

TOWN OF AMHERST
Conservation Commission

December 23, 2020

APPROVED

1 In attendance via Zoom : Rob Clemens – Chair, Jared Hardner, John Harvey, Peter Lyon – BOS
2 Ex-Officio, Mike Cohen (Alternate), Bill Widmer (Alternate), and Bill Stoughton (Alternate).
3 Staff present: Kristan Patenaude – minute taker.
4

5 Chairman Rob Clemens called the online meeting to order at 7:02 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 841 4690 603, or by clicking on the following website address:
22 <https://zoom.us/j/8414690603> 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, Jared Hardner, John Harvey, Mike Cohen, Bill Stoughton, Bill Widmer,**
43 **and Peter Lyon – all present and alone.**
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Bill Stoughton sat for Rich Hart.
Mike Cohen sat for Lee Gilman.
Bill Widmer sat for Frank Montesanto.

ADMINISTRATIVE:

1. Chair Comments

Rob Clemens thanked the Commission for a productive work year.

2. Minutes (11/16, 12/9)

Bill Stoughton moved to accept the minutes of November 16, 2020, as presented.

Mike Cohen seconded.

Roll call: Rob Clemens – aye; Jared Hardner – abstain; John Harvey – aye; Bill Widmer – abstain; Bill Stoughton – aye; and Mike Cohen – abstain. 5-0-2; motion carried.

Bill Stoughton moved to accept the minutes of December 9, 2020, as amended [Line 193 to read, “...Dave Morley, the prospective buyer of Lot 7-51...”; Lines 93-94 to read, “Bill Stoughton stated that one of the main revisions includes that runoff from impervious surfaces be treated to remove 60% of total nitrogen and phosphorus, and 90% of sediment.”] John Harvey seconded.

Roll call: Rob Clemens – aye; Jared Hardner – abstain; John Harvey – aye; Bill Widmer – abstain; Bill Stoughton – aye; and Mike Cohen – abstain. 5-0-2; motion carried.

3. Treasurer’s Report

Bill Widmer noted that there are a couple of LUCT fund transactions that were recently approved by the Board of Selectmen and will soon be transferred into the ACC’s Land Account.

4. Planning & Permitting

Bill Stoughton explained that the Wetland CUP for Carlson Manor has been promised to be filed with the ACC, prior to its first meeting in 2021. The Planning Board will be looking for the Commission’s comments on this item. Of concern is the proposed stormwater temperature that will be running from the site into the nearby cold-water brook.

Bill Stoughton stated that the proposed stormwater regulations were adopted by the Planning Board at its last meeting. The regulations will soon be scheduled to be heard by the Board of Selectmen and Health Officer. He suspects that the new regulations will be enforced by the end of January.

Jared Hardner noted that the Master Plan Steering Committee survey was going to close to responses on the 20th, but it was decided to leave it open until January 15, 2021. In the responses seen so far, he explained that there seems to be strong support for the ACC’s work in Town.

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a. CUP Application – 21 Greenwood Road, Tom Carr, Meridian Land Services

Ed Rubela, owner, joined the Commission. He explained that he purchased Map 24, Lots 68 & 70, in 2018. The lots share a leach field and part of a driveway. Lot 68 currently has an existing house on it. Lot 70 needs work. He would like to be able to separate the lots in order to deal with any items individually. A wetlands permit has been submitted to the State, but no response has been received yet.

In response to a question from Jared Hardner, Ed Rubela explained that, while the footprint of the existing home may increase, neither lot will look to expand the number of bedrooms it can currently hold (Lot 68, 3 bedrooms; Lot 70, 2 bedrooms).

Tom Carr, Meridian Land Services, joined the Commission. He explained that the two lots currently share a septic system, but each has its own septic tank. The shared driveway splits to the two properties. Lot 70 will be back before the ACC and Planning Board in the future for additional improvements. He explained that the owner would like independence for the two lots so that they aren't married to each other.

