



City of Nashua
Conservation Commission
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NASHUA CONSERVATION COMMISSION

April 5, 2022

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, April 5, 2022 at 7:00 PM, 229 Main Street, City Hall in Room 208, and via Zoom virtual meeting.

B. Roll call

Members present: Sherry Dutzy, Chair
Gene Porter, Vice Chair (Zoom)
Jed Crook, Clerk
Brandon Pierotti
Carol Sarno
Meghan Cook
Maureen Bourque

Also in Attendance: Linda McGhee, Deputy Planning Manager
Ald. Ernest Jette
Dick Widhu

C. Approval of minutes

March 1, 2022

MOTION by Commissioner Sarno to approve the minutes of March 1, 2022, as amended

SECONDED by Commissioner Cook

MOTION CARRIED 6-0-1 (Porter abstained)

D. Old Business

➤ *John Flatley Company (Owner) Requesting review of temporary and permanent impacts to "Other" wetland and "Other" wetland buffer for culvert upgrades and associated site grading. Property is located at Innovative Way Extension, a.k.a "L" Daniel Webster Hwy. Sheet A, Lots 44 & 172. PI Zone. Ward 8.*

Chris Guida, Wetland & Soil Scientist, Fieldstone Land
Consultants, 206 Elm St, Milford NH

Mr. Guida introduced himself as representative for the owner. With him is Ken Robinson, Wetland & Soil Scientist, who attended the site walk.

Mr. Guida said they have revised plans for the Commission, and passed them around the room. He said Mr. Robinson went out and performed a vernal pool evaluation after the site walk. He provided copies of the report to the Commission, and said as suspected there weren't any vernal pools in the area. A lot of the water that has been out there is dissipating and almost gone, which is fairly common.

Mr. Guida said they asked their engineers to revisit the grading plan, and they were able to tighten up the grading and remove the buffer impact on the western wetland. They also pulled the proposed culvert back from the NHDOT right-of-way. Dozer Road is still owned by the state, and there is going to be a discontinuance of Dozer Road very similar to Innovative Way. Part of that will address the culvert extension, where the existing ones are within the right-of-way. The proposal is to remove those culverts and pull back with an open-bottomed structure on the intermittent stream.

Mr. Guida said there is 5,600-sqft of buffer associated with that, almost all of which is within Dozer Road. This wetland is 1,575-sqft. He thinks that addresses all the questions asked during the site walk.

Commissioner Cook said they also talked about how the 1,500-sqft of buffer impact could be vegetated. Do they have more information about that?

Mr. Guida asked if the question was whether it could be vegetated, or would be.

Chairman Dutzy said the site walk minutes include possible stipulations for positive recommendation. She described the recommended reseeding plan.

Ken Robinson, Wetland & Soil Scientist

Mr. Robinson said they did speak with another group who

suggested other plants they can include in the landscaping plan.

Chairman Dutzy said exactly. The owner is open to that.

Mr. Guida said absolutely.

Commissioner Sarno asked if they performed the vernal pool assessment today.

Mr. Guida said yes.

Commissioner Sarno asked if the area they inspected where they believed to be a vernal pool is not?

Mr. Robinson said the water is 6-10 inches lower. There are photos in the report. There's not much staining or sediment accumulation on the leaves, and there was insect activity. There are no egg masses or accumulations.

Commissioner Sarno asked if it would be too early for egg masses.

Mr. Robinson said he wouldn't think so, based on the weather. They're about a week away from seeing peepers, and those eggs have to come from somewhere. He has seen wood frogs in vernal pools even when there is ice still in the water. It's more of a daylight driven thing. Temperature does help, and it has been relatively warm with the rains. With the activity they saw with insects, they would typically see concurrent activity with indicator species for vernal pools.

Commissioner Sarno asked if he is saying there are no vernal pools onsite.

Mr. Robinson said yes, within the vicinity. They didn't do an extensive search of the land to the north.

Chairman Dutzy said it was her understanding that there was no wetland vegetation in that area.

Mr. Robinson said correct.

The Commission discussed potential stipulations for favorable recommendation to the Zoning Board.

