

TOWN OF AMHERST  
Conservation Commission

January 8, 2020

**APPROVED-AMENDED**

In attendance: Rob Clemens - Chair, Jared Hardner – Vice Chair, John Harvey, Rich Hart, Vick Bennison, Peter Lyon – BOS Ex-Officio, Bill Stoughton (alternate), and Mike Cohen (alternate).  
Staff present: Kristan Patenaude – minute taker.

Rob Clemens called the meeting to order at 7:01 pm.

**ADMINISTRATIVE:**

**1. Chair Comments**

Rob Clemens mentioned that he will be out of the country until March 5<sup>th</sup> and will be asking other Commissioners for their help while he's away.

**2. Minutes (from 12/11)**

**Vick Bennison moved to approve the meeting minutes from December 11, 2019 as presented. John Harvey seconded.  
All in favor.**

**3. Treasurer's Report**

The Commission reviewed the Treasurer's Report.

Rob Clemens stated that there is \$9,751 left in the regular budget for this year. There is approximately \$569,000 in the land account, as of November 30<sup>th</sup>. There is also approximately \$17,000 left in the gift account. He suggested that the Commission wait on approving the treasurer's report until the financial statements can be reviewed in February.

Jared Hardner explained, after purchasing a water depth sampler, one was actually found in the DPW attic. The original sampler will be returned and he would like to reallocate the funds originally set aside for it.

**Jared Hardner moved to reallocate \$106.33 from the Water Crossing Repair and Maintenance line item to purchase more trail signs. John Harvey seconded.**

The Commission discussed and agreed that the funds for the trail signs should be authorized out of the appropriate account and that the previously allocated funds should be reimbursed as the Treasurer sees fit.

*Frank Montesanto entered but did not participate in this vote.*

**Voting: 1-5-0 (J. Harvey in favor)**

**John Harvey moved to allocate up to \$250.00 for the purchase of 11 trail signs from the Water Crossing Repair and Maintenance line item. Frank Montesanto seconded.  
All in favor.**

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Rob Clemens explained that the Commission agreed to pay the closing costs for the Dodge Road LLC land donation,

**Rob Clemens moved to expend \$3,314.65 for closing costs from the donation of approximately 11.5 acres of land from Dodge Road LLC from the Conservation Fund. John Harvey seconded. All in favor.**

#### **4. Planning & Permits**

Rich Hart explained that the Planning Board has had no meetings in nearly a month. There will be a very full agenda at their meeting next week. There have been a couple of citizen warrant articles submitted to change/remove the Integrated Innovative Housing Ordinance (IIHO). He believes that if the IIHO is removed it will leave developers with two options: 1) to use the existing 2, 3, 5 acre zoning, 2) to use the state RSA for workforce housing. He explained that the elimination of the IIHO will limit the ACC's ability to get conservation land in exchange for housing density.

Peter Lyon explained that there is also a petition warrant article for the Planning Board to be elected.

In response to a question from Rob Clemens, Peter Lyon explained that the ACC could comment on the undesirable impact of removing the IIHO on open space on social media, in the newspaper, or during their meetings.

In response to a question from Mike Cohen, Peter Lyon explained that, if the warrant article to elect Planning Board members passes, it might have an indirect impact on the Master Plan process.

In response to a question from Frank Montesanto, Rob Clemens stated that the Brook Road proposal, if it proceeds according to plan, will afford the ACC/town access to quite a bit of open space. There was also open space mentioned as part of the Carlson Manor proposal. There is not a long track record of this historically though.

#### **LaBelle's Farmhouse Marketplace Project on Lot 8-52 – Ken Clinton, Meridian Land Services**

Ken Clinton, of Meridian Land Services, explained that he came before the ACC last month regarding the LaBelle Farmhouse Marketplace Project proposal. At the last meeting the group gave their general approval of a possible 25 acre easement as part of this project. He discussed the process of the applications regarding this project and the ACC's role in each.

Ken Clinton explained that this proposal is for a multi-use project including a tavern, marketplace, event space, distillery, and the restoration of the existing farmhouse to become a cottage for bridal parties to stay at on the property. There is a requirement from the Department

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of Transportation that the main access point for the Marketplace be placed directly across from the current LaBelle Winery access point. This is directly in line with a wetland on the property, which was a borrow pit from the 1950s. The first wetland area impacted on the property is about 10,837ft<sup>2</sup>.

