

City of Nashua
Conservation Commission
229 Main Street
Nashua NH 03061-2019

Planning & Zoning 589-3090
Fax 589-3119
Web www.nashuanh.gov



NASHUA CONSERVATION COMMISSION

October 5, 2021

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, October 5, 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
- Gloria McCarthy
- Carol Sarno
- Jed Crook
- Josh Hauser
- Maya Friday, student member

Also in Attendance:

- Matt Sullivan, Planning Manager
- Chris Webber, Department Coordinator
- Deb Chisholm, Waterways Manager
- Andrew Smeltz, NRPC
- Meghan Cook

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

September 7, 2021

MOTION by Commissioner Sarno to approve the minutes of September 7, 2021, as amended

SECONDED by Commissioner Crook

MOTION CARRIED 5-0

September 22, 2021 - Special Meeting

MOTION by Commissioner Porter to approve the minutes of September 22, 2021, as amended

SECONDED by Commissioner Hauser

MOTION CARRIED 5-0

E. New Business

➤ *Turtle Survey Presentation - Jeremy Fontaine*

Jeremy Fontaine, Zoo New England

Mr. Fontaine gave a presentation to the Commission of a recent backyard turtle survey performed in Nashua. He explained the backstory to his study, the specific target area, and the turtle species he studied. He explained the methods used to trap the turtles for study and the measurements taken.

Mr. Fontaine said they had a pretty successful trapping session

for the first time in this area. They caught a total of 73 individual turtles across 4 species, one of which being the state endangered Blandings turtle. This could potentially be the first record of this turtle in the area.

Mr. Fontaine said the stressors he found in the area were competition, dumped yard clippings, increase in stormwater from impervious surfaces, invasive plants and animals. Two sections of his study area went underground, which can affect low recruitment, type of diet, nesting areas, and lead to high road mortality. He would like to continue this trapping session and in other areas.

Mr. Fontaine said he wanted to reach out to the Commission to see if they could open any doors to universities in the area to see if they want to participate. There's a lot of opportunity to find out what is in New Hampshire.

Commissioner Porter said this is terrific. This is the first turtle survey in this area. He asked if the results were what was expected.

Mr. Fontaine said he would have liked to find one additional species, the spotted turtle. This is its home range, so he was disappointed to not capture it. But he was limited to using ten traps and a certain number of hours a day to check the traps. He was happy with the numbers. He thinks he should have found more of some species based on their historical habitat, but there is room for more study. Some of the snapping turtles were very large, so he might have caught more if he had bigger nets. With more traps and more time he thinks the results would be higher.

Commissioner Crook asked if there are any limits to when he can trap for these surveys.

Mr. Fontaine said April-May is best because that's when they come out. He doesn't trap end of May into June because that's when females lay their eggs. July-August would probably be the stretch of the outer limit where they start finding areas to hibernate for the winter. Those four months would be the best time.

Mr. Smeltz said congratulations on finding Blanding's turtles, that's a great find. He asked if there are any specific locations for regulations protecting the turtles.

NCC

October 5, 2021

Page 4

Mr. Fontaine said he doesn't know New Hampshire's laws when planning for development, but in Massachusetts there are specific restrictions on where you can and can't build. Recreation wise the stream wouldn't be off limits. There would most likely be a strong case against a housing development in the area. However, he is not an expert.

Chairman Dutzy asked if he has uploaded his results into the New Hampshire Natural Heritage Bureau database.

Mr. Fontaine said he had to send a report to New Hampshire Fish and Game after he finished the study, so they are aware of this sighting.

Chairman Dutzy said part of what happens is when people come before the Commission for approval to work in a buffer, they normally have to do a review of the Heritage database. It's only in the database if people put it in there, so it's really important to keep it updated.

[Meghan] asked if any of the turtle species are an indicator species or a keystone species.

Mr. Fontaine said turtle species are a great indicator of a healthy ecosystem. They need a lot to survive. The color of their shells can also indicate water quality.

Ms. Cook asked if he received positive feedback when he reached out to Rivier and SNHU.

Mr. Fontaine said it was a neutral response. He thinks it was a weird time because of Covid, and he plans to reach out again to see if any professors would be interested. It would be a great way for students to get credits.

Commissioner Friday said he mentioned potential volunteering efforts in 2022. Can he elaborate on how an individual could get more involved?

Mr. Fontaine said if he had help, he could put out more traps. He is hoping the Commission can help by posting something for volunteers.

