



City of Nashua
Conservation Commission
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NASHUA CONSERVATION COMMISSION

July 5, 2022

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, July 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
Megan Cook, Treasurer
Jed Crook, Clerk
Brandon Pierotti
Carol Sarno
Maureen Bourque
Gloria McCarthy, Alt.
Dick Widhu, Alt.

Also in Attendance: Matt Sullivan, Community Dev. Dir.
Ald. Ernst Jette

C. Approval of minutes

June 7, 2022

MOTION by Commissioner Bourque to approve the minutes, as amended

SECONDED by Commissioner Cook

MOTION CARRIED 7-0

June 21, 2022 Site Walk - Nashua Country Club

MOTION by Commissioner Bourque to approve the minutes, as amended

SECONDED by Commissioner Crook

MOTION CARRIED 7-0

D. Old Business

- *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. [POSTPONED TO THE JULY 5, 2022 MEETING]*

Tom Zajac, Civil Engineer, Hayner Swanson Inc.

Mr. Zajac introduced himself as representative for the owner. With him is Brendan Quigley from Gove Environmental.

Mr. Zajac provided a brief summary of the previous review of this proposal. At the last meeting they received a favorable recommendation for the prime wetland boundary change. This meeting they have returned with a revised plan that hopefully addresses all of the concerns raised at the previous meeting.

Mr. Zajac said they have eliminated the previously proposed unit #4, which was directly adjacent to the buffer area. They have redesigned the layout to pull the units away from the buffer area, which will be fully restored.

Mr. Zajac said the wetland buffer posts and placards were added to the plan, and are located 100-ft apart and in key locations. They eliminated the walking path in the back of the site. They are showing a small gravel path for maintenance of the stormwater basin, which is mostly outside of the buffer. He would ask them to allow the portions within the buffer for access. They added notes to the plan for restoration procedures and two seed mixes for their consideration.

Mr. Zajac said they also added the septic fields to the plan. The units closest to the road will have individual septic systems, and units 3-7 will pump up to a shared septic system between units 2 and 3. This is due to the soil types. They also added proposed conservation area limits on the plan, subject to review by Planning staff.

Commissioner Crook asked for clarification on the conservation area line.

Mr. Zajac indicated the conservation area on the plan. He said

there is a provision in the Land Use Code that limits how much wetland can be considered conservation area, so they will work with Planning staff on the location of that line.

Commissioner Sarno asked how and where the conservation mixes will be used.

Brendan Quigley, Wetland & Soil Scientist, Gove Environmental

Mr. Quigley said the two options are very similar, the main difference is that the roadside mix has some shrub seeds in it as well. That would be for areas that are not periodically mowed, primarily the buffer areas and by the pond.

Commissioner Sarno asked if there is a specific plan for where they will be used. It would make sense to put the herbaceous mix closer to the homes so they have a transition from maintained lawns, to a meadow, to a shrubby seed mix.

Mr. Quigley agreed. They still wanted to create and maintain a natural buffer, but maybe not as tall and thick with shrubs to give a more aesthetic appeal. That would be more appropriate.

Mr. Zajac said they don't have a specific plan because they wanted to present both options to the Commission. They would be happy to do that.

Commissioner Sarno asked if they had considered installing a bat box. It would help residents because the bats will eat the insects around the wetland area.

Mr. Zajac said it's not included, but they are happy to consider it.

Commissioner McCarthy asked what sort of lighting is proposed.

Mr. Zajac said they will be typical residential street lights along the private street.

Commissioner McCarthy asked if they would consider full cutoff lights, which will focus the light straight down and reduce light pollution. They are better for wildlife. That would be best for the houses too, instead of floodlights.

Mr. Sullivan said the Commission's authority is limited to the wetland impacts.

Commissioner McCarthy said it impacts the creatures that live in the wetlands.

Chairman Dutzy said this is also a comment that can be made at the Planning Board.

