



City of Nashua
Conservation Commission
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EXPANDED DRAFT MEETING SUMMARY

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NASHUA CONSERVATION COMMISSION

August 3, 2021

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, August 3, 2021 at 7:00PM in Room 208 in City Hall AND via Zoom virtual meeting.

B. Roll call

Members present: Sherry Dutzy, Chair
Gene Porter, Vice Chair
Brandon Pierotti, Treasurer
Richard Gillespie, Acting Clerk
Carol Sarno
Josh Hauser, Alt.
Jed Crook, Alt.

Also in Attendance: Matt Sullivan, Planning Manager
Linda McGhee, Deputy Planning Manager
Chris Webber, Department Coordinator
Alderman Liaison Ernest Jette
Alderman Rick Dowd, Ward 2

Meeting Procedures

1. Access

This meeting is accessible in person in Room 208 in Nashua City Hall and via Zoom. Members of the public and representatives of the applicants have been urged to attend the meeting via Zoom, but they may attend in person at City Hall. Real time public comment can be addressed to the Board utilizing Zoom or in City Hall, Room 208.

2. Public Notice and Access

If anybody has a problem accessing the meeting, please call (603)589-3115, and they will help you connect.

3. 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. Please note that the Commission will continue to take vote via roll call.

The Conservation Commission and Planning Department thank you for your understanding and patience during this difficult time.

C. Approval of minutes

July 6, 2021

MOTION by Commissioner Porter to approve the minutes of July 6, 2021, as amended

SECONDED by Commissioner Gillespie

MOTION CARRIED 5-0

July 20, 2021 - Special Meeting

MOTION by Commissioner Porter to approve the special minutes of July 20, 2021, as amended

SECONDED by Commissioner Hauser

MOTION CARRIED 5-0

E. New Business

➤ ***Justine & Thomas Bergin (Owners) Requesting preliminary review of after-the-fact permanent impacts to "Prime" wetland buffer of Nashua River for driveway construction. Property is located at 17 Winchester St. Sheet F, Lot 956. Zone R9. Ward 1.***

Chairman Dutzy summarized the previous meeting discussion and site walk. This was a situation where a driveway was constructed and a permit was issued, but the fact that it impacted a wetland was not taken into account. As a result 423-sqft of prime wetland was impacted.

Mr. Bergin interrupted and said that the driveway is 423-sqft total. The only area that was impacted by the butter was a triangle about 3-ft by 3-ft.

Chairman Dutzy asked if he received her email.

Mr. Sullivan said they did review the plan submitted and confirmed that the area within the buffer is 423-sqft, which is roughly half of the total driveway size. Assuming that the plan submitted by the Wetland Scientist is accurate, it is not a 3-ft by 3-ft section.

Mr. Bergin apologized and said that's what he thought when they reviewed the lines.

Mr. Sullivan said he sent Mrs. Bergin an email clarifying this. They did some after-the-fact follow-up, and ultimately it is 423-sqft of impact.

Chairman Dutzy said the issue going forward is that 40% of the house is within the wetland buffer, and so once they put the markers down it will impact their plans for the backyard.

Mr. Bergin said they have no plans for the backyard.

Chairman Dutzy asked if they were putting up a fence.

Mr. Bergin said he doesn't need a fence.

Commissioner Porter asked if the applicant has agreed to install boundary markers at the edge of the buffer, and if the city has provided the markers.

Mr. Sullivan said they provide the markers, the posts are provided by the applicant.

Chairman Dutzy asked if posts were easy to come by.

Mr. Sullivan said yes, they are a traditional 4x4" post. He would be happy to work with the applicant, if the Commission decides to stipulate it.

Mr. Bergin asked if the surveyor could supply the posts.

Mr. Sullivan said they could consult with the wetland scientist about what is necessary. He can indicate where the posts should be placed.

Chairman Dutzy said the wetland scientist should have marked the wetland edge, and she is surprised that he didn't'.

Mr. Bergin said they had two surveys done when they first moved in, and now this one.

