



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

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NASHUA CONSERVATION COMMISSION

Tuesday, November 6, 2019

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Wednesday, November 6, 2019 at 7:00 PM, 229 Main St, City Hall in Room 208.

B. Roll call

Members present: Sherry Dutzy, Chairman
Richard Gillespie
Brandon Pierotti
Gene Porter
Dan Sloan
Bill Parker
Michael Reinke

Also in Attendance: Scott McPhie, Planning Department
Rebecca Dube, UNH Cooperative Extension

C. Approval of minutes

October 1, 2019

MOTION by Commissioner Sloan to accept and place on file the minutes of October 1, 2019, as amended.

SECONDED by Commissioner Porter

MOTION CARRIED 7-0

October 10, 2019 - Site Walk and Minutes

MOTION by Commissioner Porter to accept and place on file the site walk and minutes of October 10, 2019 (476 Amherst St), as written.

SECONDED by Commissioner Sloan

MOTION CARRIED 7-0

D. Treasurer's Report

None

E. New Business

- ***Barrington Village Condo Association (Owner) Requesting review for tree removal within the 75-ft conservation easement. Property is located at 10-30 Barrington Ave. Sheet B, Lot 56. Zoned "R18" B-Suburban Residence. Ward 9.***

Bob Prokop, Wetland Consulting Services

Mr. Prokop introduced himself as the project soil and wetland scientist. He also introduced Bob Bruckman of the condo association.

Mr. Prokop said during the site walk they inspected the 40 trees marked for removal, and the Commission recommended they cut seven within the easement, and that others be trimmed. He indicated the seven trees. He said they will be hiring a trained arborist to limb the trees. He said conservation easement markers have been installed. He said that the tree density makes a replanting plan pointless, as the extra sunlight will help surrounding vegetation to grow.

Mr. Prokop said that the condo association has to approve allocating the funds for cutting the trees, so if this request is approved the cutting may not happen for two years. He described the potential removal process.

Chairman Dutzy asked if the stumps will remain.

Mr. Prokop said yes, they will be cut as close to the ground as possible. He asked if it would be an issue to cut both stems of Tree 34, instead of one.

Mr. Sloan said they could ask the arborist the association hires.

Chairman Dutzy asked the Commission if they would have issues leaving the decision to remove the tree up to the arborist, or stipulate only one stem.

Commissioner Reinke said the map appears to show eight trees.

Mr. Prokop said the eighth tree would be limbed.

Commissioner Gillespie asked if they should allow some leeway for the arborist to selectively cut other trees that might be in the way that the Commission hasn't identified.

Mr. Prokop said the only other trees that might be cut are outside the 75-ft zone. He included those trees in the report.

Commissioner Reinke said in the original proposal he thought he remembered that the trees would be replaced.

Mr. Prokop said no.

Chairman Dutzy said that at the site walk there was so much understory and small trees, that because of the area it didn't make sense to replant.

Commissioner Parker said they should leave the management of only Tree 34 up to the discretion of the arborist. If they gave the arborist the discretion to trim any other nearby trees, that could be a problem. Tree 34 could be vulnerable if they remove only a portion of it.

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

1. A certified arborist shall be hired to conduct the proposed selective tree and limb removal.
2. Tree cutting is limited to seven trees as numbered on the plan: 24, 25, 27, 28, 30, 31, 33, the west fork of number 34, and a small tree overhanging the trail in the vicinity of the trees being removed (see attached). If tree # 34 is determined to be compromised after cutting removing it entirely will be left to the discretion of the arborist.
3. Best management practices shall be employed when cutting branches on those tree overhanging the buffer zone, thereby preventing future wind storm damage.
4. All stumps shall be left in place, but can be ground down to be flush with the topography.

5. Due to the density of the trees planted in the buffer, it was deemed unnecessary to provide a replanting plan as indicated in the City Ordinance.

SECONDED by Commissioner Porter

MOTION CARRIED 7-0

Chairman Dutzy asked if the condo association would give them permission to walk on their property in order to assess Salmon Brook.

Mr. Prokop said he doesn't think that would be an issue, but to let the association know when they plan on doing it.

- ***Suzanne Sullivan (Owner) Equivise, LLC (Applicant) Requesting review to construct a single family home within the 75-ft "prime" wetland buffer. Property is located at 17 Curtis Dr. Sheet C, Lot 793. Zoned "R40" Rural. Ward 9.***

Chris Guida, NH Certified Wetland & Soil Scientist, Fieldstone Land Consultants

Mr. Guida introduced himself to the Commission as representative for the applicant. He introduced Eric Pearson and Atty. Andy Prolman.