Mr. Sullivan said he would caution them against recommending it to the Zoning Board, as their jurisdiction is very narrow. Certainly it can be brought up to the Planning Board.

Chairman Dutzy asked if a lot of this is to be finalized, and the final product will go to the Planning Board.

Mr. Zajac said yes. They would first appear before the Zoning Board for buffer impacts and then proceed to Planning Board.

Chairman Dutzy asked if they can make recommendations, review the plans before Planning Board, and if they have any concerns they can express them to the Planning Board.

Mr. Sullivan said yes.

Commissioner Crook asked in terms of the conservation area, is it not an easement? What does that mean in terms of use?

Mr. Zajac said the ordinance is fairly specific in what you can and cannot do in the conservation area. You have to have a single contiguous piece or multiple contiguous pieces of land, and the project is a condominium form of ownership. The conservation area becomes an easement that gets wrapped into the condominium bylaws that govern the future homeowners association and future lots. It couldn't be later developed because the conservation area is tied to this approval.

Mr. Sullivan said they can also pursue actual fee ownership and a conservation easement, but they don't recommend it unless there is a very sensitive natural resource that could possibly be impacted. One example of this is the Camp Doucet property, adjacent to Salmon Brook. They have had active conversations with the developer about the city holding rights to that easement. This is not a lesser conservation value, but there are cases where we seek fee ownership or an actual easement. There are a multitude of options.

Commissioner Crook asked if that is something that the

Commission would pursue.

Mr. Sullivan said it is something the Commission could comment on, but ultimately the jurisdiction is with the Planning Board and would be considered during the conservation subdivision review. There might be reasons why this approach is preferable, but it would be a conservation to have separate from this meeting.

Commissioner Cook said she appreciates them incorporating everything they discussed into the new plan. It's helpful.

Chairman Dutzy agreed.

Commissioner Porter said he would hope the Planning Department can come forward with a clarification on the rules so they don't have to research it every time someone wants a conservation area. The developer has been quite responsive to the Commission's concerns. He doubts they have the authority to require downward facing lights, but it has been recommended.

Commissioner Bourque said she would be interested in seeing how information on the wetland buffer is translated to the residents by the homeowners association.

Chairman Dutzy said they are at the end of a development on Groton Road, and a stewardship plan was part of that conservation area. The Commission could be a resource to this development.

MOTION by Commissioner Widhu to favorably recommend the proposal with the following stipulations:

1. All stipulations included within the letter from Hayner/Swanson Inc. to Matt Sullivan, dated June 21st, as follows:

a. Implementation of an outreach program whereby the Homeowners Association will provide residents of the development with information on the natural resources present on the property, the obligations and restrictions specified by the stewardship plan, and the importance of stewardship.

b. Requirement that all wetland buffer areas remain.

- c. Implementation of an invasive species monitoring plan with the buffer restoration areas (3- years post-construction).
- d. Requirement that maintenance of lawn areas be conducted under an Integrated Pest Management and Fertilization Program which restricts products and practices which are most likely to be damaging to nearby wetland areas and emphasizes limited responsible application of fertilizers and chemicals.
- e. Implementation of a stormwater inspection and maintenance plan in accordance with City of Nashua and NHDES requirements.
- f. Implementation of a snow/winter maintenance program to be performed by a NHDES Green SnoPro Certified contractor.
- g. Additional recommendations may be included as suggested by the Commission or as part of forthcoming Planning Board and/or NH DES Alteration of Terrain Permit applications.

SECONDED by Commissioner Porter

MOTION CARRIED 7-0

Chairman Dutzy thanked Mr. Zajac for incorporating their concerns into the plan.

- ***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.***

Chairman Dutzy provided an overview of the site walk. They came to a compromise to remove six limbs from the two the tallest trees shading the fairway. They will evaluate next year whether any further cuts would need to be made. They are deciduous trees, however they received a report from the USDA that cited instances of how taking down these trees would benefit.