Commissioner Pierotti asked if they favorably recommend this proposal, they should stipulate that no mechanical work shall be done on vehicles parked within the wetland buffer, and that all vehicles parked there are registered and have a valid inspection.

Chairman Dutzy said a third of the driveway would be unusable.

Commissioner Pierotti said they can park there, just not work on the cars.

Commissioner Gillespie said there should be a minimum of two posts, one at each corner.

Chairman Dutzy asked if they have to be 50-ft apart.

Mr. Sullivan said that is correct, in accordance with NRO §190-116.

Commissioner Gillespie asked if it's possible to not have the marker in the middle of the lawn.

Mr. Sullivan said yes, the ordinance is somewhat flexible in that the maximum is 50-ft. The wetland scientist can suggest some locations to Planning staff, and they can work with the applicant.

MOTION by Commissioner Pierotti to favorably recommend the application with the following stipulations:

1. Wetland markers shall be placed along the wetland boundary.
2. No mechanical work shall be performed on vehicles parked within the wetland buffer.
3. All vehicles parked within the buffer shall be registered and have a valid inspection.

SECONDED by Commissioner Hauser

MOTION CARRIED 5-0

Mr. Bergin said he didn't mean to step on any toes, he thought he was doing the right thing. He asked if the next step was to contact the wetland scientist about installing the posts.

Mr. Sullivan said to call the Planning office tomorrow, and he will recommend some next steps.

- ***City of Nashua (Owner) Nashua School District (Applicant) Requesting review of permanent wetland impacts for construction of road and recreational facility. Property is located at 36 Buckmeadow Road, "L" Cherrywood Drive, & "L" Chokeberry Lane. Sheet C, Lots 762, 2851, & 2859. Zoned R40/FUOD. Ward 9.***

Chairman Dutzy summarized the previous meeting discussion and site walk. She asked if the Commission is comfortable with the information that has been presented so far, or would like the engineer to give more information.

Chairman Dutzy said the Commission has received a letter from Kimberly Foster, 38 Pinebrook Rd. Additionally, she believes Ald. Dowd has some information regarding state regulations that the Commission isn't privy to.

Ald. Dowd, Ward 2

Ald. Dowd said he is the chairman of the Joint Special School Building Committee. They have been working on this school project for over five years. Many years ago the state changed their standards for middle and high schools and set new educational criteria and unfortunately Nashua didn't have the facilities that went with those new standards. The Committee evaluated the Elm St Middle School and found that it would cost in excess of \$20 million to convert it than building a new school, and it wouldn't meet the state standards. It was determined after extensive study and numerous reports that they couldn't do anything down the street.

Ald. Dowd said the decision was to balance between Fairgrounds, Pennichuck, and a new school. They wanted to move the new school to the south for better coverage. The property selected was set aside for a school over 20 years ago. They are now in a position where they own the biggest piece for the city street, and have a purchase and sale for the small piece to connect the two parcels.

Ald. Dowd said the facilities were designed to meet the new

state middle school criteria. Fairgrounds is almost complete and Pennichuck is well underway. He briefly described the improvements plans for each.

Ald. Dowd said they are fighting schedules to get the new school built, and time is money. This is a \$120 million dollar project. The plan is to try and start the road construction in October, but the school would be started in the following spring. The way the project is laid out has gone through many iterations to fit everything on there.

Ald. Dowd said the athletic facilities are part of the educational piece and required by state law. They have been going overboard to make sure the three schools are entirely equitable. Elm Street School is not; there are no fields. The majority of the Elm St students will go to the new school.

Ald. Dowd said they had to perform a lot line relocation in order to move the track and field farther away from the wetlands, which was approved by the Planning Board. They are presumably meeting the requirements for distance from wetlands in accordance with the DOE and Army Corp of Engineers.

Ald. Dowd said to change the plans at this late date would probably cost hundreds of thousands of dollars and delay the project, which would also cost money. The new middle school is set to open September 2024. The idea was to stay away from the wetlands as much as possible, do any mitigation they could, and design the school to be as safe as possible from drainage and wetlands facilities.