Mr. Guida gave an overview of the proposal. They plan to construct a single family home, to be serviced by municipal sewer and onsite well. It is within the 75-ft wetland buffer of Salmon Brook. They plan to request a variance from the Zoning Board of Adjustment (ZBA) to encroach into the front setback and maximize the distance to the brook.

Mr. Guida described the extent of the wetland and brook as shown on the plan. He said this lot would meet the NH Shoreland Protection zone. They are looking for the Commission's input, and to schedule a site walk.

Chairman Dutzy asked various questions regarding the extent of the NH Shoreland Protection zone. Mr. Guida explained the different buffer requirements.

Chairman Dutzy asked the footage from Salmon Brook to Curtis Drive.

Mr. Guida said the depth of the lot is 190-ft to the centerline of Salmon Brook, so probably 175-ft from Curtis Dr to the edge of the water. He estimated 140-ft at its smallest point.

Commissioner Sloan said that they should schedule a site walk.

Commissioner Porter asked if the city's buffer was more stringent than the state's.

Mr. Guida said yes. There are several levels of permitting.

Commissioner Porter asked if they were looking at the 75-ft wetland buffer, from the edge of the wetlands. He asked if this house would be totally within the buffer.

Mr. Guida said yes, that is one of the restrictions of this lot. It's an existing lot of record. The hardship is the amount of wetlands.

Commissioner Parker said he doesn't understand what they're going to be determining by a site walk that they can't see from the plan. This house is going to be 100% within the buffer. He is fine with due diligence, but it's not going to change his mind.

Mr. Guida said it was the exact same situation on the abutting lot, which the Commission did approve.

The Commission discussed the details of the previously approved development at 13 Curtis Dr.

Commissioner Gillespie asked if there would be a basement.

Mr. Guida said there is one planned. They originally planned a basement at 13 Curtis Dr, but the new owner elected for a slab foundation. It's not set in stone.

Commissioner Gillespie asked if it was because of high water tables.

Mr. Guida said no, it was the preference of the homeowner.

Commissioner Gillespie cited the NH Shoreland Protection 150-ft buffer requirements.

Mr. Guida went into detail on the guidelines for work within the 150-ft buffer.

Commissioner Gillespie asked if they would be following those guidelines.

Mr. Guida said yes. They must also obtain a Shoreland permit before construction can begin. If they can't meet those standards, they would have to request a variance from the state.

Commissioner Porter said it would be helpful if, before the site walk, the Planning staff identify every house constructed completely within the wetland buffer in the last five years.

Chairman Dutzy asked if Kathy Drive came to mind.

Mr. McPhie described a development partially within the floodplain.

Commissioner Porter asked if that was a reasonable thing to request.

Mr. McPhie said he would do his best.

Commissioner Reinke asked for clarification on the location of the floodplain.

Mr. Guida indicated the floodplain boundary on the plan, and said the proposed house location is outside of that. He explained the various boundaries shown on the plan.

The Commission agreed to schedule a site walk and meeting on Monday, November 18, at 3:30 PM.

➤ **Pauline & Robert Beaulieu (Owner) Kucharski Tree Care Professionals LLC (Applicant) Requesting Conservation Commission preliminary review for tree removal on Conservation lands. Property is located at 1 Forest Park Dr. Sheet 50, Lot 2. Zoned Park C-Urban Residence "R9". Ward 6.**

Mr. McPhie said that the representative, William Kucharski, called before the meeting to say that he can't attend tonight.

He asked that the Commission throw out a few dates for a site walk.

Chairman Dutzy welcomed one of the residents, Dominique Beaulieu. She gave a background to the request, and described the trees. She recommends the Commission perform a site walk to make an assessment.

Commissioner Sloan asked if they were marked.

Chairman Dutzy said yes, they have been marked twice by two arborists.

Commissioner Parker asked who the two arborists are.

Chairman Dutzy said one was Mr. Kucharski, and the other was Bartlett Tree Experts.

Commissioner Parker said they are not quality trees they want to cut down. They're borderline invasive species.

Commissioner Reinke asked if he was suggesting they make a motion tonight.

Commissioner Parker said that site walks are at a premium. He expressed doubt that one was necessary, beyond due diligence.

