

City of Nashua
Conservation Commission
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EXPANDED DRAFT MEETING SUMMARY

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NASHUA CONSERVATION COMMISSION

April 4, 2023

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, April 4, 2023 at 7:00 PM, 229 Main Street, City Hall in Room 208.

B. Roll call

Members present:

- Sherry Dutzy, Chair
- Megan Cook, Treasurer
- Jed Crook, Clerk
- Brandon Pierotti
- Carol Sarno
- Maureen Bourque
- Dick Widhu, Alt.

Also in Attendance:

- Deb Chisholm, Sustainability Dept. Mgr.
- Ald. Ernest Jette, Liaison

C. Approval of minutes

March 7, 2023

MOTION by Commissioner Widhu to approve the minutes, as written

SECONDED by Commissioner Sarno

MOTION CARRIED 7-0

D. Public Comment Related to Items on the Agenda

None

E. Old Business

- ***Normand and Mary Lavallee (Owners) requesting approval to remove nine trees within the 75-ft "Prime" wetland buffer of Nashua River. Property is located at 115 Shore Drive. Sheet E, Lot 854. R9 Zone. Ward 5.***

Chairman Dutzy said she would entertain a motion on this, and then they can discuss this.

MOTION by Commissioner Cook to favorably recommended the proposal, as requested

SECONDED by Commissioner Crook

Commissioner Sarno said she is happy to see the folks retained an arborist. From the site walk they know that all the marked trees are alive. She feels underwhelmed by the effort made by the arborist to evaluate the trees.

Commissioner Sarno asked if the request is to remove nine trees.

Mary & Norm Lavallee, 115 Shore Drive, Nashua NH

Ms. Lavallee said they initially requested nine trees, and now they just want to do the pines. The arborist looked at them and said they should take the one by the shed down too. That would be the ninth now.

Chairman Dutzy asked if the oak tree is no longer part of the request.

Ms. Lavallee said correct.

Mr. Lavallee said they plan to replace them with saplings, some kind of fruit trees. He prefers fruit trees, as they are quick growing.

Commissioner Sarno asked if all the dead trees will remain standing.

Ms. Lavallee said yes, for right now. You don't need a permit for them.

Commissioner Sarno said they are in the wetland buffer, so they would need approval to take them down. The reason she asks is because the dead pine tree by the river is important

wildlife habitat. She would want them to be taken down at 6-ft high to provide habitat.

Ms. Lavallee said the arborist recommended they leave them alone, the three higher on the hill.

Commissioner Sarno asked if the stumps are to remain.

Mr. Lavallee said whatever they want.

Commissioner Sarno asked if they will not have heavy equipment in the backyard.

Mr. Lavallee said they will be doing it from the front yard, using a crane.

Commissioner Sarno said there are regulations for the types of plantings to be placed in wetland buffers. There is a tree-for-tree requirement, done on the basis of diameter at breast height. It's like 168-inches, that would be a lot of mass of tree. Her suggestion would be to replace each of the trees with either two trees or four shrubs per tree, with each 1½ inch caliber. She told them she also wanted a full landscaping plan that reflects the plantings. That landscape plan would include a watering regimen so they can be sure the trees or shrubs live for at least a year.

Ms. Lavallee said she plans to do rhododendrons near the fences. She doesn't want another great big tree.

Commissioner Sarno said they can provide a list of plants.

Ms. Lavallee said she has a booklet on what to plant for wetlands, from the UNH Extension.

A discussion of various native plant resources ensued.

Chairman Dutzy during the site walk she felt that the Commissioners did not feel all the trees should be taken down. Tree #9 could possibly be trimmed instead.

Commissioner Crook said that was the oak tree, it's not coming down.

Chairman Dutzy said tree #5 wasn't in the direct line of the house, and thought they had agreement that #2-#4 should come

down because they were in line with the house.

Commissioner Sarno said she doesn't remember discussing which trees would specifically come down.

Chairman Dutzy said she remembers looking at the three trees directly behind the house and saying they should come down.

