



**City of Nashua**  
**Conservation Commission**  
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**EXPANDED DRAFT MEETING SUMMARY**

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**NASHUA CONSERVATION COMMISSION**

**Wednesday, March 3, 2021**

**A. Call to order**

A regular meeting of the Nashua Conservation Commission was called to order on Wednesday, March 3, 2021 at 7:00 PM, via Zoom virtual meeting.

**B. Roll call**

Members present: Sherry Dutzy, Chair  
Gene Porter, Vice Chair  
Richard Gillespie, Acting Clerk  
Brandon Pierotti, Treasurer  
Bill Parker  
Gloria McCarthy, Alt.  
Carol Sarno, Alt.

Also in Attendance: Matt Sullivan, Planning Manager  
Chris Webber, Department Coordinator  
Deb Chisholm, Waterways Manager  
Ald. Ernest Jette, Alderman Liaison  
Andrew Smeltz, NRPC

**COVID-19 Address**

Chairman Dutzy addressed the COVID-19 pandemic as follows: Due to the State of Emergency declared by Governor Sununu as a result of COVID-19 pandemic and in accordance with the Governor's Emergency Order #12, pursuant to Executive Order 2020-04, this public body is authorized to meet electronically until further notice.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized to meet electronically pursuant to the Governor's order. However, in accordance with the Emergency Order, this is to confirm that we are:

**1. Access**

The Commission is video conferencing utilizing Zoom for this electronic meeting. All members of the Conservation Commission have the ability to communicate contemporaneously during this meeting through this platform. Public access to this meeting is also provided via Zoom. The link to this meeting is contained in the meeting agenda, available on the city website.

## **2. Public Notice**

The Commission previously gave public notice to the meeting and the necessary information for accessing the meeting through public postings, and where applicable notice to abutters. Instructions have also been posted to the city website, and publicly noticed at City Hall.

## **3. Public Alert**

The Commission is providing a mechanism for the public to alert the Commission during the meeting if there are problems with access. If anybody has a problem accessing the meeting via phone, please call (603)-589-3115, and they will help you connect.

## **4. Adjourning the Meeting**

In the event that the public is unable to access the meeting via the methods above, the meeting will be adjourned and rescheduled.

## **5. Procedures**

The Chair is in control of the meeting, and to the extent practicable and advisable the Commission will follow the procedures identified in the Bylaws. The applicant will present the applicant's case, followed by questions by the Commission. The Chair will then allow testimony from persons wishing to speak in favor, or with questions or opposition, before the Commission deliberates and determines an outcome.

Applicants and their representatives, and individuals required to appear before the Commission are appearing remotely, and are not required to be physically present. These individuals may contact the Planning Department to arrange an alternative means of real time participation if they are unable to use Zoom. Documentary exhibits and/or visual presentations must be submitted in advance of the meeting so that they may be displayed for remote public access viewing.

Real-time public comment can be addressed to the Commission utilizing Zoom virtual meeting software for remote access. Real-time public comments via audio will be addressed at the conclusion of the public hearing. This application will allow users to view the meeting, and submit questions or comments to the Commission utilizing the Zoom software.

The public is also encouraged to submit their comments via email to the Department email at [planningdepartment@nashuanh.gov](mailto:planningdepartment@nashuanh.gov) or by mail. Please be sure to include your name, address, and comments. Letters should be addressed to Planning Department, P.O. Box 2019, Nashua, NH 03061.

Please note that all votes taken during this meeting will be done by roll call. Conservation Commission meetings will be held electronically until further notice, when it is deemed safe to conduct meetings at City Hall.

The Planning Department and Conservation Commission thank you for your understanding and patience during this difficult time.

**C. Approval of minutes**

February 2, 2021

**MOTION** by Commissioner Porter to approve the minutes of February 2, 2021, as amended

**SECONDED** by Commissioner Gillespie

**MOTION CARRIED 5-0**

**D. Treasurer's Report**

None

**E. New Business**

➤ ***The Landing at Nashua LLC c/o Dick Anagost (Owner) Requesting review of temporary and permanent impacts to "Other > 9,000-sqft" wetland buffer in order to redevelop site. Property is located at 2 East Spit Brook Road. Sheet A lots 218, 1019 & 1020. Zoned General Business/Mixed Use. Ward 7.***

Matthew Bruton, Project Engineer, BL Companies

Mr. Bruton introduced himself as well as Brian Pratt from Fuss & O'Neil, Wetland Scientist Luke Hurley, and JP Andrews from Costco.

