasonal water table 10' down from the test pits on site.

The design will be made and submitted to both the ACC again and to the Planning Board, but he first wanted to show this to the Commission. He would like the consideration to utilize the

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transitional buffer zone, which is only present due to the aquifer zone overlay and reestablish the buffer as shown.

In response to a question from Rob Clemens, Ken Clinton stated that he thought he had properly explained the timber permit process to the applications, and that trees could be cut even in the wetland buffer, per best forestry management practices, but that there was to be no stumping and grubbing. This stumping and grubbing prematurely impacted the wetland. Ken Clinton does not believe this was done maliciously.

Rob Clemens stated that he appreciates the restoration offers. He did not previously visit the site to know what it looked like pre-stumping and grubbing. Ken Clinton explained that he does not have pictures from before this was done. Ken Clinton stated that he does not believe there will be a negative impact to the wetland, especially with the mitigation efforts proposed, and the fact that there is no seasonal high water table within 10' of the depth of the test pits.

In response to a question from Mike Cohen, Ken Clinton stated that there are approximately three locations proposed for a septic system on site.

Ken Clinton explained that the Commission is welcome to do a site visit.

TOPICS

5. 2022 Operating Budget

Rob Clemens explained that he believes the website development activity can be funded out of the gift account.

Vick Bennison moved to recommend the 2022 ACC budget to the Board of Selectman as presented. Frank Montesanto seconded.

Roll call: Vick Bennison – aye; Rob Clemens – aye; John Harvey – aye; Rich Hart – aye; Jared Hardner – aye; Frank Montesanto – aye; and Bill Stoughton – aye.

Motion carried unanimously.

6. Climate Change and ACC Conservation Plan

Mike Cohen suggested that the Commission look to work within the State and Town regulations to mitigate climate change. He believes the Commission could face mitigation for floods and high water, and hurricanes. He stated that a secondary implication could be that the population will begin to move inland and away from cities. The Commission working on climate control is consistent with its mission statement. He wondered if additional volunteers or citizen scientists could be sought for this item.

Rob Clemens explained that he, Vick Bennison, and John Harvey have been attending a Taking Action for Wildlife cohort class online. The UNH Extension has plans to discuss climate change being built into Conservation Commission activities. There will be a zoom call one week from Friday for the cohort class to continue discussions. He will invite Mike Cohen into this meeting.

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Jared Hardner cautioned if the ACC has the capacity to implement these strategies. The ACC is already, to the extent that it increases forested landscape, mitigating the effects of increased participation. Education and engagement are important, but the ACC may be outside of its ability to implement these items. Finding volunteers to help in these areas might be helpful.

Rob Clemens stated that some of the actions fall under the category of the Town's stormwater ordinance. There have been conversations with the Community Development Department and DPW regarding tweaking the ordinance to get with the current times. These are aspects of community engagement that the ACC is involved in.

Bill Stoughton stated that he believes the ACC should get help on this from the cohort and the UNH Extension. He is unsure if climate change should be a separate goal for the ACC or can be combined with some of the existing goals.

Mike Cohen stated that he decided to separate it out from the other goals because it is an overarching issue.

Rob Clemens suggested that Mike Cohen attend next Friday's meeting to see what takeaways there are. The group can also identify some individuals to work on this in a subcommittee.

Rich Hart stated that he would like the subcommittee to consider efforts to hold water into conservation land, or in wetlands for longer in hopes of recharging aquifers.

7. Tree Stand Policy

The group reviewed the draft Tree Stand Policy.

Vick Bennison moved to approve the policy as presented. Bill Stoughton seconded. Roll call: Vick Bennison – aye; Rob Clemens – aye; John Harvey – aye; Rich Hart - aye; Jared Hardner – aye; Frank Montesanto – aye; and Bill Stoughton – aye. Motion carried unanimously.

Jared Hardner suggested that no other tree stands be taken down by the Commission yet, unless they are safety hazards, as hunting season has just started. Rob Clemens stated that this will be communicated to the public.

8. Beckley Memorial

Rob Clemens explained that Bruce Beckley has passed away. In his obituary, Bruce Beckley suggested that charitable contributions be made to the ACC. The ACC has already received one donation from a former employer of Bruce Beckley's to this end. These donations will be placed into the gift account.

The group discussed a place for a memorial in Bruce Beckley's name. Grater Woods was mentioned as a possible location for a bench with a plaque. The Commission will discuss this further at a future meeting.

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9. Other Business

Rob Clemens stated that Craig Fraley, Recreation Dept Director, has proposed November 1, 2020, as a Fun Run at Buck Meadow. This is also to be used as an open house for the property. John Harvey stated that the meadow mowing is complete. It totaled \$1,040. He explained that he met with the Bedford Conservation Commission and the Piscataquog Land Conservancy to discuss the two Joppa Meadow fields. It was decided that the ACC will mow both of the properties, and the Bedford Conservation Commission will pay for half of the cost.

Jared Hardner stated that Jeff Mazur has received an estimate from Currier Lumber for lumber to build the proposed King Post Bridge in Joe English.

Jared Hardner moved to approve an amount, not to exceed \$1,850, from the gift account for the purchase of lumber and hardware to reconstruct the King Post Bridge in Joe English. Frank Montesanto seconded.

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

Jared Hardner moved to adjourn the meeting at 9:02 PM. Bill Stoughton seconded. Roll call: Vick Bennison – aye; Rob Clemens – aye; John Harvey – aye; Rich Hart - aye; Jared Hardner – aye; Frank Montesanto – aye; and Bill Stoughton – aye. Motion carried unanimously.

*Respectfully submitted,
Kristan Patenaude*

Minutes approved as amended: December 9, 2020