



Town of Amherst, NH

Conservation Commission

Draft Minutes

Barbara Landry Meeting Room

Wednesday, June 12, 2019

Conservation Commission members in attendance were: Chairman Rob Clemens, Jared Hardner, John Harvey, Vick Bennison, Lee Gilman, Bill Widmer (voting for Frank Montesanto), Bill Stoughton, Michael Cohen (voting for Rich Hart).

I. Call to Order

Chairman Clemens called the meeting to order at 7:00 PM.

II. Chair Comments

Chairman Clemens welcomed George Rollend to the meeting. Mr. Rollend recently completed the NH Coverts Project Workshop, learning about wildlife habitat, forest ecology, stewardship, and outreach. He hopes to help the Commission as needed.

III. Minutes (from 5/8)

A MOTION was made by Mr. Cohen and SECONDED by Mr. Widmer to accept the meeting minutes of May 8, 2019 as presented.

Voting: all aye; motion carried unanimously.

IV. Treasurer's Report

Mr. Widmer presented the Treasurer's Report. There is approximately \$7,900 left as a balance in the budget.

Mr. Cohen explained that he would like to encumber Ms. Patenaude's educational outreach/PR services for \$750, into the next fiscal year. There was some discussion.

A MOTION was made by Mr. Widmer and SECONDED by Mr. Harvey to encumber \$750.00 for itemized activities regarding a list of potential outreach projects for Kristan Patenaude at her standard invoice rate.

Voting: all aye; motion carried unanimously.

37 *A MOTION was made by Mr. Harvey and SECONDED by Mr. Clemens to authorize ACC*
38 *Treasurer Bill Widmer to develop and sign a contract on behalf of the ACC for previously*
39 *approved meadow maintenance services.*

40 *Voting: all aye; motion carried unanimously.*

41
42 *A MOTION was made by Mr. Harvey and SECONDED by Mr. Bennison to encumber an*
43 *amount, not to exceed \$3,000, to clear meadow margins to an identified contractor.*

44 *Voting: 6-1-0; motion carried (RC opposed).*

45
46 *A MOTION was made by Mr. Widmer and SECONDED by Mr. Gilman to reimburse Alan*
47 *Cort \$28.00 for his expenses to remove trash from the Patch Hill Trails during Town-wide*
48 *Clean Up Day.*

49 *Voting: all aye; motion carried unanimously.*

50
51 *A MOTION was made by Mr. Widmer and SECONDED by Mr. Cohen to allocate \$80.00 to*
52 *buy 10 reflective vests for future events, to be owned by the ACC.*

53 *Voting: all aye; motion carried unanimously.*

54
55 Mr. Widmer explained that, after some discussion, Enterprise Bank has increased the interest
56 rate for the ACC's accounts to 1.75%

57
58 *A MOTION was made by Mr. Hardner and SECONDED by Mr. Gilman to accept the*
59 *Treasurer's Report as presented.*

60 *Voting: all aye; motion carried unanimously.*

61
62 *A MOTION was made by Mr. Gilman and SECONDED by Mr. Bennison to approve a*
63 *contract for Vegetation Control's mowing and spraying of Scott Field, not to exceed \$3,860.*

64 *Voting: all aye; motion carried unanimously.*

65
66 *A MOTION was made by Mr. Hardner and SECONDED by Mr. Harvey to approve a*
67 *contract proposal from Charlie Koch for \$9,975.00 from the Conservation Fund to complete*
68 *writing the Forest Management Plan.*

69 *Voting: all aye; motion carried unanimously.*

70
71 *A MOTION was made by Mr. Hardner and SECONDED by Mr. Harvey to allocate up to*
72 *\$2,000.00 from the Gift Fund account for materials for the reconstruction of the King Post*
73 *Bridge in Joe English.*

74
75 The Commission discussed the design of the new bridge.

76
77 *Voting: all aye; motion carried unanimously.*

78 79 **V. Planning & Permits**

80 Mr. Stoughton explained that there was no new business brought before the Planning Board
81 at their last meeting. All items already reviewed by the ACC passed.

82
83 **VI. 20 Simeon Wilson Rd. – Proposed Land Swap – Eric Bazil**

84 Mr. Bazil stated that he purchased the property in 2007. When he went to obtain a planning
85 permit to build a deck in 2011/12, he was not able to get one due to encroachments on town
86 land. He was unaware of the encroachments until that point. He then approached the ACC
87 with a number of land swap proposals. He is hoping to give the town some of his
88 conservation land across the river from his main property, or to give a conservation easement
89 on the land across the river, in a swap for land adjacent to his main property that the town
90 currently owns. He would also consider purchasing the land from the town.