Commissioner Friday said they are starting a facebook page, they could advertise this project on there.

Mr. Fontaine said that would be amazing. It would come with training, support, and hopefully supplies. He applied for a small grant to do this project, and would again. The only thing they might need is a wetsuit.

Commissioner Sarno asked if he contacted the Rivier biology program, which is fairly active.

Mr. Fontaine said he did not. The professor he spoke to from Rivier didn't mention it. The only group he really got ahold of was the Merrimack Rivershed Council, but due to covid they didn't have many resources. He will look into it.

Commissioner Porter asked about his knowledge of turtle cycles and sensitivity to water. Downstream is another large wetland that this Commission has paid attention to, Joyce Park, and the water level is controlled by a dam at the outlet of the improved machinery pond. The water level fluctuates with the condition of the dam. Is he aware of any studies that cast light on the importance of maintaining water levels at certain times of the year for turtle habitat?

Mr. Fontaine said a lot of his experience comes from California, where drought is a big issue. Lower water levels open turtles and their nests up to more predation, and a lot of the things they feed off of are impacted by warmer waters. If the water is too low it could have an impact. He knows there are a lot of studies, so he could find some documentation of this.

Chairman Dutzy asked if he has contacted anyone at Bishop Guertin.

Mr. Fontaine said he has not.

Chairman Dutzy said there used to be someone there named Rob Pinsonneault, and his students used to go into that area often to do research. He might be a good contact, and that might be a good source for volunteers.

- **Mitigation Project Discussion (continued)**
- **Grant Projects/Small Conservation Projects**

Chairman Dutzy said they have two different things to discuss. One is the Aquatic Resource Mitigation (ARM) fund for larger projects. The other is that they have the opportunity to apply for grants, such as Freedom Way. She would like the Commission

to come up with ideas as to what they can do.

Chairman Dutzy asked Ms. Chisholm if she has any suggestions for potential ARM projects. Is there anything that needs to be done with the Nashua Canal that might qualify? A long time ago they considered dredging the canal.

Ms. Chisholm said that did not happen. That could potentially qualify, but before any dredging happens they need to do a hydrolic study to see if it would be supportive of this. They would also need to understand the objective of it, because it would be very expensive. She knows that the Mine Falls Park Advisory Committee has that as one of their laundry list of items to think about, and they have had discussions about it.

Chairman Dutzy said her understanding of ARM funds is that before they can apply they need to have a study and report. If they wanted to move along on something like this, the Commission would either have to fund the study or find matching funds.

Commissioner Porter said at one time the city was going to investigate the extent to which the Mine Falls dam floodgates had been jammed with rocks and restricting the flow. The idea was that the dam needs more natural flow to reduce the amount of algae and stagnation. That flow was being controlled under the floodgates, and he doesn't know if the city investigated further. Part of the study would have to be the flow rate through the flood gates.

Ms. Chisholm said that is under the gate house, and comes into the Mill Pond. Within the Mill Pond there are two weirs that allow flow out of the Mill Pond before it even gets to the canal. Increasing the flow into the Mill Pond won't directly increase the flow into the canal. The Mine Falls Park Advisory Committee has discussed this extensively.

Chairman Dutzy asked what the next step would be.

Ms. Chisholm said that depends on the timing of the money. They would need to hire a contractor to prepare that report. They currently have contractors hired for the hydroelectric facilities that have the capacity to do that work.

Chairman Dutzy asked if she could give them those names. They can work with them and the Planning Dept. to see how much a study would cost.

Ms. Chisholm said she is happy to help.

Chairman Dutzy said there might be some big projects they could undertake that they just don't because there's too many steps involved.

Commissioner Crook said they could also look at the fish ladder over by Canal Street. It's pretty old.

Ms. Chisholm said it would take a million dollars, those don't come cheap.

Chairman Dutzy asked if they would need a study, or if they pretty much know what they need and just need to find someone to donate a million dollars.

Ms. Chisholm said no. They know improvements need to be made, and they are in the consultation process with US Fish and Wildlife, NH Fish and Game, NHDES, National Marine Fishery Services, and NOAA regarding fish passage and timeline for repairs and replacement. They do not have a specific design in place.

Chairman Dutzy asked if this is something the city is already working on.

Ms. Chisholm said yes.

