



MINUTES OF THE NASHUA CONSERVATION COMMISSION

Tuesday, August 2, 2016

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, August 2, 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.
Dan Sloan, alt.

Also in Attendance:

Linda Panny, Planning Department
Scott McPhie, Planning Department
Ald. David Schoneman

C. Approval of Minutes

- June 21, 2016 – meeting minutes

Commissioner Dutzy said the minutes were difficult to follow.

Ms. Panny advised the Commission to continue to make edits to the minutes as they see fit. The staff member responsible for writing the minutes does not get paid and must complete them during her regular work hours; therefore, there is not much time given for editing.

MOTION BY COMMISSIONER DUTZY, SECONDED BY COMMISSIONER GILLESPIE, TO APPROVE THE MEETING MINUTES OF JUNE 21, 2016.

MOTION CARRIED

- July 5, 2016 – meeting minutes

Commissioner Dutzy said on page 3, fourth paragraph, she would like to amend this section to read as follows: "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."

Commissioner Dutzy asked if the paragraph above was correct. Will the floor drain system actually drain into the City sewer system?

Commissioner Pierotti said he thinks Mr. Zajac may have misunderstood his question.

Commissioner Cederquist clarified that the discharge would enter an oil and water separator, and then move into the sewer system. Periodically, the side that maintains oil would need to pump out oil.

Ald. Schoneman said on page 3, third paragraph from the bottom, there is indication that he made a comment about the size of the building. However, he was not in attendance at the meeting.

Commissioner Parker confirmed that he was the person who made the comment.

- June 27, 2016 – site walk notes

**MOTION BY CHAIRMAN GALLAGHER, SECONDED BY COMMISSIONER GILLESPIE, TO ACCEPT AND PLACE ON FILE THE SITE WALK NOTES OF JUNE 27, 2016.
MOTION CARRIED**

- June 7, 2016 – meeting minutes

Chairman Gallagher asked Mr. McPhie to add this item to the next meeting agenda.

D. New Business

- 100-300 Innovative Way, John Flatley Company (Owner). A restaurant is proposed in the Park Industrial Zone (PI). Trees will be removed within the 20-foot wetland buffer requiring conservation review. Comments will be provided to the Zoning Board.

Chad Branon, Civil Engineer with Fieldstone Land Consultants, introduced himself. He said Kevin Walker and John Flatley of the John Flatley Company were also present. He said they understand that the Commission is looking for some onsite mitigation, apart from the site improvements already made by the John Flatley Company. They are now proposing to increase the landscape design on the site. On the south portion of the property, they've hatched a green area, which will include species such as sweet fern, dogwood, juniper, lowbush blueberry and a conservation seed mix. These plants would enhance the wetland buffer and the wildlife habitat in that area. There will also be a connection to the walking path, as depicted in the new plan. The site plan also includes a very detailed erosion control plan.

Commissioner Pierotti asked the status of the sign.

Mr. Branon said they will apply for a sign permit following site plan approval; a sign package was not included with their site plan application. They depicted an area on the site plan for a future sign.

Chairman Gallagher said there are concerns with the sign being located in the wetland buffer.

Mr. Branon said the sign is located in the area of disturbance proposed through the project. The area will be filled in and raised. It is important that the sign be located at the entrance to the site.

Chairman Gallagher said the buffer would need to be disturbed again in order to install the sign. Is it possible to relocate the sign outside of the buffer?

Mr. Branon said he is not sure where they could place it that would be outside of the buffer but still in proximity to the entrance of the site. He said they could potentially build the foundation for the sign during construction to prevent alterations to the buffer in the future.

Commissioner Dutzy said the notice in the newspaper for upcoming ZBA hearing stated that a 300-seat restaurant was being proposed rather than 485 seats. Why the discrepancy?

Mr. Branon said the restaurant will have 485 seats. He did not see the newspaper ad but there should not be a discrepancy.

Commissioner Dutzy said she appreciated Mr. Branon taking the Commission's concerns seriously and adding the habitat to the wetland area.

Commissioner Cederquist asked if there would be light poles on the perimeter of the parking lot.

Mr. Branon said the site plan includes a detailed lighting plan. The majority of the lights are not within the buffer area, apart from two of the poles (he indicated the location on plan). This area of disturbance is being proposed with the plan.

Commissioner Parker asked if there has been any thought given to how to guarantee survival of the plants they are proposing to plant. Will there be temporary irrigation?

Mr. Branon said there will not be any irrigation. It is important is to locate plants accordingly on the landscape so that they will be successful. There will be a landscape plan done by a professional to ensure this, should the Commission be satisfied with the proposed plan.

Commissioner Gillespie said there is not a lot of moisture on the wetland side of the property. He said he finds it hard to believe that they could keep the detention area wet.

Mr. Branon said they are not proposing to replicate wetlands; they are proposing to create a buffer that is more conducive to the wildlife habitat. The stormwater basin is not designed to be wet year round, only during storm events.