Mr. Bruton said this is an introductory presentation, and they would be scheduling a site walk afterward.

Mr. Bruton gave an overview of the property and surrounding abutters. This is the former site of New Hampshire Chemical Company, and as a result there is an Activity and Use Restriction in place on a portion of the site. He explained what restrictions are involved, and said that they would remain after site development.

Mr. Bruton outlined the current site conditions and current water flow patterns. He indicated on the plan where water collects and travels throughout the site. There is a large offsite flow from the west towards the Merrimack River. He showed the Commission historical wetland maps and discharge areas onsite. He noted there is a 24-in pipe that was once connected south to further developments. That was disconnected and razed with the construction of Webster Square, and the water that comes down the pipe still discharges to this area. With no outlet, this created the current wetland area.

Mr. Bruton presented the proposed conditions plan. They are proposing a 156,000-sqft Costco warehouse, with a free standing gas canopy. Also included is a 105,000-sqft self-storage development, a connection to Spit Brook Rd, and a private road which will cut through the development, plus parking.

Mr. Bruton said there are two wetlands present on the property. The first is the Worthen wetland. As part of the proposed development, they are looking to restore the Worthen wetland, which was once a conveyance swale. There is some localized flooding during high storm events, and part of their proposal is to restore that functionality and improve a historical flooding problem.

Mr. Bruton focused on the second wetland, by Adventure Way. This is part of the Spit Brook watershed, and a portion of the site is located in the floodplain. Construction of the roadway will require fill, which will impact the buffer. Other impacts to the buffer will include increasing the size of the wetland to compensate for the fill being brought onsite. This area will be

reseeded appropriately. He showed the restoration plan associated with both wetlands.

Mr. Bruton are increasing impervious surfaces onsite as part of redevelopment, so they are providing a stormwater management system onsite. He described the collection and treatment systems, which will eventually discharge to the Merrimack River. They will not be placing any stormwater infrastructure in the Activity and Use Restricted area to make sure that nothing infiltrates in that area.

Mr. Bruton said they are not balancing predevelopment and postdevelopment flows. Given that the site is next to the Merrimack, and from discussions with the city and state, they felt it was prudent to beat the peak discharge from the surrounding areas. The goal is to clean the water from the smaller events, and let larger storms flow through to the Merrimack River so as to not coincide with peaks of the river and other surrounding developments.

Commissioner Porter said this is a lot of information. He said they are proposing a gas station very close to the river, so he would like to know about special provisions for protecting the wetland and river from spills. He also wants clarification on the changes to the Worthen wetland.

Mr. Bruton said they are infiltrating the 2-year storm with a series of underground systems in the parking lots, but in general anything above the 2-year is being passed into the Merrimack River.

JP Andrews, Director of Real Estate Development, Costco Wholesale

Mr. Andrews introduced himself as very familiar with the Costco fuel facility program. He outlined the design for their gas station construction, and the measures they use to prevent spills.

Commissioner Porter asked if there are any heavier oils onsite, or just fuel.

Mr. Andrews said just fuel. There is a small tank with a detergent additive to clean the fuel, but those are the only petroleum products onsite.

Commissioner Pierotti asked if they are only selling gas, not diesel.

Mr. Andrews said correct.

Commissioner Gillespie asked what is the groundwater table, and what they are using as a typical level.

Mr. Bruton said it varies, but 91-97 depending on the lot.

Luke Hurley, CWS said it's deep. When they did the test pits a year ago, they had to dig down so far that the excavator operator wouldn't get them go into the holes in case they would collapse. It's nice material, mostly sand after the first foot. The water tables are very low.

Commissioner Gillespie said one of the detention basins are at 104-ft in elevation. Is this unusual?

Mr. Bruton said the goal of the underground infiltration system was to provide that separation in groundwater. In general they are providing separation distance to make sure there are no conflicts. They are also looking into revising one of the basin locations.

Commissioner Gillespie asked if the AUR areas will be identified during construction to avoid disturbing them.

Mr. Bruton said they will need to be identified onsite. In general they are filling the property, so the AUR areas will be capped a bit more. They are also trying to avoid siting utilities, stormwater, or infiltration devices in these areas as required.

Commissioner Gillespie said they typically require straw bales for detention area. He said they have 799 parking spaces, but show 798 on the plan.

Mr. Bruton said she would look into it.

Commissioner McCarthy said part of the parking lot doesn't have stormwater management. Are they proposing to let the stormwater just drain off into the already contaminated soil?