Mr. Lavallee said his concern is that they do get a serious wind coming off the river. Trees are getting old, and pines look good on the outside even if they have a hole in the middle. They already lost a few pines that that's what it looked like inside.

Commissioner Sarno said she understands their concern. That is why she hoped the arborist would put more effort looking at the trees. She gets the sense from the letter that the arborist did not spend a lot of time or effort evaluating individual trees, it's more of a generic statement.

Ms. Lavallee said he was not worried about the dead trees, but he did put it in the report.

Mr. Lavallee said they are not removing dead trees.

Commissioner Sarno asked if Gate City Trees would also be removing them.

Ms. Lavallee said no. Southern NH Tree & Landscape would be.

Chairman Dutzy asked if tree #8 is the one over by the neighbor's shed.

Ms. Lavallee said yes, it's dropping branches on his shed.

Chairman Dutzy said she would be hard pressed to vote to have #8 removed. It's basically on the lot line. She doesn't know why it has to come down.

Mr. Lavallee said it partially came down last here. It's the one that started this whole process.

Commissioner Crook said the difficulty he sees in this vote, in looking at the aerial of the neighborhood, their lot is the only one left with big pines. It doesn't seem that the other lots did any of the planting that they would be doing. Not

only that, but you've gotten a wetland scientist previously, who didn't see anything. Judging on what the wetland scientist and arborist wrote in their report, there didn't seem to be hesitation on cutting them. The arborist didn't individually review each tree, probably from the ground. He commended the efforts of the property owners. He wonders if there is some level of compromise. They are leaving the oak, that's great, but if you take 2-4 down it'll really grow. Tree #8 has a significant lean, #1 doesn't have a significant lean, 5-6 don't either in this photo but in one of the photos they clearly do. Their concerns are viable.

Mr. Lavallee said when they moved in 30 years ago these were small trees. Over the 30 years they kept growing.

Commissioner Crook said they've done a really good job at holding in the riverbank, that's probably why they're leaning now. Their concern is with them coming down, they'd like the stumps to remain to keep the bank.

Mr. Lavallee said he would keep the stumps. If they lose the bank he loses his yard.

Commissioner Crook said if you look at an aerial photo of the neighborhood and think of the integrity of the bank and the river, in terms of what your other neighbors have done. Eventually they're going to either fall or get taken down, they don't live forever. Do they take advantage of having homeowners who care enough to come before the Commission, get a wetland scientist and an arborist to come out, that they could get plantings on the lot at the level to which they should be, or if there is a compromise to leave a few of the old pines. It seems like the owners are willing to make a plan to contemplate new plantings, it could be an opportunity for new plantings in this area where it has not been done in the area. From the aerials, they clearly have taken the time to be conscious about what they're planting. It seems there is opportunity to compromise.

[Unknown] said they could amend the approval of removal of "X" number of trees, like five, and add the stipulations to those.

Chairman Dutzy said she was underwhelmed and feels that the Commission doesn't have the information to make a good decision. She asked staff if an arborist should be able to tell if a tree is defective internally. He clearly stated that

various trees were known to rot from the inside and that is why he was recommending removal based on the species and age.

Mr. Lavallee said the ones they had that were bad on the inside, he couldn't tell from the outside. There was green on top, and then they cut them, and there was a hole inside.

[Unknown] said that doesn't necessarily kill the tree.

Mr. Lavallee said that's the heart of the tree.

Ms. Lavallee said she asked for a letter, and the arborist put down three dead pines left.

Chairman Dutzy asked if those were any of the ones they looked at.

Ms. Lavallee said no, those were on the hill. He said any of those could come down, but they're not looking to do that. He put the eight live pine trees to be removed and said, please be advised that these are okay to be removed. That's all he put down. You can see their reasoning for wanting to get them down.

Commissioner Sarno said arborists can identify hazard trees. None of the Commission is qualified to look at it and determine whether it is hazardous. She asked if the city had an arborist.

Ms. Chisholm said it might be Superintendent Bryan Conant from Parks and Recreation, she would have to check. The city normally doesn't do business on private property.

