



MINUTES OF THE NASHUA CONSERVATION COMMISSION

Tuesday, July 5, 2016

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, July 5, 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
Bill Parker, alt.

Also in Attendance:

Linda Panny, Planning Department

C. Approval of Minutes

- June 7, 2016 – special meeting

**MOTION BY COMMISSIONER DUTZY, SECONDED BY COMMISSIONER CEDERQUIST, TO TABLE THE MEETING MINUTES OF JUNE 7, 2016 TO THE NEXT MEETING.
MOTION CARRIED**

- June 27, 2016 – site walk notes

**MOTION BY COMMISSIONER CEDERQUIST, SECONDED BY COMMISSIONER DUTZY, TO TABLE THE SITE WALK NOTES OF JUNE 27, 2016 AS AMENDED.
MOTION CARRIED**

D. New Business

- 100-300 Innovative Way, John Flatley Company (Owner). Proposed restaurant with site improvements within a wetland buffer.

Chris Guida, wetland scientist with Fieldstone Land Consultants, introduced himself as representing the applicant. He gave an overview of the site improvements. A wetland crossing will occur due to this project, and about 1,950SF will be impacted. The restaurant location was chosen to minimize overall impact, maintain drainage and ensure safety and access.

Commissioner Gillespie asked if the portion of the impacted wetland is the upper end of the wetland.

Mr. Guida said it is right now, but the hydraulic flow comes through a culvert.

Commissioner Gillespie said he did not understand why the entrance couldn't be moved 50 or 60ft. up the hill and avoid the wetland entirely.

Mr. Guida said in consideration of City and State requirements, flow patterns and safety within the parking lot, this was the least impacting alternative. The remainder of the site will remain undeveloped.

Commissioner Dutzy asked if it would be possible, as a means of mitigation, to enhance the habitat in other areas of the property to encourage wildlife.

Mr. Guida said it is certainly something they could look into.

A site walk was scheduled for Tuesday, July 26th at 5pm.

- 7 Diesel Road, Peters Bump Clinic (Owner). Proposed driveway connection to Lot 268.

Tom Zajac, civil engineer with Hayner/Swanson, Inc., introduced himself as representing the applicant. He said the purpose of the project is to construct a simple crossing between their property and the property at 270 Amherst St. He said erosion control measures were not included on the submitted plan, but they would be happy to amend the plan with this information prior to making application to the Zoning Board. He said the new plan is consistent with the site plans approved in 2014, which did not show the buffer for the drainage ditch.

Chairman Gallagher said the application indicates tree removal, but an amount is not given.

Tom Zajac said they did not go out and count trees; he estimates about 10-15 trees will need to be removed.

Chairman Gallagher asked if the trees would be in the buffer.

Mr. Zajac said the area is not classified as a wetland and therefore there is no "buffer".

Commissioner Gillespie said on the previous plan, the drainage ditch was designated as a vegetated drainage channel. He said he agrees with Mr. Zajac's classification. He asked if a temporary stream diversion will be required.

Mr. Zajac said yes.

MOTION BY COMMISSIONER GILLESPIE, SECONDED BY COMMISSIONER CEDERQUIST, FOR A FAVORABLE RECOMMENDATION OF THE PROJECT AT 7 DIESEL RD, WITH THE STIPULATIONS THAT AN EROSION CONTROL PLAN BE PROVIDED AS WELL AS A PLAN DEPICTING THE STREAM DIVERSION WORK. MOTION CARRIED.

- 539 Amherst Street, Walter Anderson (Owner). Holland Hampshire, LLC (Applicant). Proposed improvements within the 150 ft. Conservation Zone.

Mr. Zajac introduced himself once again as representing the applicant. He said he would be happy to answer any questions from the last meeting and from the site walk.

Commissioner Pierotti asked what the building has for storage tanks for waste oil.

Mr. Zajac said there will be internal floor drain systems that will drain into a storage tank that is typically inside the building.

Commissioner Dutzy said she has concerns with the proposed location of the building, as it is right on the edge of the property, with the tire storage area located entirely in the conservation zone. She asked why the building couldn't be redesigned to a smaller footprint and incorporate the tire storage area into the building. Mr. Zajac replied that the company had only a few designs since they wanted to keep the same look to all the buildings throughout the country. The one being proposed for this site is the smallest design. Commissioner Dutzy stated that she did not feel it was the City's responsibility to make exceptions for corporations who choose not to modify their designs to meet the requirements of the local communities in which they want to do business.