Ald. Dowd said they are willing to entertain an educational piece with one of the vernal pools, but without any direction from the Conservation Commission they don't want to lay out a design without some expertise. That's why they hired an environmental engineer.

Ald. Dowd said this is has been quite a process and he wants to see this completed.

Commissioner Porter said the Conservation Commission is focused primarily on wetlands issues. Those have been addressed at some detail in the paperwork. But the Commission is also concerned about larger issues, such as climate change. What heating system is going into the school, and how was the decision made?

Ald. Dowd said he will defer to the engineer, but the two existing schools and the new school will all have full solar on the roof for the electricity.

Commissioner Porter asked what about geothermal for the heating.

Jamie Ouellette, Project Manager, Harriman Architects & Engineers

Mr. Ouellette said the heating system is fed with natural gas, with very efficient boilers. Geothermal is not planned for this school.

Ald. Dowd said one of the things they do for their heating systems is use distributed air, so that the students are getting fresh air all the time. This meets the Covid requirements.

Commissioner Porter said he is a supporter of modern aggressive ventilation. Was there a cost comparison of geothermal and natural gas over the course of the school's lifespan?

Mr. Ouellette said yes. During the facility analysis phase there was literature published showing payback periods for different heating types, which did include geothermal in the discussion during the time of decision making.

Ald. Dowd said most every design decision goes through selection process where they look at impacts and life cycle cost. He was once and still is a logistics engineer and subject matter expert on logistics lifespan and cost.

Commissioner Porter asked if the conclusion was that natural gas boilers are cheaper on a life cycle basis.

Ald. Dowd said yes.

Commissioner Pierotti asked if there is a full plan set of drainage drawings that show what stormwater will be mitigated onsite and what may go offsite.

Sam Forgue, Harriman Architecture, Engineering, and Planning

Mr. Forgue said he believes they post-development stormwater plans were included in the packet, but if not they can provide them.

Mr. Sullivan said he is referring to the Planning Board submission packet, but those plans were not filed with the Conservation Commission application. It was only the wetlands impact plan provided, not the full development plans.

Mr. Forgue said they can certainly provide those upon completion. He listed off some of the stormwater management infrastructure types proposed.

Ald. Dowd said one of his major concerns was that nothing makes it across the road to the Buckmeadow prime wetland. That's why all the water will be retained and treated onsite.

Commissioner Sarno said she has some concerns. She appreciates what they have said about equity between schools, but she has major concerns about the scope of the proposed development. She said on lot 2851, about 90% of the parcel will be developed. The other parcel will be 50% developed. Right now they have 28-acres of forested open space with 11 wetlands and several vernal pools. The total impervious surface post-development would be about 262,000-sqft, with playing fields that will require fertilization, which will replace the forest and wetlands. Trees filter rainfall that flows into the Salmon Brook watershed, which will be clear-cut. Excess fertilizer and de-icing chemicals will runoff into the watershed.

Commissioner Sarno said another concern is the vernal pools onsite. Vernal pools are temporary wetlands that fill in the spring and dry out during the summer. They make extremely good breeding grounds for amphibians, frog, salamanders, and other species like the endangered Blanding's turtle. While the pool is important, the wetlands surrounding the pool are just as important for amphibians. They need areas of uncompacted soil, deep organic litter, and coarse woody debris, which will be obliterated by the clear-cutting. Leaving a small 50-ft buffer around the pool makes it non-functional.

Commissioner Sarno referred to the Army Corp 2015 Best Development Practices for vernal pools, which calls for a 100-ft undisturbed buffer envelope around the pool. Beyond that, the 100-ft to 700-ft buffer is referred to as a "critical terrestrial habitat", which should contain no more than 25% development. Thirdly, they say that roads and driveways should be excluded from the 100-ft vernal pool envelope, and it's a good practice to establish directional corridors of unfragmented forest for amphibian travel, and any roads should use curbing

that won't prevent passage.

Commissioner Sarno said in May 2019 when a wetland scientist visited the property, they documented two vernal pools and three others pools that at the time they said look like vernal pools but lack the primary indicator species. But they note that the pools should be visited the next year to confirm that these are not vernal pools. That return visit didn't happen. They could have five vernal pools on the property.

