



City of Nashua
Conservation Commission
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EXPANDED MEETING SUMMARY

THIS IS NOT AN OFFICIAL TRANSCRIPT OF TAPE RECORDED PROCEEDINGS

NASHUA CONSERVATION COMMISSION

Tuesday, June 1, 2021 (AMENDED 07/06/2021)

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, June 1, 2021 at 7:00 PM, via Zoom virtual meeting.

B. Roll call

Members present:

- Sherry Dutzy, Chair
- Gene Porter, Vice Chair/Acting Clerk
- Brandon Pierotti, Treasurer
- Carol Sarno
- Josh Hauser, Alt.
- Gloria McCarthy, Alt.
- Jed Crook, Alt.

Also in Attendance:

- Matt Sullivan, Planning Manager
- Chris Webber, Department Coordinator
- Andrew Smeltz, GIS Specialist, 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 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. Membership

Chairman Dutzy said Commissioner Ackerman may be resigning from the Commission due to continued medical issues. They should assume for the next couple of meetings that Commissioner Porter will act as Clerk.

D. Approval of minutes

May 4, 2021

MOTION by Commissioner Porter to approve the minutes of May 4, 2021, as amended

SECONDED by Commissioner Hauser

MOTION CARRIED 4-0

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.*

Brian Pratt, Project Engineer, Fuss & O'Neil

Mr. Pratt gave a brief overview of how the development has proceeded since their last meeting with the Commission. They are proposing some changes to the plan, which mostly concern the wetland near Worthen Industries at the end of Spit Brook Rd. They had proposed to connect directly into the 42-inch DOT pipe for Exit 1 drainage. Alteration of Terrain was concerned that they were not treating enough stormwater. As a result, they are now proposing to lower the swale, remove the siding, and dredge the swale, as suggested by the DES. Everything else is the same as presented before. They are working on written confirmation from the DES approving this change.

Mr. Pratt said this is an improvement for the natural environment, and will restore the wetland more closely to what previously existed. It will provide a larger area for stormwater treatment. They will install an outlet structure, which will then outlet into the DOT 42-inch pipe. There is more treatment with this updated plan.

Chairman Dutzy asked staff for clarification on the procedure.

Mr. Sullivan said they would need to vote to approve the amended plan. However, the Commission may want to conduct a site walk.

MOTION by Commissioner McCarthy to approve the amended site plan

SECONDED by Commissioner Pierotti

VOTE NOT COMPLETED

Commissioner Porter said the original onsite treatment was advertised as retaining all stormwater up to the 2-year flood. Will they be retaining more stormwater onsite now?

Mr. Pratt said this amendment makes no change to the onsite retention systems. This is entirely separate.

Commissioner Porter said the 2-year determination was made based on the elevation height of the overflow into the DOT pipe. Has that water height changed at all?

Mr. Pratt said there is a possibility that this will flood in high storm events, but this will peak before the DOT pipe will, and onsite will peak at a different time.

Commissioner Porter asked if this increases the amount of infiltration possible onsite.

Mr. Pratt said yes. But restoring the swale, the area will infiltrate more water and at a higher quality. It will increase the value of the wetland.

Commissioner Porter asked if they are opening the old culvert under the railroad tracks.

Mr. Pratt said that culvert receives flow in large storm events. By doing this they will increase flow to the culvert after it travels the 800-ft stormwater wetland.

Chairman Dutzy asked if members were interested in a second site walk.

Commissioner Porter said yes.

The Commission agreed to perform a site walk on June 7th, 5PM.

- ***Karen & Richard Chisholm (Owners) Requesting review of permanent impacts to "Prime" wetland buffer of Nashua River in order to redevelop deck into home addition. Property is located at 19 Cheryl St. Sheet D, Lot 107. Zone R9. Ward 5.***

Karen Chisholm, 19 Cheryl St, Nashua NH

Ms. Chisholm introduced herself and Richard Chisholm as the applicants and owners. She said they live in a mobile home at Rodger's Mobile home park, and are trying to convert their deck into a kitchen expansion. The expansion would be in the front of the home. The Nashua River inlet is at the rear of the property, so she doesn't think it will be affected at all. The park manager gave them a sign off, and now they are asking the Commission for permission.

Chairman Dutzy asked if this would impact the wetland buffer by 10-ft.

Mr. Sullivan said correct.

Chairman Dutzy asked if the wetland scientist marked off the area.

Ms. Chisholm said yes.

The Commission agreed to perform a site walk on June 9, 5:30PM.