E. New Business

- ***Thomas and Collette Keefe (Owners) Requesting preliminary review of permanent impacts to the 40-ft critical buffer of Harris Brook. Property is located at 17 Elaine Drive. Sheet C, Lot 1085. R9 Zone. Ward 9.***

Thomas Keefe, 17 Elaine Drive

Mr. Keefe said they are in the process of trying to put in a three season porch. The plan initially was for a 15'x15 screened porch. The only thing going into the ground would be 3-4 posts for the deck. When their contractor applied for permits, they found that they are abutting a critical wetland area. The Planning Dept. gave them recommendations for Wetland Scientists and they hired William Kuriger to delineate the intermittent stream. Mr. Keefe described the delineation process.

Mr. Keefe said that after Mr. Kuriger found the location of the wetland and uplands, they measured the 15-ft extension from the house. They found that 15-ft from the house, they were able to meet the 40-ft buffer requirement. It's all grass in that area.

Mr. Keefe said he has stamped and certified drawings from Mr. Kuriger. He outlined the special regulations, and said they will be meeting the 40-ft buffer requirement. The wetland flags are still onsite, if they want to perform a site walk.

Mr. Sullivan said this is a strange situation. He doesn't believe this requires Conservation Commission review.

Chairman Dutzy said that was her question.

Mr. Sullivan said when the Planning Dept. did a preliminary wetlands review, this line is a good 10-ft different from where the actual mapped wetland is. They had requested a wetland delineation to confirm that they were not in the buffer. There is a shed onsite within the buffer, which they were sensitive to. Based on these measurements from the Wetland Scientist, he does not believe that this requires Commission action and is not subject to the regulations at all. He thinks there is no action necessary. Relative to the shed, it appears to have been there for a long time so he is not sure if they would pursue enforcement action. He does not believe the Commission needs to take action on this based on

its proximity to the wetland. This is not within the wetlands buffer, despite being shown that way on the plan.

Chairman Dutzy asked if since it has been marked off, should they ask for monumentation that would indicate the wetland buffer?

Mr. Sullivan said that would be a reasonable request.

Chairman Dutzy said they have a lot of homes that abut a wetland but have never been delineated. She described the monument and asked the homeowners if they would be willing to have them installed.

Mr. Sullivan said staff can work with the homeowner to identify the buffer in some capacity. Because of the uniqueness of the situation they might have supplies. An effort to achieve compliance here ultimately revealed that it was not an issue in any way, shape, or form.

A brief discussion of monumentation ensued.

Chairman Dutzy asked staff if they need to vote on this.

Mr. Sullivan said they do not.

Chairman Dutzy thanked the homeowners for their time.

- ***CMI Leasing Corp (Owner) Bishop Guertin High School (Applicant) Requesting preliminary consideration of proposal to construct athletic field complex with fields, tennis courts, locker room, and associated site improvements. Property is located at 40 Groton Road. Sheet D, Lot 7. R40 Zone. Ward 5.***

Tom Zajac, Hayner/Swanson Inc.

Mr. Zajac introduced himself as the engineer for this project. With him is Wetland Scientist Brendan Quigley from Gove Environmental.

Mr. Zajac said this is a challenging but exciting project. This is a preliminary conceptual application to show the Commission what they would like to do. He would like to schedule a site walk in a week or so and be before them in August for full review.

Mr. Zajac provided the Commission with a presentation of the proposal. He described the surrounding residential uses, as well as the Dunstable Land Trust to the south.

Mr. Zajac said portions of this site are subject to a gravel removal operation, and the rest of the site is wooded. 15 acres of the site contains wetlands, mostly to the westerly portion of the site and along Groton Road. Access is by an existing gravel drive to the existing gravel operation and material stockpile. Topography is relatively flat.

Mr. Zajac said in April this project appeared before the Zoning Board for a use variance to allow for a private athletic complex onsite. If this was a public complex or had a school on it, it would have been allowed by right.