Chairman Gallagher asked for clarification on the application submittal. The application for Diesel Rd came through as a wetlands application, whereas this project came through as a concept plan. In the application, a wetland scientist is not listed and the questions have not been addressed.

Mr. Zajac said, based on his conversation with Ms. Panny, there is no specific conservation application toward the conservation zone itself. The application is geared to wetland buffer impacts, which they have none. He said he did not think those questions applied to this project.

Ms. Panny said this project is somewhat unique because this project is within a conservation zone, but not impacting any wetlands. An application to impact the conservation zone does not exist. When Mr. Zajac applies to the ZBA, he will need to address the points of law for a Special Exception. She said staff is not aware of any precedent for work conducted in a conservation zone.

Commissioner Gillespie asked if Pennichuck will need to approve the plan prior to going to ZBA.

Mr. Zajac said no, Pennichuck approval is only required for site plan approval.

Commissioner Gillespie asked if the tire storage structure would have a roof on it.

Mr. Zajac said no, he did not think so.

Chairman Gallagher asked if the site will be constructed so that water will flow toward Amherst St.

Mr. Zajac said yes, their goal is to construct a large underground stormwater system. In terms of impact to the buffer, the largest impact is stormwater. However, stormwater is going to be greatly improved on site with this project.

Commissioner Parker asked how they would redesign the building to make it smaller.

Mr. Zajac said the building design is based on the number of vehicle and service bays.

**MOTION BY COMMISSIONER GILLESPIE, SECONDED BY COMMISSIONER GALLAGHER,
FOR A FAVORABLE RECOMMENDATION OF THE PROJECT AT 539 AMHERST ST.
MOTION CARRIED 3-1 (DUTZY OPPOSED).**

E. Old Business

- By-laws

Commissioner Dutzy presented proposed changes to the by-laws regarding student membership. She said on Page 2, Article 5, Section 1, she added “Additionally, up to two student members may be appointed by the Mayor and Aldermen for a one-year or two-year term, depending on their date of graduation.”

Chairman Gallagher said the term should be limited to one year, as this is the protocol of the Board of Education.

Commissioner Dutzy said on Page 4, Article 9, she added “Student commissioners serve in an advisory capacity and are not eligible to hold office or vote. Student members act as liaisons between the Commissioner and their schools to suggest and participate in activities beneficial to local conservation efforts. A letter will be sent to the principal of each high school in Nashua outlining the program and requesting the name of one interested student. If two or more students are qualified for confirmation by the Board of Aldermen, finalists will be chosen by lottery. Student members are subject to the requirements listed in Article 7, Duties of Members.”

Commissioner Gillespie asked if the student member(s) will participate in the summer months.

Chairman Gallagher said their one-year term will occur during the school year. Realistically, the term will probably be from October to June.

Commissioner Pierotti asked if they were seeking one student only, or one student from each high school. If the students are selected by lottery, this could eliminate certain schools from being represented.

Chairman Gallagher said they are seeking two students total. He said they could add a rule that if students are to be selected by lottery, the schools will be cycled out.

Dan Sloan, newly appointed Commissioner, introduced himself from the audience. He asked what would happen if they same three schools apply each year.

Chairman Gallagher said an alternative is to provide a weighted adjustment for interested schools that were not represented the previous year. He said prior to the next Commission meeting, he will speak to Mayor Donchess regarding these changes.

F. Other Business and Updates

- Barbara Pressly

Ms. Panny said Ms. Pressly’s family would like to order a plaque for the boardwalk, which they would pay for. If the Commission has questions, they can contact Ms. Pressly’s family.

G. NCC Correspondence and Communications

- E-mail received from owner at 1 Holden Road

Chairman Gallagher said Ms. LeClerc, of 1 Holden Rd, has some concerns which may or may not be at the purview of the City's Code Enforcement Department. As far as the work she is proposing within the wetland buffer, the Commission will inform Ms. LeClerc that a wetlands application is required.

Ms. Panny said she forwarded an application to Ms. LeClerc. In her email, she wanted to first check with the Commission to determine whether or not she needed to go through the process of applying to the Conservation Commission and Zoning Board.

The Commissioners discussed Ms. LeClerc's proposal and determined that she would need to apply to the Conservation Commission and Zoning Board. Her concerns regarding the property management company can be forwarded to Code Enforcement.

MOTION BY CHAIRMAN GALLAGHER, SECONDED BY COMMISSIONER CEDERQUIST, TO ACCEPT AND PLACE ON FILE THE EMAIL FROM JUDITH LECLERC RE: 1 HOLDEN ROAD.

MOTION CARRIED

H. Items

I. Project Updates by Commissioners

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