Commissioner Sarno said she was told via an email on July 29th from Wetland Scientist Bob Prokop that vernal pool documentation forms weren't filled out because they weren't known to be needed. Today they received a vernal pool documentation packet. When were these forms filled out? What information was used to fill the forms out?

Commissioner Sarno said when they walked the site, she asked what kind of mole salamander species were onsite, and the Wetland Scientist indicated he was not able to differentiate species based on egg masses. The documentation submitted today showed them as identified as spotted salamanders. She has asked if there were photos of the egg masses, and was told there are not. She is curious how they got from mole salamanders to spotted salamanders.

Chairman Dutzy asked Commissioner Sarno to explain why that would be important.

Commissioner Sarno said that she can. It is important because there are four different species of mole salamanders found in New Hampshire, and two are species of special concern. If they had been found, they should be reported. In Massachusetts, three of the four are species of special concern. This species is in trouble due to habitat loss from development.

Commissioner Sarno showed the Commission the New Hampshire Vernal Pools documentation form. She described the form, and said a minimum of two site visits are recommended to look for species indicators. That second visit didn't happen. The forms submitted today weren't filled out at the time of the site visit in 2019, and there are no photos.

Commissioner Sarno said in the packet it shows that the search of NH Natural Heritage Bureau database did not show any rare species, but if they had found the mole salamander species it

would be recorded in the database. The database is based on recorded observations; if you don't record it and report it, they'll never find it. This land is also good habitat for Blanding's turtle, so she would be concerned that they are onsite and will be displaced. She asked if any research had been performed into whether Blanding's turtles are onsite.

Commissioner Sarno said the city is currently working on a new Master Plan, which suggests that development will be balanced, and will protect and maintain natural resources. She doesn't think this development is balanced. She thinks it is intensive for the piece of property that is being impacted.

Commissioner Sarno said that she totally understands that they need a new middle school and that they need parity between the middle schools, but she cannot support this project as proposed due to the scope and impact on vernal pools. She hopes they can fit in a school with a reduced footprint and reduced playing fields.

Commissioner Sarno said this school is in the middle of some prime habitat. It would make a great education opportunity for kids to get out and explore the critical and precious wetlands and woodlands that would surround the new school.

Bob Prokop, Wetland Consulting Services

Mr. Prokop said vernal pool species were found onsite and offsite. One of the areas onsite they are providing a significant buffer zone. The other one is Wetland 4 on the plan, where they found no indicator species. A second visit would have been more useful, but it never occurred. He suggested that they could mitigate Wetland 4 by incorporating the construction of hibernaculums for species.

Mr. Prokop said he strongly thought Wetland 4 would be a vernal pool, but all of the activity is just to the south. That leaves the northern half of the site for species to migrate. If they construct hibernaculums around 4, that would provide extra habitat for anything using the area.

Mr. Prokop said he is still working on the Wildlife Habitat Assessment for the whole project area. It's nice upland habitat, not wetland habitat. Any time you do development, you are going to impact upland habitat.

Chairman Dutzy asked in this plan, did he give any priority to wildlife corridors? Is there any way that one has been maintained or designed into this?

Mr. Prokop said when he filled out the data sheets, Wetland 8 was a large forested wetland. That to him is a good wildlife corridor, but it is offsite. If any area is worth saving, it would be that wetland because it could be good habitat for Blanding's turtles. Wetland 4 is very close to the proposed road, and is the one he thinks could use 3-4 hibernaculums. This is a nice mixed upland. There are about four species that could use it, but you can't tell if they are there. It's hard to evaluate wildlife because they move around a lot. He is focusing on breeding habitat.

Mr. Prokop reiterated that he recommends ringing Wetland 4 with hibernaculums. He said Wetland 8 is protected and offsite. They are giving the documented vernal pool onsite space.

Commissioner Sarno said she understands that it is upland habitat, but salamanders don't just reside in wetlands. Is he saying that this isn't habitat they would use?