Commissioner Sarno said this is a small portion of a very big lot. It seems like the back half of the lot might have wetlands or be undevelopable. Would the owner be interested in placing a conservation easement there?

Mr. Guida said he doesn't think that would be something without exploring it much further. It's not a bad idea in certain areas. The Flatley Company tries to promote recreation and the trail networks. Functional wise they are trying to extend Innovative Way and the corridor along the highway lends itself to a vegetated corridor. Development tends to be higher up the slope anyways, for better drainage. It would have to be looked at carefully.

Chairman Dutzy said it doesn't affect this application, but she knows that the Planning Department has asked for an overall development plan for this property. As a Conservation Commission, if they could work together with the developer to make a conservation plan and look at the land for wildlife corridors they can do it moving forward.

Mr. Guida said he has floated that idea with the Flatley Company and his engineers. It's good planning to incorporate that into future development.

MOTION by Commissioner Sarno to favorably recommend the proposal to the Zoning Board with the following stipulations:

1. Native plants shall be incorporated into the development.
2. The proposed culvert shall be open-bottomed for passage of wildlife.
3. Graded slopes on the perimeters of the property shall be revegetated with a conservation seed mixture, eastern pollinator wildflower seed mixture or similar selection, where turf grass is not appropriate.
4. Graded areas shall be replanted with species which offer food and/or habitat for wildlife.
5. Conserve as much forested land as possible.

SECONDED by Commissioner Bourque

MOTION CARRIED 7-0

- ***Property Possible, Inc. (Owner) Requesting preliminary review of permanent impacts to "Prime" wetland buffer for the construction of 10 single-family detached residences and associated site improvements. Property is located at 49 Buckmeadow Road. Sheet C, Lot 18. R40 Zone. Ward 5.***

Tom Zajac, Civil Engineer, Hayner/Swanson Inc., 3 Congress St,
Nashua NH

Mr. Zajac introduced himself to the Commission as the representative for the owner. With him via Zoom is Brendan Quigley, Wetland & Soil Scientist from Gove Environmental, and Michael Lefavor from Property Possible.

Mr. Zajac said the goal of this meeting is to introduce the development concept, answer questions, and schedule a site walk with the hopes of returning for a decision at the May meeting.

Mr. Zajac provided the Commission with a brief presentation of the proposal. This is a ten-acre site in the R40 residential zone. The current owner purchased the property last September from the Gagnon Family Trust. The majority of the site is developed or maintained lawn area, with a single family dwelling along Buckmeadow Road, with a number of outbuildings and sheds. Access is currently from two driveways, with the southerly driveway provided access to the rear portion of the site. The site is serviced by private septic, private well, gas, and overhead electric.

Mr. Zajac said the site slopes from Buckmeadow Road down to the farm pond and the westerly side of the site. Wetlands were flagged by Mr. Quigley last fall and surveyed by his office. There is a large wetland along the entire west side of the site, associated with the Ridge Rd prime wetland complex. The limit is well defined as a drainage ditch that runs along the rear of the property. There are small fingers of wetlands that extend into the site from the northern abutting property as well as the existing farm pond. They have determined that these will not meet the "Prime" wetland criteria, and are therefore shown on the plan with an associated 40-ft "Critical" buffer.

Mr. Zajac said their client requested them to find the highest and best use for this property. There is a critical housing

shortage in Nashua and the state, so they looked at a number of options available to the R40 zone. They considered a street-side subdivision, a conventional R40 subdivision, a conservation subdivision with public roads, and a conservation subdivision on a single lot in a condominium form of ownership. Based on the lot constraints, they are exploring a conservation subdivision on a single lot. This is similar to the Terrell Farm project off of Groton Road and the Applewood Estates project off of West Hollis St.

Mr. Zajac said they are proposing a 10-unit single-family detached residential development in a cluster style, in accordance with the Conservation Subdivision regulations outlined in §190-40 of the Land Use Code. Units will be on a single common lot, with the open space and conservation space being protected and maintained by a condominium association. There isn't specific demarcation of the conservation zone; it would be on the final design plans.

