

TOWN OF AMHERST
Conservation Commission

August 14, 2019

APPROVED

In attendance: Rob Clemens - Chair, Jared Hardner – Vice-Chair, Vick Bennison, Lee Gilman, Rich Hart, Bill Stoughton (alternate), Bill Widmer – Treasurer, and Mike Cohen (alternate).
Staff present: Kristan Patenaude – minute taker

Rob Clemens called the meeting to order at 6:59 pm.

ADMINISTRATIVE:

1. Chair Comments

Rob Clemens explained that the County Forester, Ethen Belair, will be taking a teaching position. They thanked him for his help and look forward to hearing about his replacement. He also thanked the ACC members and the Board of Selectmen for the Grater lot approval that occurred on Monday evening.

2. Minutes (from 7/10)

Jared Hardner moved to approve the meeting minutes as edited by Bill Stoughton [to include the name of the abstaining vote on line 23]. Lee Gilman seconded. All in favor.

3. Treasurer's Report

Bill Widmer presented his Treasurer's Report.

Rob Clemens moved to expend a not to exceed amount of \$950.00 for mowing assignments, as detailed, from the Conservation Fund. Jared Hardner seconded. All in favor.

4. Girl Scout Project Proposal – Trail Video [the Commission took up this item at this time]

Rachel Masur, student at Souhegan High School, presented her proposal for her Gold Award project to the Commission. She would like to create an informational video for high school students to inform them about the local trails and the importance of trail conservation. She is hoping to help her peers get back outside. During the upcoming school year she will gather information and get feedback from her peers. She will then begin to create the video next summer.

Rob Clemens explained that the ACC has included improving public education and outreach on their strategic plan, so this fits in nicely with that idea.

Rich Hart suggested that Ms. Masur send her completed video to the Amherst TV channel for them to run from time-to-time.

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Jared Hardner explained that this is a great opportunity for Ms. Masur to help the ACC communicate to her peer group. He would like for her to find out what is interesting to them about the outdoors and trails, and use that to reignite their interest.

Mike Cohen stated that he would like to build on this idea. He would like to explore how to engage this age to understand the resource that's available to them in this community.

Ms. Masur stated that she is hoping to finish the project by August 30, 2020.

5. Planning & Permits

Rich Hart stated that, at their last meeting, the Planning Board heard a discussion regarding a possible development on Boston Post Road and New Boston Road. This development could contain trails that will lead to access onto the trails on the Wilkins land, and possibly down almost to Wilkins School.

a. CUP Application – Jacobson Farm Agrihood

Rob Clemens explained that the proposed agrihood on Christian Hill Road will have the first step in its approval process with a Conditional Use Permit application being heard by the Planning Board on September 4th.

Bill Stoughton stated that he has concerns regarding the water quality of the Great Meadow and open space in regards to the proposed agrihood. He explained that the proposed development will abut the Great Meadow, which features surface water that drains through Beaver Brook, to the Souhegan River and into the Merrimack River. The water quality in this area is important for drinking water and recreation. There is also a highly transmissive groundwater aquifer under the Great Meadow. Anything that enters into the system there will travel quickly and far. There is a possible risk of introducing nitrogen, phosphorus, and bacteria due to the proposed agriculture in this development. He is recommending that the ACC propose specific comments and ask the Planning Board to recommend specific things from the applicant:

Given that:

1. The proposed project includes residential uses and other development in close proximity to the Great Meadow, which poses the risk of adverse stormwater and groundwater quality changes; and,
2. The proposed project contemplates animal and crop agriculture activities in close proximity to the Great Meadow, which poses the risk of nitrogen, phosphate, e. coli and other adverse changes to surface and groundwater; and,
3. The Great Meadow is a surface water resource that drains to Beaver Brook, the Souhegan River, and the Merrimack River, which are used by downstream communities for recreation and as a source of drinking water; and,
4. The proposed project abuts a highly transmissive aquifer region, which means that any groundwater contamination caused by the project and reaching the aquifer may easily and quickly spread through groundwater;

