



NASHUA CONSERVATION COMMISSION

Tuesday, March 5, 2019

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, March 5, 2019 at 7:00 PM, 229 Main St, City Hall in Room 208.

B. Roll call

Members present: Sherry Dutzy, Chairman
Richard Gillespie
Brandon Pierotti
Dan Sloan
Bill Parker
Gene Porter

Members Absent: Michael Reinke

Also in Attendance: Scott McPhie, Planning Department
Shoshanna Kelly, Alderwoman-at-large

C. Approval of minutes

January 8, 2019

MOTION by Commissioner Pierotti to table for review the previously approved minutes of January 8, 2019.

SECONDED by Commissioner Parker

MOTION CARRIED UNANIMOUSLY

February 5, 2019

MOTION by Commissioner Sloan to approve and place on file the minutes of February 8, 2019, as amended.

SECONDED by Commissioner Parker

MOTION CARRIED UNANIMOUSLY

D. Treasurer's Report

None.

E. New Business

- *Pennichuck Water Works, Inc. c/o John Boisvert (Owner) requesting Conservation Commission review for temporary impacts to the 75-foot "prime" wetland buffer, the 40-foot "other" wetland buffer, and impacts within the 150-foot Associated Water Body Buffer to allow for water main construction. Property is located at 206 Concord St, "L" Tinker Rd, 100 Northwest Blvd, "L" Northwest Blvd, and "L" Deerwood Dr. (Sheet 52, Lot 118; Sheet G, Lot 486; Sheet H, Lots 18, 290, 488, 577, & 634.) Zoned "R18" Suburban Residence, "PI" Park Industrial, and "AI" Airport Industrial. Ward 1, 2, & 3.*

Steve Auger, Project Manager from Hayner Swanson Inc, introduced himself, and Peter Tedder and Ryan Houle of Pennichuck Water Works.

Mr. Auger outlined the extent of their proposal. Each site is part of an overall project, The Northwest Pressure System Upgrade. Part of the upgrade includes replacement of the Kessler Farm water tank. In order to do that and maintain the current water service to the north end, Pennichuck needs to install various water lines throughout that part of the city. Overall, at the three sites (Manchester St, Northwest Blvd, and Deerwood Dr) they will be impacting three different levels of wetland buffer; the 40-ft "other" buffer, the 75-ft "prime" buffer, and the 150-ft Associated Water Body Buffer.

Mr. Auger presented the plan for the Manchester St part of the project, at 206 Concord St. Pennichuck plans to install a water line all along the property line adjacent to Manchester St, and then tie into the connection at Tinker Rd. Both impacts on this parcel are to the Associated Water Body Buffer, with a total impact area of 9,057sqft. The water line will continue along Tinker Rd, and will impact 1,247sqft of the 150-ft Associated Water Body Buffer and 3,180sqft of the 75-ft "prime" wetland buffer at L Tinker Rd, just before the road crosses the F.E. Everett Turnpike.

Mr. Auger presented the proposal for the Northwest

Blvd/Deerwood Dr section of the project. The water line originates from Dumaine Ave, and crosses underneath the existing railroad onto city owned parcels. He showed the Commission a plan of the various buffer impacts. The water line runs through these parcels to the Westwood Industrial Park, and Pennichuck is in contact with the owner to discuss tying the water line into that location.

Commissioner Porter asked if Pennichuck Water is replacing lines with larger diameter pipes, or installing new ones.

Mr. Tedder said that they are replacing the current 16" diameter pipes with 24" diameter ones on Tinker Rd. Along Manchester St they are installing a new 24" diameter pipe alongside the current 12" diameter pipe, mainly to get water up and over Kessler Farm Hill to points west. The proposed line in the Northwest Blvd/Deerwood Dr area is new, in order to supplement the 16" diameter water line over on Amherst St.

Commissioner Porter asked how they picked the route.

Mr. Tedder said that the route was picked a long time ago, when Westwood Industrial Park was developed. They knew at the time that eventually a water line would need to be installed in this area.

Commissioner Porter asked if they had considered running the line on the other side of the tracks.