In response to a question from Rob Clemens, Ken Clinton stated that there will be a new well on-site and that water usage will not be as much as one might think.

Ken Clinton explained that a second wetland impact is associated with the culvert that crosses Route 101. This is a seasonally saturated wetland, with no standing water. It does have high sediment trapping.

In response to a question from Jared Hardner, Ken Clinton stated that water basins and swales will make up for any loss of water management function from these impacted wetlands.

In response to a question from Rich Hart, Ken Clinton explained that this second impacted wetland area was not necessarily manmade; it was there prior to the roads being constructed. The borrow pits in the other impacted location were manmade. There is been no standing water seen in either area.

Ken Clinton explained that the second impacted area may be scaled back and only halfway impacted. There is a third wetland that is higher in function and value on the property that they are trying to stay away from. Thus there may be more of an impact on the second area in order to save the third area. DES tends to value any wetland impact over a buffer impact, which could push the impact further into the third wetland area.

In response to a question from Bill Stoughton, Ken Clinton explained that there are buffers of different sizes due to the adjacent use and wildlife transition zones.

Bill Stoughton stated that the proposal appears to address the state water mitigation issue by doing as well or better than the current buffers. He has a remaining concern regarding the impact to the flora and fauna there.

Ken Clinton explained that there will be a small impact compared to the overall land of this property. When the land was sold to the town in the 1980's, there were five parcels; three of which were conveyed to the town and two of which were kept to sell to developers. The most developable land was actually conveyed to the town and the more difficult parcels ended up being kept for possible development. Of the 45 acres that were left, about 5.5 acres of them are developable.

In response to a question from Rob Clemens, Ken Clinton explained that the second impacted wetland area is currently a basin, but they may rework this for the future.

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In response to a question from Mike Cohen, Ken Clinton explained that, in regards to this plan and future climate change, the town has a 10 year storm event plan that this will have to be proved for. The Planning Board sets the standard for the amount of stringency that proposals need to be proven for.

In response to a question from Rob Clemens, Ken Clinton explained that if the Planning Board is able to discuss this application next week there will hopefully be a site walk date decided on.

Ken Clinton asked the ACC for their suggestions on a boundary marker for the easement. This will need to be marked for DES compliance. Markers will be placed on the closest tree just inside the limit of the easement and at visible intervals.

In response to a question from Bill Stoughton, Ken Clinton explained that the first wetland impacted does not have a buffer due to a clause in the ordinance for manmade wetlands. He will be back before the ACC to present buffer impacts, but will not present one for that wetland because the town's regulations don't require it.

Bill Stoughton stated that some of the overall benefits to the town from this project would be employment opportunities, a benefit to the tax-base, the fact that this project does not impact residential areas, and the potential land easement to the town.

Jared Hardner added that the compensatory mitigation exceeds the town regulations, which is also a benefit.

In response to a question from Frank Montesanto, Ken Clinton explained that animal species in the impacted areas should migrate to other areas on the property.

Ken Clinton explained that the ACC can submit any comments or questions regarding this portion of the project to DES now for the wetland permit process.

Rob Clemens stated that Jared Hardner and Bill Stoughton will be focusing on gathering the comments to submit to DES.

#### **Jacobson Farm CUP Re-Submittal**

Rob Clemens explained that the Jacobson Farm project has a revised CUP (Conditional Use Permit) that will be reviewed at a design level next week at the Planning Board meeting. The changes to the application are the removal of the four proposed tiny houses and the shifting of some other units. The Planning Board will be deciding whether to rehear the original application as well.

Ken Clinton stated that the developer is filing this design review due to the petition warrant articles posted. The changes proposed will improve open space on the property, as well as wildlife corridor connectivity. He explained that this design review will be informal and non-

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binding. If this proposal moves forward there will be a formal CUP hearing with another chance for substantive comments.

Bill Stoughton commented that the Planning Board doesn't seem to find the ACC's comments on these CUP proposals necessary. He suggested the ACC take the position that if a proposal is looking for higher density housing, which then creates wetland buffer impacts, this is not in the benefit of the town. There is an economic incentive to develop the maximum number of units on the property, but this increased density of units is not a right; it is only at the discretion of the Planning Board. Each density bonus must be determined to be in the best interest of the town, but a downside for these increases could be impacts to wetlands and wetland buffers, and this is not in the best interest of the town. He believes it is fairer to developers and land owners to give the ACC's position on this off the bat. He explained that there will be times when reasonable development may impact wetland buffers, and that the ACC can advise on those projects as well.