Mr. Prokop said no. The salamanders use the pool to breed, then they leave and spend the rest of the year in the upland foliage.

Commissioner Porter asked if there are state guidelines that say the minimum buffer around a vernal pool is 100-ft and should be up to 750-ft, and this design has buffers of less than 100-ft.

Commissioner Sarno said that is correct. She referred to the US Army Corp. New England District, which recommends vernal pools have 100-ft envelope, and beyond that 100-750ft of critical terrestrial habitat, of which only 25% can be developed. No roads are allowed in the 100-ft envelope.

Commissioner Porter asked if it is not possible to change the plans to be compliant with that guidance?

Commissioner Sarno said that is what her hope is. In order to do that, looking at the extent of the development, they would have to downsize the school and playing fields.

Ald. Dowd said the problem is that in order to meet the requirements with this middle school they can't do that. Every

one of those field is used simultaneously after school and as part of the educational piece. There is a city owned piece of property northeast of the site which is untouched, and a piece south that is all wooded, and another piece just north of the property with even bigger vernal pools.

Ald. Dowd said they are not clear-cutting the site. They are not cutting more than they need to, and they are not cutting any trees around the vernal pools. They are also planting 117 new trees, and they are willing to entertain instructional and mitigation efforts. They have already moved the track to get away from the wetlands and to meet the 50-ft distance given by the Army Corp. of Engineers and Dept. of Environmental Services.

Commissioner Porter said he thought he heard Commissioner Sarno say 100-ft.

Ald. Dowd said that is a suggestion, not a requirement.

Commissioner Sarno said that is correct. This is the Best Management Practices.

Chairman Dutzy said the Elm St School is not in compliance. Can they build a school that will not be in compliance? Are there penalties?

Ald. Dowd said he doesn't know what the penalties are, but the people that will be suffering are the students.

Chairman Dutzy asked why.

Ald. Dowd said they are not getting the educational requirements that students get at the other two middle schools.

Chairman Dutzy said she would venture a guess that if a poll was taken among the students that will attend this school, asking them if they agree to the destruction of habitat in order to have more ballfields, she thinks the answer will be no. Adults who will be saying goodbye to this planet in 20-40 years are making decisions that will affect the earth for those that will be here for another 80. A lot of the diseases they are seeing now start from animals and disruption of habitat.

Chairman Dutzy said she understands the problem they are all in right now. This land was purchased 20 years ago, when they weren't as sophisticated about the impacts of development. She

understands when a group comes in at the 11th hour and starts to criticize. The only thing she would like to see is that they use this to look at the opportunity the land is giving us to rethink this whole process for the 21st century and what they can do to make it a laboratory for where our environment is now.

Chairman Dutzy said when she walked in here today, she was firmly in the camp of a "no" vote. She understands that they have to try to figure this out and work together. She asked if there is any way a member of the Conservation Commission could become part of the ongoing discussions to modify the design to make it a little more environmentally friendly. She would like to see the proposal downscaled to be more environmentally friendly, which would be a major rethinking of this project.

Ald. Dowd said that would be at a huge expense. They have to make sure they meet the state requirements. They are willing to work with the Commission and keep them abreast of the design. At Pennichuck they installed curbing that was wildlife accessible, as per the state requirement. They have been doing everything to make sure they are compliant with wetland requirements, and are willing to help with the educational piece of conservation.

Chairman Dutzy asked if a Commissioner was so inclined, with the Joint Committee be willing to work with them.

Ald. Dowd said it would probably be better if a Commissioner worked with one of the engineers or the Wetland Scientist.

Chairman Dutzy asked if that is something they would consider.

Ald. Dowd said he doesn't have a problem with it.

Mr. Ouellette said they are getting towards the final design stage, but even in construction phase there is an opportunity for a Commissioner to join and help steer some of the process. The design goes through all the way to the school's completion.

Mr. Forgue said there is a level of understanding and consideration of what the Commission has said. The only thing that caused him some heartburn was the idea of potential vernal pools. One of the things they are already looking at is realigning the road to avoid any 20-ft buffer impact.