Mr. Tedder said that side of the tracks is all private properties. When they talked to the airport, the airport was pleased with the proposed siting, because it meant that they could have additional fire protection. The airport has also requested they install fire hydrants towards this purpose.

Mr. Houle said that the proposed route is parallel to an existing sewer main, with an existing sewer easement. The line would maintain a 10-ft distance from the sewer line as per the New Hampshire Department of Environmental Services standards.

Mr. Tedder said that the water line will impact 5,170sqft of 40-ft "other" wetland buffer, 6,287sqft of "prime" wetland buffer, and 8,946sqft of the 150-ft Associated Water Body Buffer. The total impact for all three projects is 5,170sqft in the 40-ft buffer, 9,467sqft in the 75-ft buffer, and 19,250sqft in the 150-ft buffer, for an overall total of about

33,000sqft of impacts. There will be no additional increased impervious surfaces. He indicated the places on the plans where they would be interacting with the pavement, mostly on Manchester St and Tinker Rd. He said that all buffer impacts are temporary; upon completion of construction, they will be loamed and seeded. There will be a minimum impact to traffic and safety across all three sites. They understand that there will be a number of wetland buffer impacts with this project, however they feel that the value of maintaining water service for these customers outweighs the temporary impacts they have to make.

Chairman Dutzy cited the prime wetland buffer on the Deerwood Dr section of the project, and said that the application mentioned they would be boring underneath.

Mr. Tedder said that technically the project doesn't impact the wetland, as they will be performing a directional bore. He indicated on the plan the section of water main that travels underneath the wetland.

Chairman Dutzy asked if most of the disturbances they will see are along the Manchester and Tinker roadways.

Mr. Tedder said it will be fairly close to the road, but should be on Pennichuck's property. On Manchester St there is a fence that runs along the entire length of the property for security reasons, and the work will be just inside the fence. On the north side Tinker Rd they will be out of the pavement and off the road, but still in the right of way. Then they will cross the road, and while the water line will be on the property line, they do have to trench a little bit on the Pennichuck property to get in there.

Chairman Dutzy asked where the majority of trees will be removed. Are they select cutting, or clear cutting?

Mr. Tedder said that the majority of trees will be removed by the Deerwood Dr section of the project, within a couple hundred feet of the trailhead.

Chairman Dutzy asked if a number of them are small.

Mr. Tedder said some of them are scrub size, but they aren't substantial. He indicated the location of larger trees, but said that the area is relatively open.

Commissioner Gillespie asked Mr. Tedder to describe the boring procedure.

Mr. Tedder said generally they set back and drill at the surface level and guide the 20" HDPE pipe down. They'll drill across, and when they get to the other side they'll attach pipe and pull it back through with the same machine. They use a drilling slurry to support the opening until the pipe can be installed, and as they pull the pipe back through the slurry gets pumped out into holding areas. After the process is completed they clean up the holding area.

Commissioner Gillspie asked if he meant holding area in the ground, or holding area in a tank.

Mr. Tedder said he's seen a filter bag used for some of these, and an above ground swimming pool type of arrangement. They would pump the slurry into there, and then later pump it into a tanker truck, let it dry out, and excavate it into a dump truck.

Commissioner Gillspie asked if these were mainly bentonite muds.

Mr. Tedder said yes, they are using a bentonite slurry.

Commissioner Gillspie asked if there were oils involved.

Mr. Tedder said no.

Commissioner Gillspie asked what the length of the underground portion is.

Mr. Tedder said three hundred feet.

Commissioner Gillspie asked if there was any opportunity for hydrostatic pressure to blow to the surface.

Mr. Tedder said that will be monitored, but they are going to be at least 6-ft deep to ensure that doesn't happen.

Commissioner Gillspie asked if they will be crossing the railroad tracks using the same method.

Mr. Tedder said no. That will be a jacking operation, where

they use a torpedo ram to push the 36" steel sleeve under the track, and they have a big auger that pulls all the dirt out of it. That does use two pits. One will be in the parking lot of 23 Dumaine Ave, and the other between the tracks and the road.

Commissioner Gillspie asked if these are 5-8ft deep open pits.