Mr. Bruton said nothing should be placed in that area per the AUR restrictions. What they did was place the infiltration

basins to the west of that area, so the stormwater will be collected and directed to catch basins outside of the AUR. They are capturing and treating all of the water that hits the parking lot.

Ald. Jette said as an alderman he learned the city is in constant negotiations with the EPA about their stormwater systems. They have a situation where stormwater overloads the system during large storm events and dumps directly into the Merrimack River, and the EPA is concerned about it. He asked if there are other agencies involved in this project. Are there protections to make sure the city doesn't run into a problem with the EPA because this project involves dumping untreated water into the Merrimack?

Mr. Bruton said yes, there are many checks that come after this presentation. The 2-year storm is the storm that generates the most pollution because it's the first flush, which is being detained and treated onsite. Higher level storms do flow through the system, but they are not being detained and infiltrated. There are several agencies in the city that will review this proposal, in addition to the state.

[Unknown] said they have also hired their own environmental and geotechnical engineers for due diligence, and it will be part of their scope to monitor and test materials through the process.

Brian Pratt, Senior Project Engineer, Fuss & O'Neil

Mr. Pratt said he reviewed the EPA decree, which is specifically in relation to the combined sewer-stormwater system for the city, which isn't applicable here. Any project that disturbs over an acre of land has to file a Stormwater Pollution Prevention Plan (SPPP) and a notice of intent with the EPA. They will be monitoring this. They have also met with state Dept. of Environmental Services bureaus, specifically Alteration of Terrain, Wetlands, Groundwater, and everyone was in concurrence that this system was the preferred method.

Mr. Pratt said the peak height of the Merrimack River is 48-hours after a storm event, and this system is designed to cycle in about 12-hours. If they designed the system to detain and infiltrate, they would be discharging into the river during its peak and potentially exacerbate flooding.

Chairman Dutzy asked if there was any consideration given to providing electric vehicle charging stations.

Mr. Andrews said this is becoming a common request. They have agreed to do it as a condition in some places, but they are finding that they are not often used. It becomes a maintenance issue at that point.

Chairman Dutzy said New Hampshire is behind the 8-ball on the numbers of charging stations, and she thinks this is a priority for them in the next 18 months.

Mr. Bruton continued the presentation with the landscaping plan for the development. They are proposing 162 trees and over 400 shrubs for these two developments. He outlined the proposed restoration plan for the Worthen wetland.

Chairman Dutzy asked if the building will be visible from the water.

Mr. Bruton said the top half would be visible. The railroad would screen the parking lot.

Mr. Pratt said there is also a pretty good stand of trees along the railroad side of the river that would provide a buffer. That will remain. He doesn't think anyone on the other side will be able to see this.

Chairman Dutzy asked if they would be amenable to a conservation easement in case of a future trail along the railroad tracks. Is that possible with the AUR area, or would that affect it?

Mr. Bruton said there is not much room between the tracks and the development. They are providing a ring road through the development with a sidewalk, so there would be pedestrian access. He doesn't believe there is enough room or that it would be appropriate to have a conservation trail in this area. Self-storage buildings and Costcos don't attract people on foot.

[Unknown] asked if they will have an opportunity to ask questions of the applicant after the site walk.

Chairman Dutzy said yes.

Commissioner McCarthy asked if the sidewalk would be big enough for bike riding.



Mr. Bruton said as a biker he tries to keep off sidewalks to keep them pedestrian friendly.

Commissioner McCarthy asked if the street will have a bike lane, then.

Mr. Bruton said no. The sidewalk is at least 5-ft. There would not be enough room to pass any other pedestrians.

Mr. Sullivan suggested they perform a site walk in mid-March, after the site has been flagged.

The Commissioners agreed to schedule a site walk for Tuesday, March 30<sup>th</sup>, at 5:15 PM.

➤ ***Referral from the Board of Aldermen on proposed O-21-049, amending Section 190-40 "Conservation Subdivisions" of the Nashua Revised Ordinances***

Mr. Sullivan provided a background on this amendment. This modification arose based on some varied interpretations of the ordinance over history and a real need for clarity moving forward. The amendment is a simple statement which allows for conservation developments to have more than one principle structure on one lot.

Mr. Sullivan said the existing ordinance implies that all conservation subdivisions must be a traditional subdivision, with one house per lot. There is a separate density standard that provides a density bonus in exchange for the provision of dedicated conservation land, which does cluster the development in a way that minimizes infrastructure and provides natural resource protection.