Commissioner Porter said there is well-known, ongoing erosion of the riverbank at Thoreau's Landing, which has encroached into the condo development to the point that the conservation access easement now goes through someone's living room. This is untenable. There is a general need to stabilize the bank so that erosion does not expose the landfill the entire condo development is built on. The homeowners association is working on it and has a consultant that is looking at what type of erosion control should be established. He will follow up with them and report back.

Chairman Dutzy said one of the mitigation guidelines is stream restoration and enhancement. One of the things they did at Beezer was bioengineering.

Commissioner Porter said they put down some very heavy duty matting underneath the plantings.

Chairman Dutzy said they couldn't do something that extensive because it would be in the middle of the river, but there might be something there. The question would be if Thoreau's Landing is willing to commission a study involving bioengineering to stabilize the bank, they might be able to apply to ARM for funding.

Commissioner Porter said he will follow up with them.

Chairman Dutzy said there is also a 250k grant from the Merrimack River Watershed to enhance the Merrimack River banks. They might be able to do something there.

Ms. Cook said they previously discussed an assessment of Salmon Brook. She asked if there has been any prior study or species survey for the Joyce Park Wildlife Sanctuary.

Chairman Dutzy said no. Salmon Brook has never really been studied in depth observationally. A couple of years ago they had an application at 193 Ash St, and when they walked the area they found a lot of invasive phragmites. There are a lot of invasives in the area. The kayaking club did a trip from Dunstable up to the Merrimack River as far as they can go, and there's a lot of places they have to portage. Those are areas they could possibly open it up. They have the dam at Joyce Park, which she doesn't understand how or why it functions, they could look into opening that up. There are people who live along Salmon Brook that dump their yard waste into the brook, and also illegally cut down trees. They need to educate residents, it's a critical resource in Nashua. She would like to look into whether they can use a grant to cover a study.

Commissioner Porter said at one time they talked about ensuring every property along Salmon Brook has wetland markers. They ought to estimate how much that would cost, and what their legal authority is to place buffer markers on existing properties not subject to new construction proposals.

Mr. Sullivan said they don't have legal authority to require property owners to install monumentation without their consent or a regulatory process through the city. Those are their two options. What they discussed was sending a letter to all of the property owners asking them to opt in. The prospect of installing them on properties without owner consent isn't something they can do.

Commissioner Porter said the first step would be asking permission.

Mr. Sullivan said correct. This is much better suited for a grant than an ARM fund.

Chairman Dutzy said what they need to do is once they get the homeowner to agree, have a surveyor go find the wetland boundary and put in the posts. She said the criteria of the grant are broad enough that this could qualify.

Commissioner Sarno said she looked at the Aquatic Resources Mapping tool. It gives you graphical representation of stream crossings and culverts, their condition, whether aquatic life can cross, and whether they are positioned properly in the stream. It might be good to take a deeper dive into that to get some potential projects to upgrade culverts.

Mr. Sullivan offered to spend some time with Commissioner Sarno on this and go through the features.

Ms. Cook said she would also be interested.

Mr. Sullivan said he reached out to the state to set up a meeting and figure out how fundable these projects might be, and he has not heard back yet.

Mr. Fontaine said in regards to Joyce Park, it is right across the street from the turtle study. If this is something they want to go forward with, he would be interested in helping. He asked them to consider Zoo New England, who is getting more involved in NH.

Commissioner Crook said there is a fence and gate, would it cost a lot of money to remove that?

Chairman Dutzy asked who owns it, how it got there, and whether they can remove it.

Ms. Chisholm said they would have to go to the new property owner. The city is no longer the property owner on the Burke St property, so if they want to remove it they would need to contact the owner.

Mr. Sullivan said there might be some opportunity there to

approach them.

Ms. Chisholm said kayakers would love to get out there.

Chairman Dutzy said if the dam has to stay, she would like to know more in terms of its function and whether it is still necessary. There is state money available for dam removal, if it makes the stream flow better and be more accessible to fish.

Ms. Chisholm said that is also owned by the new property owner.

Chairman Dutzy asked what its function is.

Commissioner Porter said it was originally a power dam for the Improved Machinery Corporation, 100 years ago. It provided water to run belts and turbines in the building.

Chairman Dutzy asked if it is still needed.

Commissioner Porter said it hasn't been used for that in 50 years.

Mr. Sullivan said that removal would be complex.

Chairman Dutzy said if it's not functional and the new owners agree that it could be removed, she would be happy to talk to the dam division of NHDES and see if they can start the process to get it removed. There is a big movement in the state right now to remove nonfunctional dams. That could be a major improvement. She asked Mr. Sullivan to approach the owners.