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Recommend that the Planning Board exercise its discretion to require the following as conditions for granting any density bonus under the Integrated Innovative Housing Ordinance:

1. Approval is conditioned on the Applicant proposing for Planning Board approval, and constructing, water quality control provisions that satisfactorily address the risks identified above in addition to any such controls already required.
2. That surface and ground water quality be tested periodically before, during, and after completion of construction activities and for a period of three years after the later of final residential occupancy on the north side of Christian Hill Road or the commencement of the contemplated animal and crop agricultural activities on the north side of Christian Hill Road.
3. That the Applicant meet water quality limits established by the Planning Board (working with the ACC), and take corrective action if necessary.

Rich Hart added that the ACC might also recommended that a certified wetlands scientist be hired to examine the wetlands interface there. He also suggested that the tree buffer near the meadow is not as effective as a wet meadow might be, and that the applicant could seek to return the area to that type of habitat.

Bill Stoughton also expressed his recommendations for the open space comments:

The Applicant seeks a density bonus for “open space under restrictive covenant.”

The town zoning ordinance defines “open space under restrictive covenant” as “Conservation/agricultural Land, ‘unimproved’ open space. May be under easement/deed restriction to third party or Town.”

Recommend that the Planning Board exercise its discretion to require the following as conditions for granting any density bonus for “open space under restrictive covenant”:

1. That the open space designated for this bonus be sited so as to connect to existing town-owned conserved lots 5-107-5 (Wilson Lot), 5-87 (Yankee Homes Lot), and 5-89 (Rough Diamond Lot).
2. That public access be permitted to the open space designated for this bonus.
3. That the open space designated for this bonus be protected as conservation land by conservation deed or easement to the Town.

Public Comment:

A member of the public, expressed his concern regarding the town’s MS-4 stormwater permit and this development making it harder for the town to comply with it, and the possibility of introducing nitrogen, phosphorus, and bacteria into the water system there.

In response to a question from Dean Collura, 32 Christian Hill Road, Rob Clemens explained that during the application process there will be a survey conducted to see if there are any endangered species in the area.

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Rob Clemens explained that the Community Development Office is responsible for the MS-4 permit in town. If there are concerns regarding it, in relationship to this application, it would be best to submit comments directly to that Office.

Daniel Muller, of Cronin, Bisson, & Zalinsky, stated that is he representing some of the abutters in this case. In response to a question from him, Rob Clemens explained that the ACC has no regulatory authorization per the state of New Hampshire. The ACC can advise the Planning Board of their concerns regarding a development and recommend implementations. Also, if there are any trails created in the development that happen to become managed by the ACC, they will follow the trail standard that the ACC uses and will be open to hikers, bikers, and skiers. Horse use has never been precluded from the trails, but no motor vehicles are allowed.

In response to a question from Tom Quinn, 30 Christian Hill Road, Rob Clemens explained that if the Planning Board approves the development, then a stormwater drainage plan will be created and it will be up to the town to enforce it. Any traffic studies will also be done through the Planning Board.

Jim Hendrix, 44 Christian Hill Road, stated that he met with Carter Scott, of TransFormations, and walked the land with him. He was concerned with Mr. Scott's vagueness on how any trails on the development will be managed, through easements or covenants, etc. He asked the ACC to push the Planning Board to pin down those ideas.

Kelly Mullin, 48 Christian Hill Road, expressed concerns over the number of developments being suggested in town all at the same time. She believes this development and the possible development on Boston Post Road will have a large impact to the Village.

6. Easement Monitoring Program

Bill Stoughton gave an update on the ACC's monitoring program. He explained that all of the ACC's LCHIP properties have been reported on. Approximately 75% of the town's easements have been completed. The subcommittee for encroachments met for the first time. In most encroachment cases the owner will be contacted and discussions will take place in hopes of solving the issue. If the issue is not easily solvable, it will be up to the town to determine how to best move forward.