Mr. Sullivan said this plan will proceed to the Zoning Board

and Planning Board. To address the uncertainty around the wetlands being considered as potential vernal pools he recommends that each of the wetlands 2, 3, & 4 be displayed as having the 20-ft buffer that applies to the wetland section of the ordinance to ensure that adequate protection is provided. With the road realignment it sounds like this is being done. Should the Commission favorably recommend the proposal, he recommends it be conditioned on showing a 20-ft buffer on the plan to eliminate disturbance.

Mr. Sullivan said in regards to Chairman Dutzy's comment that this is a 20th century plan, he won't mince words. They have a 20th century ordinance in many ways. He appreciates Commissioner Sarno's recommendations for increasing the buffer, but it's challenging to inject that into a process with an application that is already in front of the Commission.

Mr. Sullivan said he believes it is important for the Commission to revisit this issue and make some modifications through the Board of Aldermen. Unfortunately, as of today the Commission's and Zoning Board's jurisdiction ends after that 20-ft buffer as far as what they can make a recommendation on. They are welcome to not recommend based on the feeling there should be increased protection of the vernal pools, but ultimately what the Zoning Board will be taking up are the impacts to the 20-ft buffer. There is a limited jurisdiction.

Mr. Sullivan said an amendment to the wetland ordinance may be appropriate based on the primary sources Commissioner Sarno has provided. There is a misalignment between the ordinance and the Best Management Practices, which needs to be addressed. But this application is subject to the existing ordinance, and that is what they are making their recommendation upon.

Ald. Dowd said he had a discussion this afternoon with Community Development Director Sarah Marchant, and said he would sponsor legislation to modify the ordinance.

Commissioner Sarno clarified that when she said clear-cut, it means to her that they remove trees and replace with development. That is what she sees happening on a majority of the parcel.

Ald. Dowd said they are not cutting any trees they don't have to cut. They are planting trees around the school proper and returning that to a more environmentally friendly area. They

don't plant grass without an irrigation system.

Chairman Dutzy asked if they had considered planting clover.

Ald. Dowd said if there were places they could plant clover and not have the expense of cutting the grass, everyone would be in favor of it.

Commissioner Gillespie said that Wetlands 6 & 7 are both impacted. What will those look like after development?

Mr. Forgue said they are going to be totally impacted. They are fairly small in size and the impacts will be permanent.

Commissioner Crook said this has a major impact on prime habitat. Are there other things they would be doing beyond solar that the Commission would be in support of?

Ald. Dowd said they also proposed LED lights throughout the school and tubes that filter sunlight into classes for natural light.

Mr. Forgue said they are selecting products that are more environmentally friendly than what has been used in the past. For the health of the occupants, they are including proper lighting and ventilation. They performed studies on reusing the Elm St school, and there is no good way to keep the energy efficiency within reason. Building a new school adds development, but it is increasing the overall efficiency.

Commissioner Crook asked if that is something the Commission could add insight to. He said there is a snow storage area right within the presumed buffer of Wetland 3.

Ald. Dowd said he will make sure they are nowhere near the wetlands.

Ald. Jette said he was on the Joint School Building Committee when this project first started, and when they were interviewing the architect he originally asked about the heating system and what the cost to the environment would be. What he heard them say tonight was that the natural gas system would be high efficiency, but they are still using gas and that was the cheapest alternative. He would like an explanation not only dollar wise, but the overall cost. They are trying to get away from relying on fossil fuels, and this seems like a step

backwards.

Mr. Ouellette explained the decision process and the life cycle and cost analysis. They don't ultimately make the decision, they just inform the committees.

Ald. Dowd said that is incorporated in the current design, and to change that would be hugely expensive. It made sense to use gas.

Chairman Dutzy asked if they feel comfortable bringing this to a vote or does the Commission want more information.

Commissioner Pierotti said he would feel more comfortable seeing the drainage plans. All they have is a description and a letter. It's not very extensive or detailed from what they have received for comparable projects.

Ald. Dowd said they can provide them, but this plan is going before the Zoning Board on the 24th.