Ms. Lavallee said in 2010 it was live trees. The dead branches come down, but it's mostly the ones overwhelmed with snow that do the damage. At that time Parks and Recreation came down and gave them a whole mess of information of how to go about doing it, with a chart to go by to be able to qualify to get a permit. That's what they were going by.

Commissioner Sarno said much of the information they had was part of Shoreland Protection from the state. That's the minimum. The city has tighter regulations within the buffer.

Ms. Lavallee said the state has no problem, and back in 2010 the wetland scientist said there was no problem getting a

permit. The arborist came and said the same thing. And every time they've had a company come in to clear, they've been told they shouldn't have any problems. That's why they came in to get the permit.

Chairman Dutzy said one of the options the Commission has is hiring their own consultant to get the information they need to make an informed decision. If a tree is healthy it can still come down, but she doesn't have a comfort level. It's not just this property, it's to work with consultants that can educate the Commission on next time they go out. They have to take into consideration the health of the trees, the buffer, and the discomfort of the owners. She has lived in her home 40 years by Greeley Park, and her neighbor has full growth pines, and they have never come down. The ones that come down are the trees that were planted, maybe 20-ft tall. The pine trees are still there. Just because they're full growth doesn't mean they have to come down. She understands where they're coming from, but their house was built in a location it should not have been. All of those houses on that street would not have been built there now. Now they're trying to clean up a problem that occurred in the fifties. She would feel more comfortable if they hired a consultant to work for the Commission, give them what she feels to be honest data, and then they can make a decision on how to move forward regarding the buffer, trees, and what the owners are looking for.

Chairman Dutzy asked the owners if they are amenable to that.

Mr. Lavallee said he is concerned about the cost involved.

Chairman Dutzy said as a Commission they agree. The Commission would hire the consultant and pay for the consultant. She asked the Commission what they think.

Commissioner Bourque said that's a good compromise. Moving forward, all of them have concerns about trees on their properties. If they had an arborist to educate them on the thought process behind that, in regards to a changing weather system, their concerns are valid. Their responsibility is what is the best resources they can give people, and what they can recommend to meet in the middle. She doesn't have a comfort level being able to identify trees, and it's a beautiful property and significant wildlife habitat. If trees have to be removed, an arborist would be able to identify that.

Chairman Dutzy said they would do another site visit with the arborist so they could get an education. Once they get this information they can move it forward in a meeting without having the owners attend. There's so many trees, all in the buffer.

Ms. Lavallee said they aren't anywhere near the water.

Mr. Lavallee said they will plant new trees.

Chairman Dutzy said they will come up with resources to give them. She appreciates their efforts.

Ms. Lavallee said it doesn't take long for a tree to grow big.

Chairman Dutzy said she understands that and appreciates their willingness to work with them. It's the Commission's responsibility to protect the wetlands and the buffers.

Ms. Lavallee said she doesn't want to be responsible for her neighbor's house. Her neighbor shouldn't have to deal with this. That tree is headed for it.

Chairman Dutzy said she would feel more comfortable to have an arborist and educate themselves.

MOTION to approve withdrawn

MOTION by Commissioner Sarno to table the application to the May 2, 2023 meeting

SECONDED by Commissioner Bourque

FINAL VOTE NOT TAKEN

F. New Business

- ***City of Nashua (Owner) requesting for infrastructure work within the 75-ft "Prime" wetland buffer of Nashua River. Property is located at L Campton Street. Sheet F, Lot 4A. R9 Zone. Ward 1.***

David Boucher, Superintendent, Wastewater Dept.

Mr. Boucher introduced himself to the Commission. The request is for work being done at the North Gate pump station, off of

Campton Street. North Gate is the largest pump station, and handles flows coming off of Nashua High School North and the surrounding neighborhoods. The work to be done for this is part of their Phase II pump station upgrade. They have work being done inside and outside, including replacement of all the piping and pumps. There will be an upgrade to the generator in the building; the new one is larger and does not meet the specs to be inside and has to be moved outside to a pad. Other outside work includes siding, stair repairs, and new outside lighting. One of the larger projects is directional drilling to replace the 10-in ductile iron forced main that goes under the Nashua River to the Shore Drive side. He indicated the proposed improvements on a plan.