Rob Clemens suggested that the ACC amend its comments to the Community Development Office to say that, in the ACC's opinion, density bonuses should not be provided in circumstances where town resources, such as wetlands, are impacted, without the ability to evaluate the significance of the impact.

The group discussed their generally positive comments towards the LaBelle Farmhouse Marketplace Project that can be submitted to DES.

#### **Carlson Manor – Non-Residential Site Plan Review**

Rob Clemens explained that the Carlson Manor project was presented to the ACC back on August 28, 2019, specific to wetlands restoration activity. The CUP for this project was approved a while ago, and the proposal will go back in front of the Planning Board next week for a detailed site review.

Rich Hart echoed his previous comments regarding the proposal that the streams on the property that feed into Beaver Brook should be kept shaded and cooled.

#### **TOPICS:**

##### **5. Property and Easement Monitoring Update**

Bill Stoughton stated that the ACC finished monitoring all of its easements and LCHIP properties by the end of the year. It has also completed monitoring 30% of its other properties. These will be done in a three year cycle. The group will need to start over on its easement monitoring each year. There are still a few significant encroachments remaining on some of the properties, including: Gault Lot, Sherburne Lot, and Upper Bragdon well use.

He explained that the ACC's plans for 2020 should be to repeat the monitoring for the easement and LCHIP properties and to continue monitoring on the next 1/3 owned properties. The group should also continue to resolve encroachment situations.

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**6. Wildlife Habitat Management**

John Harvey explained that he is currently in the process of rewriting the Wildlife Plan. He presented the group with a tutorial on wildlife habitat management. The emphasis on management should be to increase native biodiversity, discover biodiversity, and encourage private landowner participation. Examples of management actions are tailoring the land, creating sanctuaries, making patch cuts, farming, and outreach.

The Commissioners discussed the capacity of the group and its ability to cover all items with time and resources.

Bill Stoughton requested examples of places where this type of management was done and the diversity of species was evidenced to increase.

Jared Hardner cautioned that science isn't always directly transferrable everywhere, and thus the same results may not be seen in this area.

**7. Other Business**

Rob Clemens stated that the Eagle Scout trail proposal on the Schweiker Easement, sponsored by the Amherst Land Trust, has been built and blazed to the ACC's standard. The Laurel Haven Trail runs from Hillside Ave. out to a view of Baboosic Lake and down to Baboosic Lake Road.

In response to a question from Rob Clemens, Jared Hardner stated that NRPC's policy is to not show trails on private land. It is best to put the trail on Open Street Maps.

Rich Hart stated that he's had discussions with Matt Tarr, UNH Extension, regarding a vernal pools workshop. The group agreed to discuss this further in conjunction with the Recreation Department/Peabody Mill Environmental Center.

John Harvey explained that he met with DPW Director, Eric Hahn, regarding yards of leftover lightweight asphalt mixture. If useable, the material could be repurposed for trailhead parking lots.

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

**Rob Clemens moved to enter a Non-Public Session, pursuant to NH RSA 91-A:3 II [1], for the purposes of discussing potential property acquisitions. Jared Hardner seconded.**

**By roll call vote:**

**Frank Montesanto: Aye; Vick Bennison: Aye; John Harvey: Aye; Jared Hardner: Aye; Rob Clemens: Aye; Rich Hart: Aye**

Whereupon at 10:49pm, the Commission entered into Non-Public Session.

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At 11:17pm, the Commission left the Non-public session and returned to Public Session.

**Upon the suggestion that public release of the minutes of the Non-public Session just concluded would render the Commission's actions in such session ineffective, Rob Clemens moved to seal the minutes of the Non-public Session for a period of 6 months, subject to further extension. Vick Bennison seconded.**

**By roll call vote:**

**Frank Montesanto: Aye; Vick Bennison: Aye; John Harvey: Aye; Jared Hardner: Aye; Rob Clemens: Aye; Rich Hart: Aye**

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

**The meeting was adjourned at 11:18pm.**

Respectfully submitted,  
Kristan Patenaude

Minutes approved as amended: February 12, 2020