Mr. Zajac said access would be provided via a new street from Buckmeadow Road, which would be sloped to match the existing topography. The existing house and out buildings would be demolished. The ten units would be clustered in the northerly and easterly side. They will have walk-out basements to help them work with the site topography. They envision that the units will have individual private septic systems, and they plan to engage with Pennichuck to extend public water. They plan to utilize onsite gas and underground electric.

Mr. Zajac said their goal is to protect natural resources, and they have tried to consolidate the footprint of the development. They want to avoid direct wetland impacts. There are buffer impacts, but they have tried to site all roadways, driveways, and buildings outside of the buffers and use areas that are currently developed or maintained. This plan represents 91,000-sqft of buffer impact, but the vast majority of these areas are outside of the main development footprint. He would argue that these are temporary impacts, as it is restoration or revegetation of impacted areas.

Mr. Zajac said the existing development and maintained areas go right up to the wetland buffer. They would be proposing to pull back from a lot of those locations, especially in the rear.

Mr. Zajac said when they return in May, they will be asking

for two things. One is for buffer impacts, which they will also be requesting a Special Exception from the Zoning Board.

Mr. Zajac said the second request is in regards to the Prime wetland boundary. There are many known issues with out the prime wetland boundaries are mapped, particularly where the mapping was accomplished prior to widespread aerial topography and GIS mapping. There was also a state law change in 2012 which removed the 100-ft state prime wetland buffer. This also changed the mapping criteria, which required prime wetlands to coexist with the delineated boundary. This was not retroactive however, and boundaries already designated remained as-is.

Mr. Zajac said the wetland study performed for this site sets that boundary line. Because of the technicalities mentioned previously, generally the line follows the recorded boundary, but there are some locations where there is a 20-30ft discrepancy. They would be requesting that the Commission provide a recommendation to revise the official prime wetland map, per the delineated wetlands. The city and state wetland GIS layers show a line almost all the way up the Buckmeadow Road. Mr. Quigley would know more in terms of the official process, but he believes there is a state provision for this official map change.

Commissioner Sarno asked if most of these undeveloped areas are either wetland or wetland buffer.

Mr. Zajac said generally, yes. There are some upland areas in between the various wetlands and buffers in the rear of the site. The majority of the site for that conservation land would be wetland and buffer related areas.

Commissioner Crook referred to the plan and buffer impact area "A", and asked if that is currently a forested area. What impact will this development have on that area?

Mr. Zajac said there is a little finger of wetland that comes out, and behind that currently is being used and maintained. There is gravel, hard pack areas, stockpiles, and logs. It is currently disturbed. As a development team they could leave it alone. He thinks the right way to do it is pull back and revegetate. He has a place-holder on that plan for a natural walking path, which would be sited in an area already redeveloped. There is no real development proposed in that back corner. It would be limited to restoration.

Chairman Dutzy asked if there have been buffer impacts and code violations on this property.

Mr. Zajac said the Gagnon family owned this parcel for a long time. If you look at aerials from the 30s, the disturbed footprint is pretty much the same as it was then. It predates Conservation Commission.

[Unknown] asked if there are trailers on the aerial.

Mr. Zajac said yes. He understands that a tree service has operated onsite for many years, predating his client purchasing the property.

[Unknown] asked if they would be removed.

Mr. Zajac said yes.

Commissioner Sarno asked if they are proposing a walking path in the buffer because it's part of the conservation subdivision requirements.

Mr. Zajac said yes. The regulation seeks to promote the use of open space and conservation land. Given that the area is already developed, they put the path as a placeholder there. If the Commission is vehemently opposed to it, they can remove it. It speaks to connectivity and pedestrian activity.

Commissioner Sarno said this is Old Ridge Road, which connects to Buckmeadow Conservation area. If there were a way to not have this path and get residents up to Old Ridge road, they would have ready access to the conservation area.

Mr. Zajac agreed, and said they can explore it in detail over the next couple of weeks. They have a hard wall in terms of the prime wetland buffer. Most of that back portion is wet, so it would be difficult to get to. Maybe there is enough upland back there to navigate through.

The Commission agreed to perform a site walk April 13, 2022, at 5:30PM. Chairman Dutzy asked for a copy of the wetland study.

➤ ***Nashua Country Club (Owner) Requesting preliminary review of temporary impacts to the 20-ft buffer of an unnamed***

intermittent stream for the removal of 24 trees. Property is located at 25 Fairway St. Sheet 116, Lot 1. R9 Zone. Ward 7.