Gillespie asked if they would be amenable to removing some of the invasive species on site.

Mr. Branon said they will focus their efforts on the locus are of the project.

**MOTION BY COMMISSIONER GILLESPIE, SECONDED BY COMMISSIONER DUTZY, FOR A FAVORABLE RECOMMENDATION OF THE PROJECT AT 100-300 INNOVATIVE WAY, WITH THE STIPULATIONS THAT INVASIVE SPECIES BE REMOVED FROM THE SITE AREA OUTLINED IN THE PLAN, AND A FOOTING FOR THE FUTURE SIGN BE INSTALLED DURING THE INITIAL CONSTRUCTION PHASE.
MOTION CARRIED.**

E. Old Business

- Northwest Property Sign

Commissioner Dutzy said the Parks and Rec Department installed the new sign for the Northwest Property. She added that the area is quite overgrown and the Commission may want to look into clearing the trail. Nick Caggiano from the Park and Rec Department said he would assist with some of the cutting this fall.

- 1 Holden Drive

Commissioner Dutzy said she happened to drive by the property at 1 Holden Drive and noticed a backhoe on site. A week later, a patio was installed. She assumes the owner has gone ahead and begun work without obtaining proper approvals/permits.

Ms. Panny said the Code Enforcement Department can investigate this.

F. Other Business and Updates

- NHACC program

Chairman Gallagher said he received an email from NHACC. They've created a grant funded project to work with schools in the Merrimack Valley and Gulf of Maine. The goal is to facilitate collaborations between conservation commissions and one or more schools in each town. He handed out a summary of the project. He has expressed interest to learn more about the program and will keep the Commissioner updated on his inquiries.

- Southwest Trails Boardwalk

Chairman Gallagher said he had an opportunity to speak with Barbara Pressly about the type of signage she is looking to have installed. Commissioner Sloan recommended having something installed on the boardwalk itself rather than a freestanding sign. She said she is comfortable with the City developing the design of the sign and then she and her family would cover the cost. He said she extends her gratitude for the acknowledgement of her work.

G. NCC Correspondence and Communications

H. Items

I. Project Updates by Commissioners

Chairman Gallagher asked Mr. McPhie to provide a list of ongoing projects at the next meeting, so that they can assign any unassigned projects.

Commissioner Dutzy asked if any progress had been made regarding the bylaws.

Chairman Gallagher said he reached out the Mayor's Office and narrowed down a date. He reached out again today with no response.

Commissioner Sloan said an abutter of the Lovewell property has concerns with people entering their property while following the trail system. Is the Commission responsible for posting signage to keep patrons on the trail?

Chairman Gallagher said it is up to the homeowner to post their land. The Commission does not have the ability to mark the land.

Sylvie Stewart, 44 Spring Cove Road, Nashua, introduced herself. She said she emailed a member of the Commission a while back. She is very interested in recycling and renewable energy projects, though she is not sure if this is within the scope of the Conservation Commission.

Chairman Gallagher explained that the Commission is a land use advisory board. He explained they do not have anything to do with recycling.

Sarah Marchant, Director of Community Development, said she would be happy to talk to Ms. Stewart and point her in the right direction.

J. Nonpublic Session

MOTION BY CHAIRMAN GALLAGHER TO ENTER INTO NON-PUBLIC, PURSUANT TO RSA 91-A 3 II (D) TO CONSIDER THE ACQUISITION, SALE, OR LEASE OF REAL PERSONAL PROPERTY WHICH IF DISCUSSED IN PUBLIC WOULD LIKELY BENEFIT A PARTY OR PARTIES WHOSE INTERESTS ARE ADVERSE TO THOSE OF THE GENERAL COMMUNITY SECONDED BY COMMISSIONER CEDERQUIST

ROLL CALL:

YEA: Commissioner Gallagher, Commissioner Dutzy, Commissioner Gillespie, Commissioner Cederquist, Commissioner Pierotti, Commissioner Parker, Commissioner Sloan

NAY:

MOTION CARRIED

MOTION BY CHAIRMAN GALLAGHER THAT THE COMMISSION, BY ROLL CALL, SEAL THE MINUTES OF THE NONPUBLIC SESSION UNTIL SUCH TIME AS A MAJORITY OF THE COMMISSION VOTES THAT THE PURPOSE OF THE CONFIDENTIALITY WOULD NO LONGER BE SERVED SECONDED BY COMMISSIONER CEDERQUIST

ROLL CALL:

YEA: Commissioner Gallagher, Commissioner Dutzy, Commissioner Gillespie, Commissioner Cederquist, Commissioner Pierotti, Commissioner Parker, Commissioner Sloan

NAY:

MOTION CARRIED

K. Adjournment

APPROVED:

Richard Gillespie, Clerk, Nashua Conservation Commission

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

Prepared by: Mindy Lloyd

Taped Meeting