Mr. Boucher showed the Commission a series of plan sets, and described existing and proposed operations. When the work is done, everything will be buried, loamed, and reseeded. The generator pad location is the most reasonable location. There are several large trees around the pump station to create a sound barrier and for aesthetics, but they can't go on either side of the building because they have piping obstructions and a wet well. They kept it as close to the building as possible.

Mr. Boucher said the stairs are being replaced by corrugated metal. They believe the total new impervious area is 143-sqft. Once it's done, the plant will be restored with a grassy area. They will have to move the fence beyond the new generator pad.

Chairman Dutzy asked if the total disturbance would be larger.

Mr. Boucher said correct. The new generator pad is 15x10' and has to be elevated out of the floodplain.

Chairman Dutzy asked if it will be elevated 4-ft and the generator sits on top.

Mr. Boucher said correct, it is level with the bottom of the door. There is a 5x6' pad at the bottom of the stairwell, and 2x2' for the lighting and security. The rest is all grass.

Discussion of the plan ensued.

Chairman Dutzy said the application wasn't signed by a wetland scientist. Does James Long work for the city?

Mr. Boucher said he is not sure. Mr. Long went out for the

city. He had the DES Shoreland Permit done for this as well, they have to renew that for the directional drilling.

Chairman Dutzy asked if trees would have to be cut down to place the generator in any other location.

Mr. Boucher said yes. It is the least amount of impact, and they kept it close to the building as possible. You really can't have trees growing on top of sewer pipes.

Ald. Jette said his ward is on the other side of the river, and he's had people complain in the past about a light being on on that building that people on the other side of the river could see. The way it was pointing, it was shining right at their houses. It was probably taken care of, he hasn't gotten any recent complains. But he sees the generator will be outside the building, and he's thinking about noise.

Mr. Boucher said they have new generators at all their pump stations. They're relatively quiet now because they have insulated housings.

Commissioner Sarno asked if they are emergency use only.

Mr. Boucher said correct. They will run occasionally to exercise them, it's a requirement of the state. But if they lose power, that's what it's there for.

Ald. Jette asked where the new pipe under the river will come out.

Mr. Boucher said it will come out at Shore Drive, to connect to an existing pipe. It's between 135 and 133.

[Unknown] asked if they are not laying new pipe so much as installing a new one.

Mr. Boucher said correct. There is a 10-inch ductile iron that goes under. This new pipe will go on the side of it. The other will be abandoned in place. The existing point on Shore Drive will utilize that.

[Unknown] asked how they will be doing it.

Mr. Boucher said they will dig a pit and angle the pipe along the correct trajectory. It's going to go approximately 720-ft

to the other side. It's quite the science. There are two manholes on the other side, one in the lawn and one in the street.

Ald. Jette said the sewerage comes from the north side of the river and connected into piping under Shore Drive.

Mr. Boucher said correct.

Ald. Jette said that's unusual, there are three to four manhole covers in that area. They've had problems there in the past.

Mr. Boucher said no backups, I hope. He knows there's a new section of pipe there, 15-inch. This will be a 10-inch tied into a 15-inch. The wet well will have a grinder installed, so that anything that comes through gets ground down before it goes through the pumps to alleviate any clumps.

Chairman Dutzy said the application mentioned lighting.

Mr. Boucher said yes. He indicated it on the plan.

Chairman Dutzy asked if they are for security.

Mr. Boucher said yes.

Chairman Dutzy asked if there was any consideration to the direction of the light, in terms of wildlife. The other thing the Commission wants to educate itself on is the types of light and direction. Downward cast lighting doesn't interfere with migratory birds.

Mr. Boucher said they don't want to affect the neighbors either.

Commissioner Sarno said they want the light to be shining in a downward fashion. If it's shining up, it can interfere with migrating birds. A lot of bird migration happens at night. It's important that the skies remain dark. It's also less of a nuisance for the neighbors.

Mr. Boucher said he's not sure what they have at other locations. These will be on poles. They can go that route. The goal is to just illuminate what's on the ground.