Mr. Sullivan said that the city has started to see developments come in as one underlying common lot and multiple condo-ized single family dwelling units on that common lot. The character is the same as a traditional single family subdivision, but there is one parent lot that is taken care of by a private association. That type of development is not subject to a different density requirement than a single family home development, but is one they are seeing more often and they want to open up the ordinance to allow them to happen. This doesn't impact the way that the conservation subdivision ordinance is implemented, and would not change the purpose of intent of the

ordinance.

Commissioner Porter said there are a lot of half-acre and acre lots in the north end. He asked if this would allow them to tear down the single family house and build 4-5 condo units.

Mr. Sullivan said that is absolutely not the intent. He reminded the Commission that outside of this language there are all of the other requirements of the Conservation subdivision ordinance, including open space, for part of the land to be dedicated as conservation land, and for the density of the underlying zoning district to be met.

Commissioner Porter said he was thinking about 111 Concord St, which has an application pending to convert from a church to multiple condos. He doesn't oppose it for that particular lot, but it would set a precedent.

Mr. Sullivan said that application was the impetus for this ordinance to be changed and where they recognize the issue. This ordinance change would not allow for additional development density beyond what the ordinance already allows today. They would still be subject to the underlying provisions of the zoning ordinance.

Commissioner Porter asked if this has no impact on the ability of property owners to subdivide their property, so long as they stay within the zoning.

Mr. Sullivan said that provided they have a large enough parcel to meet the minimum lot requirements, this does not impact that. This only affects proposals trying to take advantage of the conservation subdivision density bonus. This is a niche section of the ordinance.

Commissioner Porter said the lot sizing is something the master plan might want to take a look at, but is not the particular issue this is raising.

Mr. Sullivan said correct. This is not a change to the minimum lot size in any way. It is a change in the way that conservation subdivisions can be developed from an ownership perspective.

Commissioner Gillespie asked if there is any limit to the number of structures you can place on a lot

Mr. Sullivan said that would ultimately be controlled by the total land area of the parent parcel. It depends on the zoning district which would define how many structures could be placed. This does not change the maximum amount of structures, whether they're placed on individual lots or one parent lot.

Chairman Dutzy said this would be individual detached condos, clustered in an area with more open space.

Mr. Sullivan said correct.

Commissioner McCarthy asked if these would be individual condo units, not buildings with multiple units.

Mr. Sullivan said correct. This ordinance is intended to create a single family detached product. It will not change that character.

**MOTION** by Commissioner Gillespie to favorably recommend O-21-049 to the Board of Aldermen

**SECONDED** by Commissioner Sarno

**MOTION CARRIED 6-0**

➤ ***Disc Golf Course***

Chairman Dutzy said they have received a request from Public Works Director Lisa Fateaux requesting to install a disc golf course in the Yudicky conservation area. In order to lay out the course properly, they would have to encroach on some conservation land. This dovetails into the conversations they have heard during the Master Planning process, that there is a lot of interest in passive recreation facilities. She would like to come to a Commission meeting to present their proposal.

Commissioner McCarthy said an awful lot of work and effort went into getting the conservation land we have. She thinks there are lot of other large tracts of land in Nashua that wouldn't be out of the possibility. There are soccer fields and bike trails here now, and to go through the effort of conserving the land only to parcel it out seems counterproductive.

Chairman Dutzy said one of the issues with disc golf is that you play it in the woods.

Commissioner Gillespie said he has seen a course before. There are long cleared alleyways where the trees are cleared to throw the discs into the goals. He would be concerned with the number of trees to be removed.

Chairman Dutzy said that Director Fateaux claims the only trees that would need to be removed would be scrub and mostly brush, and that no major trees would need to be cut.

Commissioner McCarthy said they are assuming people can throw these discs straight, and that they will be staying on the paths and not wandering through places they shouldn't be. If it's in a wooded area they don't know what people would be walking on.

Mr. Smeltz said it's much like golf in the sense that they are opening the space. You do shank the disc every now and then, so there are definitely people going off the fairways. It brings a lot of people in. He thinks it would change the character from conservation land to a golf course.

Commissioner Sarno said she are concerned with the fact that they already have a lot of trails. This would be additional trails, and they will be losing the conservation character if they add these additional trails. There are a lot of places where this kind of activity could be done without disturbing conservation areas.

Chairman Dutzy asked if it made sense to invite Director Fateaux to present.

Mr. Sullivan said it would be prudent.

Chairman Dutzy said they don't know how big the encroachment would be. It is in an area that doesn't get a lot of use, which led to the problem of the BMX track. She would like them to consider going to the next step. If it is going to be a large swath of land and change the feel from conservation to a recreational area, then they probably don't want it. They need more information.