Mr. Zajac said the school has been located off of Lund Road for years. For a while now they have been looking for an offsite facility to consolidate their athletic programs. This is not intended to be used solely for varsity games, but right now BG is shipping their kids everywhere. They're busting at the seams. They are looking for a site in which they can concentrate practice use for a number of sports and a potential location for their cross country team.

Mr. Zajac said this will include tennis courts, a running track, three fields, a maintenance building, parking, and associated site improvements. The intent is to concentrate everything in the easterly portion of the site and respect the wetlands to the western portion of the site. Access will be through a new curb cut along Groton Road, which they think is a safer location than the current road. The facility is intended to be fully fenced and private when not in use. It would not be a public facility.

Mr. Zajac said when he worked with the Commission on 35 Groton Road in the past, they had a lot of discussions about trails and recreation activities. This property was approved in the early 2000s for a single family development of 32 lots, and at that time the project contemplated a sidewalk along Groton Road and a secondary connection to the Dunstable Land Trust. That project was never built, but it contemplated it. This property, if developed correctly, does have that opportunity to provide the missing link.

Mr. Zajac said on a nice day they could have 20-30 cars parked along Groton Road, and people trespass through the existing site to the land trust. There is no formal easement or agreement. It presents a safety issue along Groton Road.

Mr. Zajac said what is contemplated in this project is a public trailhead parking in close proximity to the entrance drive and crosswalk from Southwest Park. They are proposing 36 parking spaces. They would be providing a new trail connection outside of the BG system to connect into the Dunstable conservation area. The project team has met with the Dunstable trustees, and have received a letter of support.

Mr. Zajac said they don't have a final layout yet, but he anticipates there will be wetland and wetland buffer impacts as part of this project. He showed Mr. Quigley's wetland map of the site, and there are a couple of fingers of wetland that extend further into the site than were previously known. They are going to do their best to minimize and mitigate, but there may be some small impacts to provide access. That will be detailed in their upcoming application in advance of the August meeting. There are three vernal pools onsite. 1 and 2 are in the southwest, and 3 is near Groton Road. Part of their process will be working around these three pools. There may be some opportunities to restore and revegetate existing disturbed buffer areas.

Commissioner Porter said he is concerned about the size of the parking lot and stormwater management. If they use permeable pavement, that goes away. How are they going to avoid creating new wetlands with all that runoff?

Mr. Zajac said that as part of the permitting process, they have stringent regulations from the city Land Use Code and state Alteration of Terrain. There will likely be both surface and subsurface stormwater management practices to provide qualitative treatment and storage for larger storm events. He expects that their subsequent submittal will have a vetted stormwater design and calculations. They will improve it from what is out there now.

Commissioner Widhu asked what will happen to the gravel pit road.

Mr. Zajac said it wouldn't be his choice for primary access, but he thinks it would make a good secondary access. He hasn't

spoken to Fire Marshal Pouliot yet, but he imagines that Mr. Pouliot would prefer two means of access. It's likely that it could remain as a gated gravel access to the fields.

Commissioner Cook said it looks like vernal pool 1 is under one of the fields.

Mr. Zajac said they would need to tweak the layout. That field hockey is relatively close. They have no intent to impact vernal pools, so they would need to work around it. The plan they are seeing right now was part of their proposal to the Zoning Board in April. The wetland mapping was subsequent to the preparation of that plan. They would need to work around those wetlands.

Commissioner Cook asked if it was possible to construct or reconstruct a vernal pool, if it needed to be impacted.

Mr. Quigley said in his experience, wetland creation in general is not something that really gets a lot of traction with regulators. Vernal pools present a whole range of additional issues with long term viability. A restoration might be a bit more viable because the hydrology is already there.

Chairman Dutzy said Ducks Unlimited does a lot for restoration. That might be a good resource.

Commissioner Sarno said her understanding is that it's very difficult to create a vernal pool. The pool is only part of the system. You have the pool where the obligate species reproduce. The surrounding wooded area is very important. She would like to see as much avoidance as possible.