Commissioner Sarno asked for further details on the drilling.

Mr. Boucher said they may the river and riverbed to know how deep to go and at what arc. This will be a large one. His previous job was 6-inch under the Souhegan, the company is pretty good at hitting their marks.

Commissioner Sarno asked how far below the river it goes.

Mr. Boucher said he's not sure. The ductile iron is just barely buried. They try to stay out of the way of boulders.

Commissioner Cook asked if no trees will be removed.

Mr. Boucher said correct.

Chairman Dutzy asked if they will restore the area.

Mr. Boucher said yes, 4-inches of loam and grass seed.

Chairman Dutzy asked if they will mow the area.

Mr. Boucher said the grass doesn't grow tall, but they mow it from time to time for maintenance.

Commissioner Sarno asked if this could be a meadow with a wildflower mix.

Chairman Dutzy said grass really offers nothing in terms of environmental. They have various mixes of wildflower that you mow once a year.

Mr. Boucher said it may be possible.

Chairman Dutzy said it would be good in an area that could be pollinator habitat and you would only have to mow in the fall.

Mr. Boucher said he's not sure how well it would grow. It's pretty acidic soil over there. It's not sandy until you get close to the water line.

Chairman Dutzy said, rather than a grass seed. If it takes, it takes. It might not take either.

[Unknown] said there are NH wildflower mixes at the Nashua Farmer's exchange.

Chairman Dutzy said most don't grow that tall. She asked the Commission if they need to perform a site walk.

The Commission expressed that a site walk was not necessary.

MOTION by Commissioner Cook to favorably recommend the project, as proposed, with the following stipulations:

1. Consideration shall be given towards downward facing lighting
2. Consideration shall be given towards using wildflower reseeding mix, where possible

SECONDED by Commissioner Widhu

MOTION CARRIED 7-0

G. NCC Correspondence & Communications

None

H. Commissioners Discussion

1. Natural Resources Inventory

Emma Rearick, Nashua Regional Planning Commission

Ms. Rearick provided the Commission with an overview of the draft update to the Natural Resource Inventory.

The Commission held a detailed discussion of the plan and maps.

Chairman Dutzy asked what the next step is.

Ms. Rearick said in 2006 the Commission was in a much different place, there was a lot of development happening and there was land available for Conservation. Things are a little different now, it's more management. That's where updating this plan becomes tricky, it's a different situation. Mr. Sullivan suggested coming up with some top goals for the priority conservation areas. They could also have an appendix for a broad work plan, but she would need to have that from the Commission.

Chairman Dutzy asked what timeframe they have.

Ms. Rearick said the NRPC contract is through the beginning of June. She would have to check with Mr. Sullivan.

Chairman Dutzy said they may need to have a special meeting, rather than try to come up with what they think the 10-year vision should be for the Commission. She asked if the maps could go online.

Ms. Rearick said they can provide them.

[Unknown] asked about a map of local potential contamination sources.

Ms. Rearick said she could look into it.

The Commission held a brief discussion of terminology found in the document.

[Unknown] asked if they have a specific list from Ms. Rearick on the items she will need from them.

Ms. Rearick said no.

Chairman Dutzy said they might have to have a special work session to address those.

[Unknown] thanked Ms. Rearick for the colorized maps. They will be useful for many other projects.

A brief discussion of digital maps ensued. Chairman Dutzy thanked Ms. Rearick for their efforts.

The Commission agreed to set up a workshop session for April 25, 2023, at 6:00PM.

2. Project List Updates

None

3. Vernal Pool Buffer Legislation

Chairman Dutzy said right now the buffer around a vernal pool is 20-ft. They would ideally like to see it as a 100-ft, or

even more. They need to find a champion in the Board of Aldermen to sponsor that legislation. The last time this came up, years ago, apparently it was a really heated battle for some reason. That's why they decided on 20-ft, which isn't supported by any of the science. 100-ft is supported by science, 400-ft even more. If they can at least get 100-ft they can protect that resource a lot better than they are now.