Gary Flaherty, Wetland & Soil Scientist

Mr. Flaherty introduced himself as the project manager. With him is Greg Hollick from the Nashua Country Club.

Mr. Flaherty said they are looking to cut trees within the 20-ft buffer to an intermittent stream along Hole 3. The Country Club is 160-acres, and the area they are looking at is about 0.8 acres. The buffer area comes out to about 34,000-sqft. They would like to remove 24-trees.

Greg Hollick, Golf Course Superintendent, Nashua Country Club

Mr. Hollick said they are selectively targeting this area to provide more sunlight along the fairway. The hole runs east to west, so it would benefit that hole. He showed photos of ice accumulation, which created some damage this past winter. They are trying to restore the turf grass.

Mr. Flaherty showed aerials of the site. He delineated the site and hung 15 wetland flags. They are proposing to cut the 24 trees down to stumps. There will be no soil disturbance, and the stumps are to remain. He didn't propose any mitigation because these trees came from stump sprouts and he believes that more stump sprouts will come after. They will be planting trees and shrubs all around the golf course as time goes on, which he believes will offset this.

Mr. Hollick said the last time they cut trees was in 2015 at Hole 6. The green was one of the worst performing holes on the course. With proper sunlight, it is now one of the better performing greens onsite.

Mr. Flaherty said he spoke to one of the abutters while delineating the stream, who voiced concerns about a large tree near her property. She was happy to see this go forward. This is a pretty straightforward project.

[Unknown] asked how large the trees are.

Mr. Flaherty said these are multi-stem stump sprouts.

[Unknown] asked what the size range of trees are. How large

are the largest trees?

Mr. Flaherty said some of the trees are 30-40 centimeters in Diameter at Breast Height. There are a couple of larger trees.

[Unknown] asked if they had considered trimming instead of full removal.

Mr. Hollick said some of the trees are quite tall and mature, so they would not receive the benefits of additional light without removal. The amount of shade is large. There are multiple trees behind that stream on abutting properties. IN the previous cutting they worked with the abutter, and provided good morning light to the course.

Commissioner Sarno asked how many trees are in this area. 24 trees out of how many?

Mr. Flaherty said they are removing about 60%. There are about 60 trees in the area he marked out.

Commissioner Sarno asked if there is any shade tolerant seed they can use for the turf.

Mr. Hollick said it is difficult to maintain turf at the heights needed for that section of the course. Over the past 100 years the grass there has transitioned over to a variety that doesn't do well with ice damage. On golf courses you need that morning sunlight, it's more beneficial for the turf. That whole fairway runs from east to west, so they will gain some sunlight and strengthen the fairway. Perennial rye grasses tend to do better in shade areas, but they aren't sustainable at half inch high cuts.

Chairman Dutzy asked if the trees are marked.

Mr. Flaherty said yes.

The Commission agreed to perform a site walk on April 18, 2022 at 5:30PM.

- ***BAE Systems Information & Electronic Systems (Owner) Requesting non-binding application review of temporary impacts to "Prime" wetland and "Prime" wetland buffer within the Shoreland Exempt Area for the repair and re-face of existing concrete retaining wall along the Nashua River. Property is 95***

Canal St. Sheet 41, Lot 18. GI Zone. Ward 3.

Taylor Hennas, Environmental Consultant, Meridian Land Services, 31 Old Nashua Rd, Amherst NH

Ms. Hennas introduced herself as representative for BAE Systems. After discussion with Community Development Director Matt Sullivan, he advised her to speak to the Commission about the proposed work.

Ms. Hennas provided a brief description of the subject lot. This property is located with the Shoreland Urban Exemption Area, and almost 100% is impervious area. This parcel is not located within the Water Supply Protection District.

Ms. Hennas said the Nashua river is classified as a riverine lower perennial system and a Prime Wetland. She described physical features of the river. The proposal is for the repair and re-face of the existing retaining wall along the river. They propose to repair 77 linear feet with shock-crete in order to prevent future erosion and further weathering. The entirety of the work area will be enclosed by silt socks and erosion fences. They will also cover the riverbank with non-moving filter fabric to protect surrounding vegetation. All temporarily disturbed areas will be reseeded with a mix provided by New England Wetland Plants Incorporated to restore and enhance the bank.