Bill Widmer stated that he would like for the town to have a standard policy on how to deal with encroachments. If an encroachment is identified, the town shouldn't struggle with what to do on a case-by-case basis, but instead follow a standard operating practice.

Frank Montesanto entered the meeting.

Bill Stoughton agreed but also pointed out that each encroachment is an opportunity to engage the owners and explain the ACC and its work to them. Every contact he has had so far in this process has been favorable and cooperative. Many times there will not need to be a formalized process.

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Town Administrator Shankle explained that the Board of Selectmen is moving carefully on this item, as it does not want to set a precedent. After the first steps when dealing with an encroachment, things will be very idiosyncratic. These items are not easy from an ethical, political point of view.

Rob Clemens explained that some encroachment issues will need to be elevated past the ACC, as it is not within their realm to mitigate some items. The ACC will continue to send in recommendations to the Board of Selectmen, if an issue is elevated to them.

Bill Widmer moved to request that the Board of Selectmen and Town Administrator develop a policy for dealing with significant encroachments. Jared Hardner seconded.

Bill Stoughton suggested waiting for this motion until an encroachment becomes an issue under these circumstances. Bill Widmer explained that he has seen a lack of response on the town's part over the years and would like to see an orderly process put in place.

Rob Clemens stated that this is a new environment for the ACC to be getting involved in, and that the Board of Selectmen and Town Administrator are both interested and responsible. He doesn't have any reason to believe they can't handle these encroachment issues.

Vick Bennison moved to table Bill Widmer's previous motion. Frank Montesanto seconded.

5-1-1; motion carried [J. Hardner abstained, B. Widmer voted against]

7. Amherst Old Home Day

Mike Cohen explained that Amherst's Old Home Day will be held on September 7th from 10-2:30pm. The ACC members agreed to host a tree identification activity (Lee Gilman), an animal map activity (Rob Clemens), an ACC booth, similar to the 4th of July (Frank Montesanto and Vick Bennison), and a guided historical/conservation hike around P MEC (Jared Hardner and Will Ludt, Heritage Commission).

8. Trail Development and Use

Jared Hardner explained that there is a slight delay in finishing the final design for the layout of the Highland Trail. He also stated that there have been 3 recent successful teen adventure camp outings at P MEC, during which some trail work took place.

a. Trail Brochure Update

Mike Cohen and Kristan Patenaude presented the ACC with a draft version of a new trail brochure. This brochure will be larger than the last one and will contain clearer and larger maps, thanks to NRPC. The plan is to have some of these new brochures available to hand out at Old Home Day.

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Mike Cohen moved to approve up to \$800.00 for product development and printing of 500 new trail brochures. Vick Bennison seconded.

All in favor.

The group discussed looking into the layout and building of the new Corn Crib trail in early September.

The group discussed the possibility of mowing Bragdon, as it has been 3 years since it was last mowed. The mowing costs for it were included in the motion made earlier in the meeting for mowing properties.

9. Round Table

Mike Cohen asked the group to fill out a form regarding education and outreach completed. He will be presenting on the topic in October.

Bill Widmer stated that he has been clearing brush from the stairs at Wilkins School.

Frank Montesanto explained that this year's Cider Fest will be held on September 28th.

The group talked briefly regarding their use of DropBox. There will be a separate meeting to discuss further.

Rob Clemens stated that the group will hold their August 28th meeting to have a presentation from a Fieldstone Consultant regarding the proposed 24 Brook Road development. He also explained that the Staples have decided to put their Spring Road property on the market, after hearing from the ACC regarding the appraisal price.

The group agreed to discuss further what role the ACC should play in deciding what sort of programing the Recreation Department holds at PMEC.

Vick Bennison moved to adjourn the meeting at 9:51 pm. Lee Gilman seconded.
All in favor.

Respectfully submitted,
Kristan Patenaude

Minutes approved, as amended August 28, 2019