Commissioner Sarno produced a publication from the Army Corp of Engineers, which recommends a 100-ft buffer plus a reserve for limited development, up to 750-ft. This is not the only publication that recommends 100-ft, it's a standard best practice. This does a good job of explaining the reasons for the buffer.

Ald. Jette asked what the legislation would do, provide for 100-ft buffer? You can't do anything within 100-ft?

Commissioner Sarno said correct.

[Unknown] said it would be similar to a prime wetland buffer.

Chairman Dutzy said there are no vernal pools over at Roby Park, but if they did and it was identified, they wouldn't be able to do anything within that 100-ft.

Commissioner Sarno said they would need permission. They would be changing the existing buffer to 100-ft.

[Unknown] said any impacts within that buffer would need to be mitigated.

Chairman Dutzy said it would have to come to the Commission. She asked that Ald. Jette think about it. This is something that came up during the middle school site walk, they have at least three vernal pools over there.

Commissioner Sarno said Ald. Dowd expressed he would be willing to cosponsor a change to the buffer. They haven't discussed the buffer distance, but they would like to see 100-ft.

Ald. Jette asked if the school was done yet.

Commissioner Sarno said yes. This would not affect the school. They did work out a compromise with the school and moved some

hardscaping around the best they could.

Ald. Jette asked if this would govern private land, not just city land.

Commissioner Sarno said correct.

Chairman Dutzy said if someone wanted to develop a piece of land with a vernal pool, that 100-ft would apply.

Ald. Jette said he would be happy to look into it.

4. Country Club Golf Course

[Unknown] said the favorable recommendation stated no stipulations, but they discussed on the site walk that there would be only four trees removed.

Chairman Dutzy asked when that was done.

[Unknown] said June 21, 2022.

Chairman Dutzy said the last stipulation she has is April 6, other than what they have in their packet.

[Unknown] asked if there was a way to have visibility to the stipulation letters once they are issued.

Chairman Dutzy said she should have gotten a copy of this after it was done. It has her signature on it, she doesn't write the letters.

[Unknown] asked if it could be placed on the Google Drive. This project is not assigned.

Chairman Dutzy asked how they rectify this. They could probably go back to the tape.

[Unknown] said it was voted on at the site walk.

[Unknown] said it was four trees.

[Unknown] said they should go take a look and see if the trees are already taken down.

[Unknown] said he hopes the applicant didn't get this copy of

the letter with no stipulations.

Ms. Chisholm said she can look into it. This was before her time with the Commission. She'll talk to Mr. Sullivan about it.

Chairman Dutzy said if something is going to go out with her name on it, she should at least review it before it goes out. There were a lot of big trees there they didn't want taken down.

[Unknown] said she noticed on one of her assigned projects something they discussed as a possible stipulation wasn't included in the letter.

Chairman Dutzy said they should go over the stipulation letters and take some time at the next meeting to look for discrepancies. By the time they get to the projects it's so late in the meeting, we need to be fresh when we're looking at this.

Ms. Chisholm said she can follow up with Mr. Sullivan.

I. Subcommittee Reports

- **Easement Monitoring**
 - Commissioner Sarno said they have a new SPNHF contact and she will be doing a site visit at Lovewell, Buckmeadow, and Terrell at April 21, at 10AM.
- **Land and Trail Management:**
 - Commissioner Sarno said the kiosk at Buckmeadow was very faded. She asked Ms. Chisholm to look into reprinting and lamination. Further discussion ensued.
 - Chairman Dutzy led a discussion regarding downed trees and establishing the forest management plan. They need two more quotes to meet the standards for awarding a project.
 - Chairman Dutzy said the Budget Committee approved the \$13,000.00 request for the beaver deceivers, which now goes to the Board of Aldermen on April 11th. Ms. Chisholm provided a summary of her meeting with BestWay Wildlife Control.
- **Digital Marketing:** Commissioner Cook led a brief discussion regarding adding native plantings to the

website.

J. Adjournment

MOTION to adjourn by [Unknown] at 9:02 PM

SECONDED by Chairman Dutzy

MOTION CARRIED 7-0

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KP - Taped Hearing

DRAFT