Ms. Hennas said the project proposes a total of 99-sqft of temporary wetland impact. Minimal vegetation will be removed, and this project proposes no permanent disturbance. No work will be conducted within the watercourse. They are using the shock-crete spraying method because it is the least impactful and has the least impact to the surrounding wetland. All erosion control measures will be removed following project completion. This project meets all minimum impact criteria for this project type under the NHDES Wetlands Bureau standards. All work will be conducted in the dry. There will be no change in the height, length, location, or configuration, and only 6-inches width will be added to the wall. This project has no exemplary habitats or communities, threatened or endangered species of concern, and identified as supporting landscape in the wildlife action plan.

Chairman Dutzy asked if the work will be done from a boat, or will there be enough land.

Ms. Hennas said the access to the bank is provided by an opening in the fence. This temporary disturbance would be 6-ft wide.

Commissioner Bourque asked if there is anything specific within the design in how the shock-crete is being sprayed to minimize impact to stormwater.

Ms. Hennas said stormwater management wasn't within their scope. It's not part of BAE's phasing in this proposal, but may be in the future. They would like to spray the shock-crete for now.

[Unknown] asked when they spray the shock-crete on, do they make allowances for anything getting into the river.

Ms. Hennas said Best Management Practices for shock-crete states that when you stand 1-2 meters away, you minimize impact for blowback. They are trying to minimize and prevent this by placing temporary erosion controls beyond 6-ft so they can have ideal placing distance. Also if you spray at a 90-degree angle in circular motions this minimizes blowback.

[Unknown] asked if this is on the face of the wall they are spraying.

Ms. Hennas said correct.

Commissioner Pierotti asked if there are any protective measures for the trees to eliminate blowback.

Ms. Hennas said they will be placing filter fabric along the banks. They can also wrap the tree trunks as a preventative measure.

Ald. Jette said the images show pipes coming out of the wall. Are those penstocks still in use?

Ms. Hennas said they are not in use. They are still in place, and were originally used for primary energy production discharge over 100-years ago.

Chairman Dutzy asked when BAE intends to do this.

Ms. Hennas said no work will be conducted within the

watercourse. The survey was performed in May, the photos in November. It would most likely be performed at the end of summer, when the water is lowest.

Chairman Dutzy said there is no application associated with this proposal. Is this for informational purposes only?

Ms. McGhee said correct.

Commissioner Pierotti asked if compost will be disposed of or spread.

Ms. Hennas said she can find out. She believes they will remove the silt sock, not spread it.

Chairman Dutzy asked what his preference would be.

Commissioner Pierotti said if they are using synthetic, he prefers they remove it. If biodegradable, he prefers they spread it.

Chairman Dutzy thanked Ms. Hennas for her time.

F. NCC Correspondence & Communications

None

G. Commissioners Discussion

1. Turtle Trapping

Jeremy Fontaine provided the Commission with an update on his study. He just received his permit for turtle trapping for three different areas: Joyce Park, Salmon brook near Roby St, and Field's Grove. He should be able to start trapping three weeks in May, and he has five students in River University to assist. Joyce Park will be the May area. He added to the permit fishnet dipping to see what find of invertebrates and fish are in the area. He performed some fundraising, and would like to know if the Commission approved funds for the study. Any volunteers are welcome.

Chairman Dutzy asked if he has enough volunteers.

Mr. Fontaine said the goal is to get hands on experience for students. If someone has an interest, he would be happy to

have them. He has enough students to fill in the days, but there are some days that he will be there by himself. C

Chairman Dutzy asked if it would be every single day.

Mr. Fontaine said yes. The cutoff point would be June, when the egg laying season occurs.

Chairman Dutzy asked if the Commission can get his contact information to coordinate times.

Mr. Fontaine said yes. Right now they are 3-7PM. By the permit law he can't go over 24-hours without checking the traps. He has an excel spreadsheet they can sign up on. He will also need their shoe sizes for waders.