MOTION by Commissioner Sarno to unfavorably recommend the application as proposed

SECONDED by Commissioner Porter

MOTION CARRIED 3-2 (Pierotti, Sarno, Porter in support; Dutzy, Gillespie opposed)

Mr. Sullivan asked the members in support of the unfavorable recommendation to provide reasoning for their vote, so the Zoning Board has it for their consideration. They do not have to honor his request, but he thinks it would be helpful to have something on the record. This is an application within the buffer areas as defined in the ordinance, and he thinks it's important to understand how this does not comply with the ordinance, hence the reason for the denial.

Commissioner Pierotti said he feels that looking at numbers 1-9 on a page in a vacuum without seeing the complete drainage plan, it's hard to grapple with the whole picture instead of looking at the sites individually.

Commissioner Porter asked for clarification of what was being asked by Mr. Sullivan.

Chairman Dutzy asked if Mr. Sullivan was requesting the Commission to write up a reason for the unfavorable recommendation and sent it to him, so he could incorporate it into a letter to the Zoning Board.

Mr. Sullivan said no. Because a motion was not made with a specific reasoning, he would not modify the letter in any way. He thinks it would be helpful, provided that these minutes are included in the application to the Zoning Board, to have some discussion of why the Commissioners voted against it. In no way are they bound to do it, but he thinks it is important to have some sense of that. Commissioner Pierotti's feedback is excellent, but they have no obligation to speak.

Chairman Dutzy asked if he wants the Commissioners to write an email to him.

Mr. Sullivan said no.

Commissioner Sarno said her reasoning is related to the fact that they are unclear on how many vernal pools there are. She feels that the buffering for the vernal pools, although it may meet the ordinance, is inadequate. She feels that they don't know that there are not any species of special concern on the property.

Commissioner Porter said his vote was based upon what appears to him to be, as an 11th hour observer, an excessively aggressive application of state rigid standards or guidelines for ballfields and other such activities, at the expense of the natural environment. Had they been involved two years ago, he would have looked for some reduced compliance with state standards in favor of additional attention to natural resources and vernal pool buffers.

Mr. Sullivan said to clarify on his request that it's helpful to have this reasoning, because this applicant will be moving forward to the Zoning Board and Planning Board. It's possible that the applicant can make amendments to the Zoning Board plan based on their conversation. He asked the applicant to take into consideration some of the recommendations made in the event that the plan is approved by the Planning Board.

Chairman Dutzy thanked the applicants for their time.

➤ **Informational Presentation - Eversource G-192 Maintenance**

Project

Bill McCloy, Senior Scientist, Normandeau Associates

Mr. McCloy said he has been assisting Eversource with the G-192 Maintenance Project, which is partly in Nashua and partly in Hudson.

Mr. McCloy showed the Commission a brief power point presentation of the proposal. This is a maintenance project for the existing G-192 transmission line. All the work will be within the existing right of way without the need for clearing, and can be accessed by existing roads. There are no delineated wetlands within the work areas. However, it does intersect with the 75-ft prime wetland buffers associated with the Nashua River and Merrimack River.

Mr. McCloy presented a plan of the proposed impact. It will include a pole pad for equipment, a portion of which will need to be located in the buffer. This will be temporary and the area will be restored after the project. Gravel or timber matting will be used to support equipment, which will be removed afterward.

Mr. McCloy said the project will adhere to the Best Management Practices for utility maintenance around wetlands. They have coordinated with the NH Fish and Game, Natural Heritage Bureau, and US Fish and Wildlife.

Chairman Dutzy said her understanding is that the reason they are presenting is so the Commission can make a decision whether or not they should formally apply for Commission review. If they feel that this project does not meet this criteria, they would simply be getting approval from the DES.

Mr. McCloy said that sums it up.

Chairman Dutzy asked if they are talking about the Walden's Pond area and Thoreau's Landing.

Mr. McCloy said yes. He indicated the areas within the buffer.

Chairman Dutzy asked if all the work was going to be done within their 75-ft right of way.