Mr. Tedder said that they will be about 10-ft deep. They have to put a concrete bed in the bottom for the rail and jacking equipment on the Dumaine Ave side; they will run it level across there, and the top of the sleeve has to be at least 6-ft below the track. That puts them down about 9-10ft.

Commissioner Gillspie asked if there would be bentonite muds involved.

Mr. Tedder said no. But the railroad requires that every 10-ft they have to do a pressure growling inside the sleeve.

Commissioner Gillspie said that the Natural Heritage Bureau (NHB) has shown some wild lupines growing along the tracks in that area.

Mr. Tedder said that when looking at their maps, they believe they managed to avoid the areas. They are meeting with the NHB's Ecological Information Specialist Amy Lamb on May 28th to do a walkthrough and look for lupine. If they find lupine, they can directionally bore under it. They have also spoken to other contractors who have had experience with the situation, and their solution was to excavate the material and set it aside during the operation.

Commissioner Gillspie asked what they plan to do with the spoils that come out of the pits.

Mr. Tedder said usually they set it alongside, and it gets backfilled in on the pipe. Most of the material taken out goes right back in. They anticipate mostly sandy digging.

Commissioner Porter referred to the application, which said they anticipate starting in 6 weeks and it will take more than a year to complete. Is that correct?

Mr. Tedder said they want to replace the Kessler Farm tank in 2020. This is only part of the project, and there is also a

stretch they have to do in Amherst as well. There is more to the project than what is being shown here.

Mr. Auger said that the only aspects of the project they showed are the ones that have to do with the buffers.

Mr. McPhie said that before anyone makes a motion, it is important to require permission letters from each of the owners. The project also crosses an LCHIP property, so any restrictions involved in the LCHIP requirements are addressed. He believes that they applicant is working with the city legal department to address these restrictions.

Mr. Auger said that in terms of working with the land that Pennichuck doesn't own, they have been in contact with all the landowners. They have permission from a couple of them, and they are working with City Attorney Bolton with easement issues. They are working as quickly as they can to resolve the issues before the Zoning Board meeting.

Commissioner Porter asked if the area dug up by a backhoe would be reseeded specially.

Mr. Tedder said that restoration in their contracts is 4-in of loam and seed, which they will spread throughout the sites.

Commissioner Pierotti asked if they determined where the contractor trailer will be sited.

Mr. Tedder said no. They plan to put the plan out on the market on Thursday, and it will be March 28 before they select a bidder. Then they will work out what site arrangements they can make. 100 Northwest Blvd seemed amenable to letting them set something up in the parking lot, and 23 Dumaine Ave didn't seem to have a problem either.

MOTION by Commissioner Gillespie to make a favorable recommendation for the approval of water main upgrades with the following stipulations:

1. Letters from the property owners granting permission for Pennichuck Water Works to operate on their premises.
2. The project must be implemented in a manner that is not contrary to the restrictions outlined in the warranty deeds of the LCHIP property.

SECONDED by Commissioner Sloan

MOTION CARRIED UNANIMOUSLY

Commissioner Porter said it would be helpful if in the future applicants could give a paragraph describing the full extent of the project, so that the Commission could see the full picture.

- ***Woodlands at Nashua Realty (Owner) requesting Conservation Commission review for temporary and permanent impacts to the 40-foot "other" wetland buffer, after the fact buffer impacts to locate a shed, and to replace and enlarge rip-rap apron. (Sheet A, Lot 27). "RC" Urban Residence. Ward 8.***

Marc Jacobs, Certified Wetland and Soil Scientist, introduced himself as the representative of the owner, Woodlands at Nashua Realty. He also introduced Joseph Sousa, Director of Maintenance of Woodlands at Nashua, and Michael Granger, Surveyor.

Mr. Jacobs gave an overview of the property. The property houses an apartment complex of 9 multi-unit buildings, with a total of 240 units. In the area of Building 9, the applicant would like to replace an existing 8'x20' steel box trailer with a 14'x20' wooden pre-fabricated shed, which will sit on six sonotubes.

Commissioner Porter asked the applicant if the existing trailer was subjected to city permitting.

Mr. Jacobs said not to his knowledge.

Mr. McPhie said he doesn't believe so.