Mr. Sullivan said he could reach out.

A brief discussion of the gate ensued.

Commissioner Porter said the dam supports an aquatic wildlife community where the pond is. If they remove the dam, that pond goes away and they have a free flowing river. He is not convinced that is desirable.

Chairman Dutzy said Joyce Park is an area they can make a lot of investment into. It would be good to understand what function the dam provides.

Ms. Cook asked if they want to get some sort of update to the Salmon Brook watershed 1999 report.

Mr. Sullivan said yes. They would like to focus on Nashua in particular, because that was a larger corridor study.

Ms. Cook said yes, it was the entire watershed. It also had action plans that might be worth revisiting. Some of the actions might result in project ideas.

Chairman Dutzy said they have to start identifying priorities.

➤ ***NRI Work Scope Confirmation***

Andrew Smeltz, GIS Specialist, Nashua Regional Planning Commission

Mr. Smeltz summarized the contents of the memo contained in their packets. Because there is a limited amount of hours, he will only be attending Conservation Commission meetings if they are discussing the Natural Resource Inventory, in order to devote more time to the project.

Mr. Sullivan said they have a draft amendment to the contract, which has been reviewed by Legal Counsel. The next step is that he will draft a memo to the Mayor to extend the contract 6 months and define a new work scope. He expects Mr. Smeltz to be able to start working on this in the next two weeks.

Commissioner Sarno asked if this will replace the prior tasks.

Mr. Sullivan said this is superseding that arrangement. Based on the limited funding they have, they are allocating a substantial amount of it to this task. There may be an opportunity for future contracts as well to circle back to other contemplated tasks. This work task is a critical one.

Chairman Dutzy said a lot of things will come of the NRI.

➤ ***NHDOT - Common Milkweed Seed Collection***

Chairman Dutzy said the NHDOT is asking for volunteers to collect milkweed pods during the month of October. They want fully ripe seeds, not taking more than 25% from the plant. She can take whatever seeds they collect and bring them to the Goffstown UNH extension.

Commissioner Porter asked if they need to know where they came

from.

Commissioner Sarno said they need to know the county.

Chairman Dutzy said they will be dispersing the seeds along the highway. A few years ago, the Highway Dept. started planting wildflowers along the interstate because grass seed was so expensive and it was hard to find people to mow. That has been so successful that now they are releasing milkweed as well. It saves money and is good for the environment. This is really exciting.

➤ ***SCA Appreciation Event***

Chairman Dutzy said the celebration is on October 28th at Bear Brook Park. She plans on attending if she doesn't have to go to Concord for Veto Day.

F. Old Business

➤ ***Canal Street Bridge***

Mr. Sullivan said they have now submitted their Wetlands Permit. The city consultant and a representative from Engineering Dept. will be at the next meeting to present the restoration project. It's an odd one as far as jurisdiction because it's not a Conservation Commission application, but he wants them to make a presentation so they are aware of the situation.

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. Joyce Park Work Session

Chairman Dutzy said they will be making a temporary retaining wall and another cleanup on Saturday. She introduced one of the volunteers who will be joining the cleanup efforts, resident Morrie Rourke.

2. Project Assignment Update

None

3. Committee Reports

- **Easement Monitoring:** Chairman Dutzy said that since Dick Gillespie has stepped down, they will need someone new to monitor LCHIP properties. She would like to do the monitoring in November. A brief discussion of the logistics ensued.
- **Digital Marketing:** Commissioner Hauser said they have the domain name, and he is now updating the DNS.

4. Miscellaneous

- Chairman Dutzy said that student member Maya Friday offered to make a facebook page so that the Commission can advertise events and get people involved.
- Mr. Sullivan said they would like to have a more recurring program review of the roughly 80 conservation easements the Commission is responsible for. It wouldn't be as substantial as the LCHIP monitoring, but they should check up on these on a regular basis. He will be working on this with Scott McPhie.
- Chairman Dutzy updated the Commission on potential new members
- Chairman Dutzy said they have spent the last two weekends dismantling the BMX park in the wetlands, and have about 25% done. They will start again in the spring.
- Mr. Sullivan said the next meeting is November 3rd.

J. Adjournment

MOTION to adjourn by Commissioner Porter at 8:20PM

NCC
October 5, 2021
Page 14

SECONDED by Commissioner Hauser

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

Prepared by: Kate Poirier