Commissioner Bourque asked how far the access road would be from vernal pool 3. She is concerned it will interfere with migrating species.

Mr. Zajac said the existing gravel drive is 20-80 feet. It has been widened over the years to handle traffic from large construction equipment, so there may be opportunity to reduce its width.

Commissioner Bourque asked about the new access road. Some of these species need to migrate to access the vernal pool. Spotted salamanders can travel up to a half mile.

Mr. Quigley said wildlife crossings are installed for roads or driveways between two wetlands, or a vernal pool and surrounding habitat. Most of the supporting habitat is on the western portion of the site. If there is any on the eastern boundary, it may be helpful to consider a passage.

Commissioner Crook asked if it is reasonable to consider asking BG to conserve the remainder of the property under an easement.

Mr. Sullivan said it is reasonable to make that request, but they are not compelled to do it.

Commissioner Cook asked about the buffers for vernal pools.

Mr. Sullivan said an amendment to the buffers for vernal pools would be an aldermanic action and amendment to the underlying city code.

Chairman Dutzy said Ald. Jette was willing to introduce it.

Commissioner Sarno asked if when they revisit the field placement, they could consider relocating the road farther to the east and away from the vernal pools.

Mr. Zajac said there is a small pocket wetland in the northeast corner. There is an old driveway that used to connect in this area, so they would be looking to locate the driveway as close to the eastern wetland as possible to avoid the vernal pool to the west. The sight distance is considerably better in that portion of the site. He doesn't want to impact a wetland to avoid the vernal pool, but that was the intent.

Commissioner McCarthy said downward facing lighting would be better for the wetlands in this area instead of stadium lighting. It would also be better for the neighbors.

Mr. Zajac said they will look to have dark sky compliant lighting. One of the benefits of this site is the large natural buffers from the surrounding residents. They will try to minimize spill-off and impacts. The other benefit to this site is that it won't be used as much, only a portion of the year. This is better than a year round residential development. Fall and spring will see the heaviest use.

Chairman Dutzy asked if they would be looking for a decision in August.

Mr. Zajac said yes. This project is on a tight design and permitting schedule. Their hope is to be in a position on August 2nd to obtain a favorable recommendation.

The Commission agreed to hold a site walk on July 13, 2022, at 5:30 PM.

F. NCC Correspondence & Communications

None

G. Commissioners Discussion

1. Roby Park

Mr. Sullivan said they should be expecting an application for wetlands, buffer, and direct wetland impacts associated with the disc golf course. There is possibly going to be some involvement from the state due to the stream impacts. Mr. Quigley would be the wetland scientist. He asked the Commission to consider a special meeting for the discussion. The main delay right now is making adjustments to the course.

2. Groton Woods ATV Activities

Mr. Sullivan said he is working on procuring some rocks to block ATVs in wetland areas, mostly from the new middle school construction. They will be going at three separate locations. The challenge is that because of the funding for the middle school project, the contractor can only move the rocks. They can't position them in place, as that would be illegal expenditure of public funds. They will most likely need to reach out to Public Works because they have the equipment. The challenging location would be Buckmeadow Road because it is near the right of way.

A discussion of how to position the rocks ensued.

3. Dark Skies

Commissioner McCarthy gave the Commission an overview of a presentation she attended regarding types of lighting. She

would like to invite the presenter to the city boards because it would be of benefit.

Mr. Sullivan said there may be parts of the city where an amendment to the land use code would help.

Chairman Dutzy said that would be a great presentation for the library. It's a much wider audience, and they could invite the city boards. She said that she would follow up on it.

4. Certified Local Governments

Chairman Dutzy said the CLG is waiting on funding before they can disperse it to local organizations. The anthropology study came in with \$3,500, which she thinks they should go forward with. The issue is that they don't have a stewardship plan and a dedicated spending account. They need to get a plan approved by the Commission and sent to the Board of Aldermen.