Commissioner Porter said the request then is to replace a non-permitted temporary trailer with a permanent shed.

Mr. Jacobs said yes. He reviewed the aerial photography, and there is a shed shown at this location since before 2000. Mr. Sousa has been with the company for twelve years, and the trailer predates his time with the company. Mr. Jacobs passed out a rendering of a similar looking shed to the Commission. The intention of the applicant is to match the colors and trim

of the nearby apartments.

Commissioner Sloan asked if the existing shed has a foundation or footings.

Mr. Jacobs said not to his knowledge. The new shed will sit in 6 sonotubes, and in theory will be pervious underneath. But that change in shed square footage results in a net increase of 120sqft above what is being currently impacted. The trade-off is that the structure is no longer in direct contact with the ground. He indicated that there will be 54sqft of temporary buffer impact for the sonotubes. The holes will be hand dug, and any excess spoils will be wheel barreled away to an appropriate location.

The applicant also proposes changes to the rip-rap apron at this location. The parking area for Building 9 was resurfaced in 2017, and during that time they discovered a rip-rap apron constructed when the buildings were first developed. The apron was fully silted in, and no one knew it was there. When the owners replaced it, they expanded the footprint from 200sqft to 368sqft, with a net increase of 168sqft. The goals of the project were to decrease flow velocity, reduce scouring, temper the flow, and minimize erosion and sedimentation of the wetland area.

Mr. Jacobs said that the total new impact to the wetland buffer is 288sqft temporarily and 182sqft permanently.

Commissioner Sloan asked if the shed would be in a platform, as shown in the rendering.

Mr. Jacobs said no, it would be on piers.

Commissioner Sloan asked how big the sonotubes are.

Mr. Jacobs said less than a foot across.

Commissioner Porter said it seems like a situation where they have a temporary thing on undisturbed wetland area, and they are proposing to put a permanent shed in a wetland area. It looks like there is a lot of land outside of the buffer they could place the shed. Why do they want a permanent shed in a wetland buffer?

Mr. Jacobs said the thought was that the existing trailer has

to come out. A small pad of crushed stone already exists there as well. The thought was that they would be swapping the two out with only a minor increase. He showed that the wetland buffer comes out into the existing paved roadway in two locations. He said this is the only area that remains outside of the 40-ft buffer. This is an existing converted area. To situate elsewhere they would most likely have to cut trees. The current proposal doesn't require tree cutting.

Commissioner Porter indicated a section of open lawn nearby.

Mr. Jacobs said it was felt that wouldn't be aesthetically pleasing. He would assume the owner chose the proposed area because the existing trailer was already there.

Mr. Jacobs asked Mr. Sousa about accessing the lawn area.

Mr. Sousa said it is basically a lawn area for Building 9. Placing the shed in that area would interfere with child play and recreational area for the residents. He is also concerned with the aesthetics.

Chairman Dutzy asked if the impact in that area is going to be 120sqft.

Ald. Kelly said, on top of the existing impact.

Mr. Jacobs said yes. There is not a lot of green space adjacent to the buildings because of the large amount of parking required to support the units.

Commissioner Sloan referred to a photo on page three of the application, showing previous work done. Do people park there?

Mr. Jacobs said no, tenants aren't allowed to park there. The contractors were parking there at the time of the photo. He said that the purpose of the shed is to store construction and building material, appliances, lumber, and other materials. The owner is rehabilitating about 40 units per year, and needs somewhere to store the materials.

Commissioner Gillespie asked if there would be gas storage, oils, or fertilizers in the shed.

Mr. Jacobs said that no hazardous materials or fertilizers would be stored in the shed. He said he expects the Commission

to make that a condition of favorable recommendation.

Commissioner Gillespie asked how the gravel rip-rap apron is better than what was previously there.

Mr. Jacobs said what was there before had been completely silted in from years of sanding the parking lot.

Commissioner Gillespie asked how they plan on not doing that again.

Mr. Jacobs said he expects it may need to be replaced again in 10-20 years, and at that time the owner would need to return to the Commission.

Commissioner Gillespie asked what size stone was used.