Chairman Dutzy said that she walked the area on Monday and would happily agree. She doesn't see it as a big issue. The trees appear to be inferior, and the stumps will remain. The yard is in its natural state. She doesn't see a big issue in this tree removal, and the trees have been marked at two different times by two different arborists.

Dominique Beaulieu, 1 Forest Park Dr

Ms. Beaulieu said that Bartlett Tree Experts marked the trees last spring.

Chairman Dutzy said that the two arborists both identified the same trees. If the Commission is comfortable with her recommendation, they should just move forward. If they want to perform a site walk, that's fine with her.

Commissioner Parker said he's fine with moving forward.

Commissioners Parker and Sloan agreed.

Commissioner Gillespie asked if it required an application.

Mr. McPhie said no, it's just tree cutting. It's not in a wetland, so it doesn't need a wetland scientist to delineate it or stamp it.

MOTION by Commissioner Parker to approve the proposal with the following stipulations:

1. Stumps shall remain in place.
2. Removal shall be limited to the seven trees discussed in the proposal.

SECONDED by Commissioner Porter

MOTION CARRIED 7-0

- ***CMI Leasing Corp (Owner) Brox Industries (Applicant) requesting Conservation Commission preliminary review for proposed 66-unit detached single-family condo development. Property is located at 40 Groton Rd. Sheet D, Lot 7. Zoned "R-40" Rural Residence. Ward 5.***

Angus Bruce, Brookstone Realty Trust

Mr. Bruce introduced himself to the Commission as the developer. With him is Erik Stevenson of Brox Industries.

Mr. Bruce said that eleven years ago the site was approved for a 34-unit development. There were a few issues with the plan, so he has come back before the Commission.

Mr. Bruce described changes to parking in order to access the Dunstable conservation lands. He proposes to move parking for the trail from Groton Rd to the end of the development, with the goal of providing easy access and keeping people away from Groton Rd.

Chairman Dutzy said she and Commissioner Sloan walked into the Dunstable conservation area from Groton Rd using the path. Is that your land?

Mr. Bruce said yes. He described his proposed changes to access. He said instead of parking on Groton Rd and walking through the development to the trails, he wants to move the parking to the end of the development, so people can get out of their cars and go straight to the woods.

Chairman Dutzy asked if he was familiar with the Rail Trail.

Mr. Bruce said yes.

Chairman Dutzy asked if the residents would be upset by people coming through their development.

Mr. Bruce said they will know about it before they buy. If he was a homeowner he would be much happier that they were driving by, rather than walking by with their dog or kids. It's less intrusive. He requested a site walk, to show the Commission the changes he has marked out onsite.

Commissioner Reinke asked what was to the southeast.

Mr. Bruce said it was the Dunstable conservation area. It doesn't affect the property at all.

Chairman Dutzy asked if there were no wetlands where he proposes to develop.

Mr. Bruce said no, they are not disturbing any wetlands.

Commissioner Pierotti asked what kind of strategy they have to prevent the homeowners association from blocking access to the trails.

Mr. Bruce said it will be part of the condo documents. They will be obligated to keep the trail plowed as their secondary access. After hours the residents can use the parking, so they will need to keep it plowed anyways. During the daylight hours it's open to the public.

Commissioner Sloan said it sounds like a good idea, but he thinks people would park there and not move their cars and have to be towed.

Mr. Bruce said that can be handled by the condo association.

Commissioner Sloan said if they have the will to do it.

Mr. Bruce said there is still street parking. This is only going to be used in the winter, which he doesn't see it being used as much.

Mr. McPhie asked how wide the streets are.

Mr. Bruce said 24-ft wide. He described their plans for handling parking.

Commissioner Sloan asked if the property encompassed the sand and gravel operation.

Mr. Bruce said that is a big part of why he thinks this is a good plan, because that is disappearing.

Commissioner Pierotti asked if they have a wetland around where that is.

Mr. Bruce said indicated the stormwater management area and the gravel pit. He said the problem is that this entire property has been mined down to the last stone, and now it's a stockpile. They are willing to leave if the site gets developed. It could be a positive change for conservation and the neighbors.

Mr. Bruce said he also plans to continue the sidewalk down as originally planned and connect it to the existing sidewalk. That way, people don't have to drive to get there.

Commissioner Sloan said a new development across the street is also planning a crosswalk.

Mr. Bruce said everything will be tied in, which is what the original plan was.