Mr. Smeltz said there are other disc golf courses in the region. He could follow up with a location if they want to check one out.

Chairman Dutzy asked if it is free.

Mr. Smeltz said yes.

Mr. Sullivan asked if he could share some locations and photos to give a sense of the fairways and what kind of clearing might be needed.

Mr. Smeltz said yes.

Commissioner Gillespie said he would be interested in hearing more.

Commissioner Porter said they are not in the middle of the White Mountains. Nashua is an urban area, and their conservation lands should be accessible and inviting to the public. He is not opposed to people using conservation lands for recreational purposes.

Mr. Sullivan said it can be a passive recreational use that is not impactful to the land, and thinks it would be worthwhile to hear more about it. If a decision needs to be made at that time to not continue further, that is fair. Director Fateaux would at least like to have the opportunity to present.

Commissioner McCarthy said she would like to know the dimensions to see if this would fit somewhere else.

Mr. Sullivan said they can ask what other options they have tried.

Mr. Smeltz said he believes there is a disc golf course in Greeley Park.

Mr. Sullivan said there is.

Chairman Dutzy said it would be the area by Manchester Street. That's a pretty open area.

Discussion of disc golf courses ensued. The Commission agreed to extend an invitation to Director Fateaux.

## **F. Old Business**

### **➤ Discussion of SCA Project Scope**

Chairman Dutzy said the Boys and Girls Club and Boy Scouts don't own Camp Doucet, they rent it. It's owned by Bob Lavoie, and

they're going to try reaching out to him.

Mr. Sullivan said that some of the things in the work scope seems to be boiler-plate and may not be necessary, he just wants to run them by the SCA. He said Waterways Manager Deb Chisholm might be able to help them with the facilities, since she has a porta-potty contract. He will be talking to her tomorrow.

Mr. Sullivan said he is holding onto the legislation until they resolve a few details, but will soon be reaching out to Ald. Jette for sponsorship.

Mr. Sullivan provided an update on removing the railroad ties, which is more complicated than he originally thought. He will keep working on it.

Commissioner Pierotti asked Mr. Sullivan to confirm with the SCA what length timbers they will be using, and if they can use 8-ft lengths.

Mr. Sullivan said he can find out.

Commissioner Pierotti said if they want delivery to the site he could negotiate the cost. It would still be a savings of a couple hundred from what was originally quoted.

Mr. Sullivan said he got the sense that the SCA may want to do the pickup themselves, so he would need to confirm.

Commissioner Pierotti said they would need to coordinate the paperwork.

➤ ***Update of NRPC Task Order #1 - Wetland Buffer Mapping***

Mr. Smeltz provided a description of what he has been working on. The Jurisdictional Wetland Map is a static pdf currently, which may be elevated someday to an interactive web map.

➤ ***Discussion of Old Business from Prior Meetings***

Mr. Sullivan provided an update on outstanding items from the previous meeting.

Commissioner Sarno said she walked the trail between Buckmeadow Rd and Ridge Rd yesterday and four trees have fallen across the trail. The New England Mountain Biking Association has also been

reporting downed trees in the Terrell area. She asked if it would be appropriate to ask them to help with the cleanup.

Mr. Sullivan said he would advise against it, as that would make them a de facto contractor. They have to be careful asking them to do any work.

Commissioner Sarno asked if they would handle it themselves.

Chairman Dutzy asked if there is any danger.

Commissioner Sarno said no. The trees are totally down and across the trail.

Mr. Sullivan asked if they are on the Commission's property.

Commissioner Sarno said yes.

Commissioner Porter offered to use his chainsaw to make a couple of cuts. He asked for an update on the Canal St Bridge Project.

Mr. Sullivan said that is a potential item for the April agenda. There is a potential abutment project going on that the Public Works Division is working on with the NHDES. It isn't something that the Commission needs to formally vote on, but he wanted them to be aware of it.

**G. NCC Correspondence and Communications**

None

**H. Nonpublic Session per RSA 91-A: 3 II (d) concerning land (Roll call vote required).**

Nonpublic session was not required.

**I. Commissioners Discussion**

None

**J. Adjournment**

**MOTION** to adjourn by Commissioner Porter at 8:08 PM

**SECONDED** by Commissioner McCarthy

NCC  
March 3, 2021  
Page 16

APPROVED:

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Richard Gillespie, Clerk, Nashua Conservation Commission

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Prepared by: Kate Poirier