Tom Carr explained that this CUP is to temporarily impact Lot 24-68, to relocate the existing well closer to the Lake, and to create a new leach field, separate from Lot 24-70. There will also be a permanent impact to creating a new, separate driveway for Lot 24-68. Lot 24-68 will not be developed further with respect to living space. There is currently no stormwater mitigation on site. As part of this proposal, there is a 2x2 stone infiltration trench proposed to be installed adjacent to the leach field. This will mitigate any of the runoff from the driveway. The proposed changes will impact the impervious areas on site through a slight reduction from the driveway, no change to the house, shed, or patio, and a slightly reduction from the retaining wall. The proposed impacts are brief and minor in comparison to the substantial improvements and modifications that will eventually be proposed for Lot 24-70.

In response to a question from Rob Clemens, Tom Carr stated that the Shoreland Protection Act Permit has been submitted to the State, but he hasn't yet heard back on it. Tom Carr explained that he usually sends a copy of the received Permit to the Town Clerk, but will also send a copy of this to the ACC.

In response to a question from Rob Clemens, Tom Carr explained that there is one small area of asphalt within the 100' watershed protection line that is proposed to be taken out and replanted, in order to bring the infiltration trench to the house. The old well on the property will also need to be abandoned and sealed, as per DES' well requirements.

In response to a question from Rob Clemens, Tom Carr stated that the new well on site will be within the buffer, and that this is a legitimate and legal thing to do. As the new well is not considered a structure, it can be located within the 50' buffer.

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In response to a question from Rob Clemens, Tom Carr explained that he suggested to the owner of both lots to create a shared leach field for the lots, instead of trying to construct a new leach field close to the Lake. It does not appear that Lot 68 ever had a separate driveway.

In response to a question from Rob Clemens, Tom Carr explained that, when submitting septic plans to DES, he had to prove that the lots existed as they currently do in terms of septic loading. Tom Carr explained that he was able to determine the bedroom count for the lots back to 1967.

In response to a question from Mike Cohen, Tom Carr explained that the new septic system for Lot 68 will be designed for three bedrooms. Lot 70's septic system is currently designed for five bedrooms. Approval will be needed to reduce this system to a two bedroom allowance. The system will remain in the ground as a five bedroom system, because there is no need to rip out a perfectly good system, but Lot 70 will legally be designed as a two bedroom system.

Bill Stoughton noted that, as a representative from the ACC to the Planning Board, he will limit his participation in this matter at the ACC level. He will not comment on the merits of or form opinions on the case until it goes to the Planning Board. He noted that new stormwater regulations will soon be enforced in Town. Lot 68 may be grandfathered into these regulations, but the owner may want to consider the new regulations' effects on Lot 70.

Rob Clemens thanked Ed Rubela and Tom Carr and stated that the ACC will submit its comments about this application to the Planning Board.

TOPICS

5. Property Monitoring Updates

Bill Stoughton noted that the ACC was able to monitor about 33% of its own properties this year. All of the LCHIP properties were monitored, as they must be each year. None of the conservation easements in Town were monitored, mostly due to trying to keep the focus on the ACC's properties.

Rob Clemens stated that the ACC monitored 100% of its easements last year.

In response to a question from Rob Clemens, Bill Stoughton explained that he believes it will be easier to find property boundaries when there's no snow cover on the ground.

The Commission agreed to prioritize properties so that monitoring can be resumed in the spring.

In response to a question from Bill Widmer, Rob Clemens explained that he hasn't yet asked the Town to deal with any discovered encroachments. Jared Hardner stated that the intention was to complete the monitoring first and then strategize how to approach any encroachments. Bill Widmer stated that he believes the ACC needs to bring enforcement of this forward assertively.

6. Other Business

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Rob Clemens explained that Frank Montesanto has an Eagle Scout proposal to reconstruct a bridge/pathway between the parking area and into Lindabury Orchard. This path was lost due to the reconstruction of Christian Hill Road. The ACC will hear this proposal at a future meeting.