91
92 Mr. Bazil's lawyer, Chris Swiniarski, explained that he does not believe this land is part of a
93 charitable trust. It appears that the ACC owns this land. The parcel proposing to be swapped
94 has 500-600ft of riverfront conservation land, while the parcel Mr. Bazil is hoping to obtain
95 has not much in the way of conservation value. The ACC can either place a conservation
96 easement on the land across the river, in exchange for the deed to the small triangle of land
97 adjacent to Mr. Bazil's property. Mr. Bazil will then need to obtain a lot line adjustment from
98 the Planning Board. The other option would be for Mr. Bazil to give some of the land across
99 the river to the ACC, in exchange for the smaller adjacent triangle. This would result in a lot
100 less than 2 acres, and Mr. Bazil would then need to obtain a variance from the Zoning Board.

101
102 Chairman Clemens stated that the town owns the land adjacent to Mr. Bazil's property,
103 although the ACC manages and maintains it. He explained that the town is not receiving the
104 conservation benefits that it should from the piece of land currently being encroached on.
105 The Commission discussed setting a precedent for future encroachment issues.

106
107 Mr. Harvey stated that the land across the river is good, natural wildlife habitat and that this
108 property could be a toehold for future wildlife management purposes. Mr. Gilman agreed that
109 the waterfront buffer characteristic and the amount of acreage of the proposed land swap
110 makes it a good deal.

111
112 Mr. Stoughton reviewed a number of points of process for considering this swap. Most of the
113 points went in favor of the applicant.

114
115 *A MOTION was made by Mr. Hardner and SECONDED by Mr. Harvey to provide the*
116 *ACC's support to send Mr. Bazil's land swap proposal to be reviewed by town council.*
117 *Voting: all aye; motion carried unanimously.*

118
119 **VII. Trail Use Designation Criteria**

120 Mr. Hardner stated that he would like to propose some trail use criteria in order to make
121 decisions and then collect data on them. This would act as an amendment to the Trail
122 Standard. Establishing design criteria for the trails will make for well-designed trails, which
123 will make trails that are suitable for all uses. Trails possibly deemed for restricted usage will
124 be those that: are trails that do not yet comply with the Trail Standard and are thus unsafe for
125 multi-use; trails that are subject to heavy use; and trails where there are frequent trail user
126 conflicts.

He explained that the ACC will actively manage trail use design. Trails will either be fixed to conform to the Standard, or closed.

A MOTION was made by Mr. Hardner and SECONDED by Mr. Gilman to integrate the Trail Use Designation Criteria as an amendment to the Trail Standard.

Voting: all aye; motion carried unanimously.

VIII. Land and Easements Monitoring Update

Mr. Stoughton gave an update on the land and easement monitoring process. He asked that each Commissioner sign up to monitor 3 properties.

IX. Grasslands Workshop Post Mortem

Mr. Harvey explained that there was public outreach conducted prior to the workshop. There were 11 participants in the birding identification and grasslands informational workshop. His steps following the event are to revise the Grasslands Plan to make it a Non-Forested Habitat Management Plan.

X. Public Education and Outreach Plan Update

The Commission discussed that they would like to review the Public Education and Outreach Plan quarterly.

XI. Fourth of July Preparation

Mr. Cohen stated that he would like for the ACC to present a message of consistency. The Commission agreed that everything they want to say to the town should be in the Conservation Plan (7 sections).

XII. Round Table

The group discussed a number of downed trees in the Souhegan River that seem to be making it difficult for users to pass through. The Commission agreed that the watershed association will be able to handle this issue.

XIII. Non-Public Session (pursuant to NH RSA 91-A:3 II [1])

A MOTION was made by Chairman Clemens and SECONDED by Mr. Hardner to enter a non-public session pursuant to NH RSA 91-A:3 II [1] for the purposes of discussion potential property acquisitions.

Voting:

Commissioner Harvey: Aye

Commissioner Bennison: Aye

Commissioner Hardner: Aye

Chairman Clemens: Aye

Commissioner Gilman: Aye

Commissioner Cohen: Aye

Whereupon at 9:41pm, the Commission entered into Non-Public Session.

At 10:05 pm, the Commission left the Non-public session and returned to Public Session.

Upon the suggestion that public release of the minutes of the Nonpublic Session just concluded would render the Commission's actions in such session ineffective, MOTION was made by Mr. Hardner and SECONDED by Mr. Harvey to seal the minutes of the Nonpublic Session for a period of 90 days, subject to further extension.

Voting:

Commissioner Harvey: Aye

Commissioner Bennison: Aye

Commissioner Hardner: Aye

Chairman Clemens: Aye

Commissioner Gilman: Aye

Commissioner Cohen: Aye

There being affirmative votes in excess of the 2/3 required, Motion carried.

XIV. Adjourn

A MOTION was made by Mr. Bennison and SECONDED by Mr. Harvey to adjourn the meeting at 10:07 pm.

Voting: all aye; motion carried unanimously.

*Respectfully submitted,
Kristan Patenaude*