Commissioner Porter said he intends to write into the condo documents preservation of the parking spaces. Will the condo association after five years have the authority to change that?

Mr. Bruce said no.

Commissioner Porter asked how he would prevent them from doing that.

Mr. Bruce said it would be put into the condo documents into perpetuity. Only the City of Nashua could change that.

Commissioner Sloan asked about a pathway or extended lane on the east side.

Mr. Bruce said there is a sidewalk.

Commissioner Sloan asked if it could be extended to designate it more as a pedestrian space.

Mr. Bruce said that's what he wanted.

Chairman Dutzy asked what his timeframe might be.

Mr. Bruce said ideally in the spring. He wants to move this along quickly. He's taking an existing plan and trying to follow it through. It's already had a fair amount of review.

Chairman Dutzy asked if he didn't need their approval for the plan, but would like their input.

Mr. Bruce said yes. He wants their input on the path and the trails. He requested a site walk.

Chairman Dutzy said the only issue she has is that they are under a deadline for easement monitoring. Is there any way they could do this in the spring?

Mr. Bruce said he would like to do this as soon as possible. He could also forward the plan without adding in the path, with the idea that he would meet with them later.

The Commissioners held a discussion in regards to timing.

Commissioner Gillespie asked their plans for septic systems.

Mr. Bruce said either one or two shared systems.

The Commission agreed to schedule a site walk on Thursday, November 14, at 8:00 AM.

F. Old Business

➤ **2019 Monitoring of LCHIP properties**

Chairman Dutzy led a discussion in selecting the first parcel to walk and a documentation system, as well as to test the Arc Map app.

The Commission agreed to schedule a site walk at the Massasoit Parking Area on Wednesday, November 20, at 8:30 AM.

➤ **Report on SPNHF monitoring of Southwest Park Lands Conservation Area**

Chairman Dutzy said Community Dev. Dir. Sarah Marchant contacted Jeff Lynch, and city surveyor Mark Jennings came to survey the property lines. Mr. Lynch was agreeable to moving the dirt pile and hockey rink from the easement. She said she would have to confirm with Ms. Marchant that they asked him to cease and desist mowing the conservation lands.

➤ **Update on draft easement contracts for Joyce Park Wildlife Sanctuary**

None

➤ **Update On Previously Approved Cases**

None

G. NCC Correspondence and Communications

- Nashua River Watershed 50th anniversary invite
- Invoice for membership dues to the NH Association of Conservation Commissions
- Piscataquog Newsletter
- Society for Protection of NH Forests newsletter
- Vernal Pools and Wetlands Study

MOTION by Commissioner Reinke to approve the NHACC invoice

SECONDED by Commissioner Sloan

MOTION CARRIED 7-0

MOTION by Commissioner Gillespie to accept and place on file all correspondence

SECONDED by Commissioner Pierotti

MOTION CARRIED 7-0

H. Nonpublic Session per RSA 91-A: 3 II (d) concerning land (Roll call vote required).

Nonpublic session was not required.

I. Commissioners Discussion

- **New Hampshire Association of Conservation Commissions:** Chairman Dutzy said attended this conference on November 2nd. She described the workshops she attended.
- **New Commissioners:** to be sworn in, Gloria McCarthy and Josh Hauser
- **Community Involvement:** Chairman Dutzy led a discussion on involving kids and Eagle Scouts
- **Subcommittees:** Chairman Dutzy led a discussion on establishing a marketing committee for the Commission.
- **Nashua River Watershed Association:** Commissioner Porter described a presentation from the National Weather Service on rivers. He led a discussion on changes to the 100-year floodplain.
- **Greeley Park Boat Ramp:** Commissioner Porter gave an update on the status of bid process. The hope is to start work this winter, and be operational by midsummer.
- **Combined Sewer Overflows:** Commissioner Porter gave an update on automatic notification of sewage overflows in the rivers.
- **Additional Meetings:** Chairman Dutzy asked them to consider meeting on third Tuesdays of the month inviting in experts during the winter for educational purposes.
- **Development in Wetland Buffers:** Commissioner Porter led a discussion on avoiding setting a precedent.

J. Adjournment

MOTION to adjourn by Commissioner Porter at 8:42 PM.

SECONDED by Commissioner Reinke

MOTION CARRIED 7-0

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APPROVED:

Richard Gillespie, Clerk, Nashua Conservation Commission

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Prepared by: Kate Poirier