Mr. Jacobs said that it looks like "3-inch minus", or 50% of the stone is less than 3-in in size. The original apron used smaller stone, so it should hold up longer.

Commissioner Gillespie asked if the parking area drained to that spot.

Mr. Jacobs said yes. He showed the Commission the contour lines on the plan.

Commissioner Gillespie asked if there was any evidence of sheet flow from the parking lot into the wetland.

Mr. Jacobs said that he would hazard a small plume of sediment into the wetland, from the years when the apron was plugged and had not been maintained or replaced. That should be a non-issue now that the apron is functional.

Commissioner Gillespie asked if "image 1" in the application shows new or old conditions.

Mr. Jacobs said that shows new conditions. The old apron was completely obscured. Its construction predates Mr. Sousa's involvement in the facility, but he has another 50-60 years to work there so he'll take care of it.

Chairman Dutzy referred to "image 6" of the application, and asked if it showed part of the buffer that would be affected.

Mr. Jacobs said that image was taken down in the wetland. He wanted the Commission to see what the wetland looked like, as well as show them the spicebush growing onsite.

Commissioner Sloan asked if they were planning on installing utilities in the shed.

Mr. Jacobs said not to his knowledge.

Commissioner Porter asked if there were other storage areas at this complex.

Mr. Sousa said that there are two small sheds for tools over by the pool house.

Commissioner Porter asked what the purpose of the new shed is.

Mr. Jacobs reiterated that it's strictly for building materials.

Commissioner Porter said that it could be temporary during the renovation.

Mr. Sousa said they don't know how long renovations would take. They would be looking to use it as a storage place for garden equipment and maintenance products after renovations. There is always a new maintenance project going on.

Mr. Jacobs said that whatever isn't being renovated is being fixed.

Mr. Sousa said they have been renovating since 2013.

Commissioner Porter said he is not persuaded that there aren't other alternatives besides impacting the buffer.

Mr. Jacobs said it's a valid point, and his response would be that 120sqft of impact would be de minimis.

Commissioner Gillespie asked if that area would be used for snow storage.

Mr. Sousa said it used to be, but he is trying to stop that from happening. So the answer is no.

MOTION by Commissioner Sloan to make a favorable

recommendation for the approval of a shed placement and rip-rap improvements with the following stipulation:

1. No storage of hazardous materials in the shed.

SECONDED by Commissioner Gillespie

MOTION PASSES 5-1 (Porter opposed)

➤ ***Conservation Commission Webpage***

Chairman Dutzy put forth the suggestion that the Commission create their own webpage separate from the city's website. The current city webpage doesn't have much information, and she would like to show the public their stewardship plans and what properties the Commission monitors. She was recommended by Ryan Freedman to contact Wendy Weatherbee, who has created pages for the Merrimack and Amherst Commissions.

Commissioner Sloan said a separate website will be competing for attention with the city site, and people won't know which one to go to. The other issue is who will maintain it and update it.

Chairman Dutzy said she doesn't think they need their own website, just their own separate webpage that can be accessed by the city website. If they get approval from the city for this, they can get a consultant to give them a proposal and see if this is worth considering.

Commissioner Sloan asked why they don't just get the departments together and all fix the site.

Ald. Kelly said an overhaul like that is very expensive.

Chairman Dutzy said the Commission is different because they have a story to tell, and they're not telling it.

Ald. Kelly asked if the Commission has a Facebook page.

Chairman Dutzy said no, but it's been suggested in the past.

Ald. Kelly gave an example of Livable Nashua, and that program telling their story through Facebook.

Commissioner Porter said that he has strong problems with

using a commercial service that has security problems associated with it, like Facebook, as an official site for any city activity.

Ald. Kelly said she doesn't feel it's an official site. Many city departments have their own Facebook pages.

Commissioner Porter said so long as it's not an official site in lieu of one. He had a conversation with NHDES about this, and the NHDES confirmed that their page will not hold any official information available on their own website. Don't start using Facebook pages in lieu of official websites.

Ald. Kelly said she is not suggesting that. But if everything they do is public, what is the concern?

Commissioner Sloan said it has to be coordinated, who is going to do it.