F. Old Business

None

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

➤ **Committee Reports**

○ **Easement Monitoring**

- Commissioner Sarno provided an update on trail closures and fence repair. They plan to build a fence to close the trail permanently. They plan to work with the Boy Scouts for labor, who have requested they rent an auger for the fence holes.

MOTION by Commissioner Porter to authorize \$250 for the permanent closure of trails within the Southwest Conservation Area

SECONDED by Commissioner Sarno

MOTION CARRIED 4-0

Mr. Sullivan said that because this is in the Southwest Conservation Area, this expenditure does not need to go to the Board of Aldermen.

Commissioner Sarno asked if anyone was following up with trail stewards. They used to receive a response from the department.

Mr. Sullivan said he has been sending the requests to the Commission. He can start sending responses to the interested residents and forward them directly to the Commission.

o **Digital Marketing**

- Commissioner Hauser gave a presentation to the Commission of the proposed website. A detailed discussion ensued.

➤ **UNH Wildlife Camera**

Mr. Sullivan said they received a response from UNH on soil deposits, where the cameras would be placed, and whether the data would be shared. They will be using soil from the surrounding area, or clean fill. They don't have a specific location. They will provide a summary of the results at the conclusion of the project.

MOTION by Commissioner McCarthy to approve the installation of a wildlife camera on the Northwest conservation properties

SECONDED by Commissioner Porter

MOTION CARRIED 4-0

➤ **SCA Project Update**

Chairman Dutzy said she and Mr. Sullivan spoke with Mr. Hurd, and didn't see any issues where the boundaries would be infringed upon by the staircase and retaining wall. The SCA will be onsite June 15th.

Mr. Sullivan said they have reserved the materials, and are awaiting further information. Based on the lumber shortage this is a theft risk, so they are trying to have supplies incrementally delivered as needed. He thanked the Commission for their hard work during the cleanup day.

Chairman Dutzy said they weren't able to locate housing, so they are staying at Greenfield State Park. Mr. Hurd has agreed to install posts and monument the buffers.

Commissioner McCarthy asked if delivering piecemeal would

slow things down. Can they keep a locked pod onsite?

Mr. Sullivan said financial feasibility would be an issue. He doesn't anticipate that this will slow the project. They are trying to draw as little attention to this project as possible, and a pod would do the opposite.

Chairman Dutzy said Mr. Hurd hasn't had any issues with theft on his construction sites, so she is hopeful they won't see any thefts.

➤ ***Project Assignments Update***

Chairman Dutzy said they should go back two years and make sure all projects have somebody assigned to them. They only want active projects on the list. She outlined what would be entailed in monitoring a site.

A discussion of past projects ensued.

Mr. Sullivan offered to look through the projects from 2018 forward and see which projects have moved forward and which have not. He will also check to see if they have stipulations, and forward them on to the Commission.

➤ ***Treasurer's Report***

Mr. Sullivan said they should add this to the agenda as a recurring item. Discussion of how to facilitate this ensued.

➤ ***Update on NRPC Task Orders***

Mr. Smeltz said he submitted the map last month, and hasn't made any major changes. He is still hoping to get feedback. The next step will be to put the data in the Nashua GIS viewer. He spoke to Pam at the City, and she encouraged the Commission to take a close look at the data due to the regulatory implications. Then they can move on to the next project.

Chairman Dutzy asked if they can have a notation of site walks for code violations. They need to start visiting violation sites.

Mr. Sullivan said he can add a 'Violations' tab to the

spreadsheet.

Chairman Dutzy said they need to keep track of these.

➤ ***Discussion of July Meeting***

Mr. Sullivan said the virtual meeting executive order expires, and they will be returning to traditional meetings. They will need to have an in-person quorum for meetings, and some meeting spaces are currently under construction. He is planning for the Commission to meet at Room 208. They will continue to offer Zoom, but need to make quorum in a physical location.

Commissioner Hauser asked if anyone needs to be responsible for monitoring public comment.

Mr. Sullivan said there would be a Zoom management role. They will have more staff present at meetings to monitor them. There is no plan in the future to remove the Zoom capacity for meetings.

➤ ***Nashua Master Plan - Open Space***

Mr. Sullivan encouraged the Commission members to attend an upcoming open space meeting for the Master Planning process. He will be sending a link to the Commissioners.

J. Adjournment

MOTION to adjourn by Commissioner Porter at 8:34 PM

SECONDED by Commissioner Pierotti

APPROVED:

Gene Porter, Acting Clerk, Nashua Conservation Commission

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