Mr. McCloy said correct.

Chairman Dutzy asked if any area where they would be impacting a wetland buffer, they will be using Best Management Practices, and all the impacts would be temporary.

Mr. McCloy said correct.

Chairman said this parallels what they saw on South Main St. She asked the Commission if they feel Eversource should submit an application and have a site walk, or does the Commission feel comfortable that that DES will be overseeing the project.

Commissioner Porter said he is comfortable with the second option.

Chairman Dutzy agreed.

[Unknown] said he is comfortable with it.

Chairman Dutzy asked staff what the next step would be.

Mr. Sullivan said they are reviewing this in context of the wetlands ordinance and saying that it is not an impact that requires an application. He thinks this is a good process for future maintenance projects.

Chairman Dutzy thanked the Eversource team for their time.

F. Old Business

➤ Sale of 141 Burke St

Commissioner Porter said the property downstream of the Joyce Park Wildlife Sanctuary has been sold, and the City sold the dam without repairing the spillway. He would like to send a letter to the DES dam dept. to require the new owner to repair the spillway and restore the water level in the Wildlife Sanctuary.

Mr. Sullivan said they can make that motion, but he will also reach out to the new property owner in advance to see if they are aware of the issue.

Commissioner Porter said they brought it to the city's attention weeks and months ago, and he presumes the city brought it to the attention of the buyer.

Mr. Sullivan said he was not directly involved in the transaction, so he doesn't know if it was raised.

Chairman Dutzy asked if Commissioner Porter would be doing this as a private citizen.

Commissioner Porter said he would be happy to.

Chairman Dutzy said that would probably be the best way.

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

1. Project Assignment Update

None

2. Eagle Scout Project Update

Chairman Dutzy said that she and Commissioner Sarno have been in discussion with Zack Elliott, who wants to do a project at a location she is calling overlook 1. They felt the design may be a bit too much, and they are possibly looking for a semicircle bench to overlook Salmon Brook.

Chairman Dutzy asked staff if, since they are the Conservation Commission, they have the right to waive the requirement regarding drilling holes into the buffer. They would want the seat anchored into the ground so it couldn't be thrown into Salmon Brook.

Mr. Sullivan asked if they have the authority to waive the buffer requirements for small post drilling.

Chairman Dutzy said yes.

Mr. Sullivan said the Commission in combination with the city

has the authority to make the determination.

[Unknown] asked if it would be 75-ft from the water.

Chairman Dutzy said it would be closer. They have a bench at Lovewell Pond that is 20-ft away which was done by Parks and Recreation without Commission approval.

3. Joyce Park Wildlife Funding Update

Mr. Sullivan said he had a subsequent conversation with Finance and what is actually necessary. He has not had time to pursue it further.

Chairman Dutzy asked if he will need a letter from the Commission in terms of funding projects.

Mr. Sullivan said they will ultimately need one, but he has more research to do on the back end of the legislation. He thinks this is a longer-term effort looking towards spring and summer.

Chairman Dutzy asked if they could find \$200 to purchase seed for erosion control in the disturbed areas for this fall.

Commissioner Sarno said that Commissioner Crook saw erosion already happening.

Mr. Sullivan said he would have to review their budget. This emphasizes the need for a dedicated fund for maintenance projects.

Chairman Dutzy said this is time sensitive.

4. Committee Reports

a. Digital Marketing

Chairman Dutzy said they could discuss Commissioner Hauser's website changes at the next meeting.

5. Miscellaneous

- Ald. Jette said during the discussion of the middle school, Mr. Sullivan mentioned that some of the things Commissioner Sarno brought up were requirements in excess of what the ordinance currently requires, and the possibility of updating the ordinance. He recommended

the Commission discuss what changes they would like to make to the ordinance, and he could co-sponsor it with Ald. Dowd.

J. Adjournment

MOTION to adjourn by Commissioner Porter at 8:50 PM

SECONDED by Commissioner Hauser

APPROVED:

Gene Porter, Acting Clerk, Nashua Conservation Commission

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Prepared by: Kate Poirier