Chairman Dutzy said she is thinking of this as a marketing thing, so they can post stewardship plans, maps, write-up about the trails, and areas of interest.

Commissioner Sloan asked if the Commission would pay for the update of their city webpage.

Chairman Dutzy said they would be paying for the creation of webpages and a branding for the Commission. She described her ideas of what it would look like.

A brief discussion of the current webpage ensued.

Commissioner Sloan asked if the city has someone in charge of the website.

Ald. Kelly said she could look into that.

F. Old Business

➤ *Southwest Conservation Area: adding existing parcels to the ordinance*

Chairman Dutzy said that they need to agree on a name for the conservation land, and then Ald. Kelly can present it to the Board of Aldermen and add it to the revised ordinances.

A brief discussion of potential names ensued.

MOTION by Chairman Dutzy to name the parcels The Southwest Conservation Area.

SECONDED by Commissioner Parker

MOTION PASSES UNANIMOUSLY

Ald. Kelly asked if this is an update to an existing ordinance.

Chairman Dutzy said that they need her to talk with City Counsel Atty. Bolton about the details.

Mr. McPhie said that this is an update, just adding the specific parcels to the section.

Chairman Dutzy said that the stewardship plan is done except for the maps. She asked Mr. McPhie if this is something he and Planning Director Roger Houston could work on.

Mr. McPhie said he thinks he already has the maps in GIS form. He said he will meet with Roger to make sure that they have all the right parcels.

Chairman Dutzy said to Ald. Kelly that the ordinance to be amended is NRO § 215-9.

➤ ***Plaques for Barbara Pressley and Brian McCarthy***

Chairman Dutzy showed the Commission an example of sign and font size for the plaques. Kathy Hersh wrote the commemoration for Ald. McCarthy, but she is not sure if it has been reviewed by the family. She said she would investigate it.

Barbara Pressley wrote her own commemoration, and Chairman Dutzy edited it. Ms. Pressley approved the current draft.

Commissioner Sloan asked if they needed the detail about money donated.

Chairman Dutzy said that it was very important to Ms. Pressley. She asked if the Commission will receive money from the sale of the Henry Hanger building at 110 East Hollis St.

Mr. McPhie asked in what sense?

Chairman Dutzy said Ms. Pressley thinks they will be getting additional money because of the sale of the building, now that the use is going to be changed. She isn't sure.

Mr. McPhie said he doesn't think it will be current use, but maybe Ms. Pressley knows about some other program. Current use typically applies to 10 acres or more of open space.

A discussion of the wording on the plaques ensued.

Chairwoman Dutzy said she will ask Community Development Director Sarah Marchant when the dedication ceremony is, so she can add the date to the plaques.

A discussion of the design and mounting details ensued. Commissioner Sloan will reach out to a sign maker for the construction of the plates.

MOTION by Commissioner Sloan to approve the wording and design of the commemorative plaques, as amended.

SECONDED by Commissioner Porter

MOTION PASSES UNANIMOUSLY

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

- **Property Monitoring List:** Chairman Dutzy asked Mr. McPhie to provide the Commission with an updated project list.
- **Conservation parcels H-635 & H-577:** Chairman Dutzy said that the Commission needs to look into the warranty deeds for the properties. To access the property, they need to cross private property. Per the easement, they need to always have property owner permission to cross into the conserved parcels. They

should have on record what that property owner is.

Mr. McPhie asked if the logging road near Farley Rd is owned by Pennichuck Water Works.

Chairman Dutzy asked if he could determine who owns it. They would need to notify the owner when they go to monitor the properties.

- **LCHIP Funding:** The Commission received \$800.00 from LCHIP for 2018 monitoring. Chairman Dutzy gave the check to Mr. McPhie to pass along to Planning Director Roger Houston, in order to place it in the right account.
- **Reappointment:** Mayor Donchess has reappointed Chairman Dutzy to the Commission until 2021.

J. Adjournment

MOTION to adjourn by Commissioner Porter at 8:37 PM.

SECONDED by Commissioner Sloan

MOTION CARRIED UNANIMOUSLY

APPROVED:

Richard Gillespie, Clerk, Nashua Conservation Commission

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