Mr. Sullivan said when they did the SCA work that was a board purpose project. The long term strategy should be a management plan and a balance available for those duties. In the interim, if they have a project with a scope, they could go to the Board of Aldermen with a project request. That might be a stopgap approach to loosen up some funding. He would have to run that by the Finance Dept.

Commissioner Cook said she can work on some of the stewardship plan.

Chairman Dutzy said they just have to get it into a reasonable format.

Mr. Sullivan said they have two really talented interns in Community Development this summer. If there is anything for them to work on to help this process, let him know.

Chairman Dutzy said they could send the interns what they have and have them research good stewardship plans. They could format information into that type of plan.

Mr. Sullivan said they are asking something similar from them currently. They can certainly ask the interns to look into it.

Chairman Dutzy said she will send what she has.

5. Natural Resource Inventory Update

Mr. Sullivan said the NRPC has been delayed because they lost two of the people who were working on it. They are having a hard time hiring people and are down a bunch of staff members. The funding is still there, but he doesn't know if they have the capacity.

[Unknown] asked if they should consider getting someone else to work on it.

Mr. Sullivan said they could. An alternative would be to tell the NRPC that they need it done by a specific date, which they have not done. He would prefer that as a first step. If they say they can't do it, the Commission is open to pursue other vendors.

[Unknown] said they should set a deadline. When they are given proposals where large tracts of forest will be cleared, it's hard to imagine the value of the land without updated information. It's hard to make a good judgement.

Chairman Dutzy asked if the Commission reviewed the Forest Management Plan for Hudson. They discussed one for Terrell and the Northwest properties. Would it be helpful to use this for those two properties?

[Unknown] said that should be an agenda item for a future meeting.

Chairman Dutzy said it's going to be a chunk of change. If they don't think it's going to meet their needs for land management they shouldn't.

Mr. Sullivan asked if that quote would be the basis for decision making for a quote? That would need to be answered.

Chairman Dutzy said they can review it and make a decision.

Mr. Sullivan gave a brief explanation of the quote process, and said he can assist if they need any help.

[Unknown] said it's a good example of how useful an NRI can be to the Commission. It would be a great starting point for a developer to see what may be onsite.

Commissioner Sarno said the Northwest Sanctuary has a stewardship plan they could use for reference.

Mr. Sullivan said the NRPC has a good plan as well.

A discussion of various plans ensued.

6. Subcommittee Reports

Trails and Land Management:

- Commissioner Sarno said she has a quote from Miguel's Landscaping for brush maintenance of the Buckmeadow Conservation boardwalk. This year's quote is \$800.00. Commissioner Sarno said they walked with Matt Karr in the Terrell Conservation area and noted a large patch of Asian Bittersweet. His suggestion was to cut it back repeatedly for a couple of years, and paint it with a pesticide if necessary. Miguel's Landscaping gave an estimate of \$1,500.00

MOTION by Chairman Dutzy to approve the payment of Miguel's Landscaping for the purpose of trail maintenance and invasive removal, not to exceed \$4,000.00

SECONDED by Commissioner Porter

MOTION CARRIED 7-0

- Commissioner Sarno led a discussion on signage design for prohibiting motorized vehicles in conservation areas

MOTION by Chairman Dutzy to approve the expenditure for signage at Terrell and Lovewell, not to exceed \$500.00

SECONDED by Commissioner Cook

MOTION CARRIED 7-0

7. Previously Approved Projects

- Commissioner Porter provided an update on the Pennichuck Solar Farm, 206 Manchester St. He said all of the remedial landscaping is in place. A brief discussion of plantings underneath the panels ensued. Chairman Dutzy said she would reach out to request a site walk.

8. Relocate Meeting Dates

Due to scheduling conflicts, the Commission agreed to reschedule the August 2nd meeting to August 9th.

H. Adjournment

MOTION to adjourn by Commissioner Porter at 9:09 PM

SECONDED by Commissioner Cook

MOTION CARRIED 7-0

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Prepared by: Kate Poirier