Chairman Dutzy said Bishop Guertin has waders and can loan them. The Commission can get waders through him, would that be helpful?

Mr. Fontaine said that is fine. One of the possible conditions of the funding is the equipment needs to be returned to the Commission after the study. If they needed a size that BG didn't have, he would purchase it and the Commission would get it back.

Chairman Dutzy said they would want him to submit invoices for payment so they can reimburse him.

Mr. Fontaine said yes, so long as they can promise it will be refunded.

Chairman Dutzy said they voted for costs not to exceed \$700. Joyce Park does not yet have a specific fund, because they do not have a stewardship plan in place yet. She asked staff if there was a way to circumvent that.

Ms. McGhee said she would check with Mr. Sullivan how the funding works.

Chairman Dutzy said it may take a while, but he will get reimbursed. He will get paid.

Mr. Fontaine said he can start ordering items so they will be here in time.

Chairman Dutzy said if he wanted to do the study next year, he could borrow the equipment from the Commission.

Mr. Fontaine said items like zip ties and pink flagging wouldn't be able to be reused. Is that ok?

Chairman Dutzy said yes. Anything he considers to be a consumable, don't worry about it. Everything else they will take possession of, and can give it back to him for the next study.

Mr. Fontaine said the professor at Rivier enjoys this study, and this might be something they take on. He will also submit for publication, and the Commission would be listed as a donor.

Chairman Dutzy asked for the name of the professor.

Mr. Fontaine said Shanna Demers.

[Unknown] asked where the fish netting would happen.

Mr. Fontaine said as you walk upstream, you have a net with small holes. You go as you walk upstream to the grass anything. Any bugs he catches would have their picture taken, which he would send to Zoo New England for identification.

[Unknown] said she doesn't feel there can be too many volunteers.

Chairman Dutzy said she can contact Steve Fitzgerald, the biology teacher at Nashua North, who has a Green Club.

Mr. Fontaine said that would be good. The only real issue would be snapping turtles, but he would go over safe handling of turtles and snakes. He wouldn't put any students in danger of handling something they aren't comfortable with. The only real danger is poison ivy and ticks.

[Unknown] asked when the first dates would be starting.

Mr. Fontaine said he thinks it would be May 2nd. He will submit his invoices all at once.

2. Nashua Fish Hatchery

Chairman Dutzy said Kate Maloney did not get the grant funding.

3. May Meeting Attendance

Chairman Dutzy said she will not be present for the May meeting, someone else will have to run the meeting.

The Commission discussed moving the meeting to the May 10th meeting. Ms. McGhee said she would check with Mr. Sullivan.

4. Joyce Park Walk

Commissioner Sarno reminded the Commission that there would be a site walk on Friday.

5. Conservation Commission Brochure

Chairman Dutzy said she received an email from Commissioner McCarthy recommending they remove the names from the brochure. She said they should do a wetland recommendation brochure on what they would like to see added to make it more vibrant.

Commissioner Bourque volunteered to look into it.

6. Vernal Pool Update

Commissioner Sarno asked for an update on vernal pool inspection for the new middle school, now that it is spring.

Chairman Dutzy said the Commission also asked to be involved when construction started. She was notified that construction has begun. She thinks it's too early. She asked Ms. McGhee to follow up, as this is the time of year they should be looking for vernal pool indicators.

Chairman Dutzy said she will update them soon on the vernal pool walk with the library.

Discussion of vernal pools in the Buckmeadow area ensued.

[Unknown] said Ms. Hannas is working on her Master's project and created a handout intended to be used by Commissions and developers for good road crossing designs for vernal pool species. It could be a good resource.

7. Commission Work Days

Chairman Dutzy said May 7th will be a planting work day at Joyce Park Wildlife, 10AM-12PM. Once they see how many people show up they can decide what else they can do.

8. Subcommittee Reports

Land and Trail Management: Commissioner Sarno said they are closing a trail at Lovewell Pond that goes through a critical wetland on April 23rd. They are doing this in conjunction with NEMBA.

H. Adjournment

MOTION to adjourn by Commissioner Crook at 8:44 PM

SECONDED by Chairman Pierotti

MOTION CARRIED 7-0

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Prepared by: Kate Poirier