Bill Stoughton explained that the Open Space Warrant Article was reviewed by the Ways & Means Committee. The Committee had an initial vote of 4-3 on the article. The dissenting votes were due to a variety of reasons: 1) the proposed warrant article is a want versus a need, 2) the proposed warrant article is essentially a blank check that doesn't allow taxpayers to anticipate the expected tax impact in any given year, 3) the proposed warrant article indicates that open space is an attractive feature to keep in Town but there is not enough data to support that idea.

Jared Hardner explained that the results seen so far in the Master Plan survey seem to place open space as one of the most desired elements in Town.

Bill Stoughton noted that the Board of Selectmen voted 5-0 to support the warrant article. There will be a public hearing on all of the proposed warrant articles on January 11, 2021. The Board and Ways & Means Committee will then take their final votes, which will appear on the ballot and in the Voter's Guide. He believes that the ACC should use the public hearing as an opportunity to address any concerns. If the Master Plan survey data is available, the ACC could also share it with the public, as it relates to open space, at that time. There are also a number of people in Town who strongly support the warrant article. He may suggest that they make their views known during this public hearing.

In response to a question from Mike Cohen, Bill Stoughton stated that he will pursue finding out why those Ways & Means Committee members who voted in favor of the warrant article did so.

Peter Lyon noted that the public hearing will be held on January 11, 2021. The Town's Deliberative Session will be held on February 3, 2021. The general Town election will be held on March 9, 2021.

In response to a question from Rob Clemens, Jared Hardner stated that there have been 1,200 response to the Master Plan survey so far. This is about 1/5 of eligible households in Town.

Bill Stoughton suggested that he, Rob Clemens, and Jared Hardner meet as a sub-committee to discuss a presentation for the public hearing.

Mike Cohen updated the group on the ACC webpage development process. He explained that Jared Hardner suggested using the skillset of his daughter, Taylor, for the website development. A draft of the webpage will be shown to the ACC during its January meeting. Many areas of the new site need to be filled in with existing or new data.

In response to a question from Bill Stoughton, Mike Cohen explained that he's already communicated to the original two bidders on the project that, if the project needs to be bid out again in the future, the proposal will be sent to them as well. Mike Cohen explained that the cost

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figure for Taylor's work hasn't yet been determined, but it will be less than the original bid proposal. If there are items outside of Taylor's technical means, there may be a request for additional funding.

Rob Clemens suggested that the ACC put the current authorization for bid proposal funds on hold, put the bid process on hold, and come back to the authorization, if needed, in the future.

Jared Hardner explained that there is currently an ongoing Girl Scout Gold Award project to create a video of the ACC's trail system. This video can then be added to the new ACC website. John Harvey noted that a recently completed drone video of the Buck Meadow habitat may also be available to add to the new website.

Rob Clemens explained that the discretionary easement proposal was brought in front of the Board of Selectmen at its last meeting. The Board decided that it wants to better understand the process for this type of easement before discussing it further. The Board also wants to hear about other towns that use this type of easement and the criteria that the ACC may use in recommending a discretionary easement to the Board. He noted that Selectman Dwight Brew looked at all of the properties in Amherst that could apply for a discretionary easement, and there would be a large tax impact to the Town, if all applied and were approved.

John Harvey explained that, if the Board were to allow the ACC to be part of the process in approving/denying discretionary easements, he believes the Town would be ahead in terms of open space, wildlife and ecological habitat, and there would not be much revenue loss. He does not believe there are many high-value properties that would qualify to receive one of these easements.

Rob Clemens stated that the ACC and Town Administrator Shankle will be working together to gather details and information on discretionary easements for the Board.

Jared Hardner noted that the King Post Bridge structure was carried onto the trail by volunteers. Next, it will need to be hoisted onto the abutments.

Rob Clemens noted that Will Ludt and the Heritage Commission are organizing a hike onto the New Boston Air Force Station on January 9, 2021.

The next ACC meeting will be on January 13, 2021.

Jared Hardner moved to adjourn the meeting at 8:30 PM. The meeting was adjourned.

*Respectfully submitted,
Kristan Patenaude*

Minutes approved: February 10, 2021