



MINUTES OF THE NASHUA CONSERVATION COMMISSION

Tuesday, March 1, 2016

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, March 1, 2016 at 7:00 PM, in Room 208, City Hall, and Second Floor - 229 Main Street.

B. Roll call

Chairman Michael Gallagher, presided;

Members of the Commission Present: Sherry Dutzy
Donald Cederquist
Brandon Pierotti
Richard Gillespie
Alderman David Schoneman

Also in Attendance: Linda Panny, Planning Department
Gene Porter, LMRLAC

C. Approval of Minutes

- February 2, 2016 – regular meeting

Commissioner Cederquist said on Page 2, Commissioner Pierotti is identified as making a statement that Commissioner Cederquist actually said. This needs to be changed.

Commissioner Pierotti said on Page 1, first paragraph, "he" should be changed to "Chairman Gallagher", and "is" should be changed to "why". On Page 2, second paragraph from the bottom, "has" should be changed to "had". Also, the chronological order of the election of officers is not correct; the motion for vice chairman should be the last motion listed.

**MOTION BY COMMISSIONER DUTZY, SECONDED BY COMMISSIONER GILLESPIE,
TO ACCEPT AND PLACE ON FILE THE MINUTES OF THE FEBRUARY 2, 2016
MEETING, AS AMENDED
MOTION CARRIED**

D. New Business—none

E. Old Business

- 2 Hills Ferry Road and "L" Concord Street. Beazers East, Inc. and City of Nashua (Owners). Environmental remediation of the former Koppers Wood Treating Site.

Peter Sawchuck, Key Environmental, said there was a meeting on February 13th with the State. Madeline Mineau from the Nashua Community Development Department was there to represent the City. A mitigation plan has been prepared. There is also a draft of the ZBA application for review. They hope to submit in time for the April 12, 2016 ZBA meeting.

Vicki Chase, Normandeau Associates, reviewed the mitigation proposal. She said the proposal consists of an ARM fund payment of \$211,200.00. Between the last time they were at the Commission and today, DES's mitigation rules have changed and now require municipalities to have a list of projects. The plantings they are proposing go beyond what is required for the Shoreland Protection program. There are also plantings proposed between Greeley Park and the Beazer property. They are also proposing to do some invasive species remediation, mostly Buckthorn, in the small wetland area where there will be temporary impact.

Commissioner Gillespie said there was mention of Purple Loosestrife in the bank; could that be taken out as well as part of remediation?

Ms. Chase said that area will be excavated so any plants that are there will also be removed and properly disposed of.

Mike Bollinger, Environmental Manager for Beazer East, added that they could have an environmental monitor on site.

Commissioner Dutzy said she has a hard time supporting the project due to there not being a consideration of a conservation easement or pedestrian walking path.

Gene Porter, LMRLAC, said the State mitigation process is marginally separable from the City of Nashua NCC Wetland application process and a pedestrian trail could be a condition of approval from the NCC.

Ald. Schoneman said Nashua needs to take advantage of the resources available to the City. He said he echoes the same sentiments as Commissioner Dutzy and Mr. Porter.

Further discussion ensued around why a public easement couldn't be granted by Beazer.

Mr. Bollinger stated that there was a pending purchase and sale agreement in place and that an easement would lessen the value of the land.

Several Commissioners and others present questioned the validity of a P&S agreement on land that couldn't be sold until all toxins were removed which could be 10, 20 or 30 years from now. Mr. Bollinger held firm that this was non-negotiable.

Commissioner Dutzy stated that she recognized and appreciated the effort and thoughtfulness that went into the plan and felt that all involved were doing their best to rectify the situation responsibly. However, since this was possibly the last shot at getting public access to this waterfront property to complete a walking trail for the residents of Nashua, and in lieu of the fact that Nashua was getting no direct remuneration for severe impact to the wetlands buffer, she felt that a conservation easement was critical to the project moving forward. Commissioner Pierotti said he would be in favor of the project, but not of the stipulations.

MOTION BY CHAIRMAN GALLAGHER, SECONDED BY COMMISSIONER DUTZY, FOR A FAVORABLE RECOMMENDATION OF THE PROJECT AT 2 HILLS FERRY RD AND "L"

CONCORD ST, INCORPORATING THE MITIGATION PLAN AS PROPOSED, AS WELL AS A STIPULATION THAT THERE BE AN ACCESS EASEMENT ALONG THE RIVER. MOTION CARRIED, 5-1 (COMMISSIONER CEDERQUIST WAS OPPOSED)

F. Other Business and Updates—none

- Summary of Recommendations of Waterways Committee to NCC

Commissioner Dutzy said she provided a report to the Commissioners. She said, regarding the Rowing Club easement, she visited the site and there is access to the riverbank. The only “No Trespassing” sign she saw was on a gate that led to the dock.

Commissioner Cederquist said he also drove by the site and did not observe any barriers.

Chairman Gallagher said in regards to the easement, the Conservation Commission is in no position to enforce compliance with the terms of the easement. Code Enforcement is responsible if rules of the easement are being broken.

G. NCC Correspondence and Communications—none

H. Items

Commissioner Cederquist asked if they need to reassess which Commissioners are assigned to each of the projects.

Chairman Gallagher asked if a list of outstanding projects could be provided for the next meeting.

Ms. Panny said she could email the list. She added that there will not be any staff available to attend the next meeting.

Commissioner Dutzy said smaller tasks should also be assigned to Commissioners, such as the posting of the “No Hunting” signs.

I. Project Updates by Commissioners

Commissioner Pierotti said he visited the Aldi Store site. The store is finished and they are working on the buildings to the west. The silt fence was still up and everything looked fine with the stream.

J. Nonpublic Session

K. Adjournment

**MOTION BY COMMISSIONER DUTZY, SECONDED BY COMMISSIONER CEDERQUIST, TO ADJOURN
MOTION CARRIED**

APPROVED:

Richard Gillespie, Clerk, Nashua Conservation Commission

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Prepared by: Mindy Lloyd

Taped Meeting