



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

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NASHUA CONSERVATION COMMISSION

Tuesday, January 7, 2020

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, January 7, 2020 at 7:00 PM, 229 Main Street, City Hall in Room 208.

B. Roll call

Members present: Sherry Dutzy, Chairman
Richard Gillespie
Brandon Pierotti
Gene Porter
Dan Sloan
Bill Parker
Gloria McCarthy
Josh Hauser
Michael Reinke (arrived at 7:01)

Also in Attendance: Scott McPhie, Planning Department
Alderman Ernest Jette

C. Approval of minutes

December 3, 2020

MOTION by Commissioner Reinke to accept and place on file the minutes of December 3, 2020, as amended.

SECONDED by Commissioner Porter

MOTION CARRIED 9-0

November 14, 2019 - Site Walk and Minutes

MOTION by Commissioner Gillespie to accept and place on file the site walk and minutes of November 14, 2019 (40 Groton Rd), as written.

SECONDED by Commissioner Sloan

MOTION CARRIED 9-0

November 21, 2019 - Site Walk and Minutes

No motion made to accept and place on file.

D. Treasurer's Report

None

E. New Business

- ***Juan Taveras (Owner) Requesting review for to construct a 280-sqft shed within the 40-ft "critical" wetland buffer. Property is located at 4 Kanata Dr. Sheet E, Lot 972. Zoned "R9" C-Suburban Residence. Ward 1.***

Thomas Sokoloski, Wetland Scientist, TES Environmental Consultants LLC, 1494 NH-3A, Bow NH.

Mr. Sokoloski introduced himself as the representative for the property owner.

Mr. Sokoloski described the request. He said the entire backyard from the house back to the rear property line is within the 40-ft buffer. He gave a description of the backyard and the proposed shed location. He described nature and extent of the wetland. He said the proposed location of the shed is on filled, disturbed land, elevated 3.5-ft above grade by a retaining wall. He described a chain link fence by the brook.

Mr. Sokoloski described their plans for mitigation of invasives, stormwater runoff, and other potential impacts to the wetland. They propose a drip line trench by the house to improve infiltration.

Commissioner Porter asked if this would be the second shed.

Mr. Sokoloski said yes. The first shed is 6'x8' or less.

Commissioner Porter asked if that shed would stay.

Mr. Sokoloski said it could. They're hoping to shift that farther to the outer edge of the wetland buffer. If the Commission prefers it the shed could be removed. He said the purposed of this request is to provide storage.

Commissioner Parker asked if the existing shed was permitted.

Mr. Sokoloski said he doesn't know. The owners purchased the property 2-3 years ago, and it came with the house.

Commissioner Porter said they have some responsibility to discourage building within the wetland buffer if there is an alternative. If there is a hardship that prevents them from building a larger shed outside of the wetland buffer, he doesn't see it. He asked why they can't put the shed next to the garage, outside of the buffer.

Mr. Sokoloski said he doesn't have a good answer for that, besides that sheds are typically to the rear of the property to allow for more use of the land throughout.

Commissioner Parker asked if all this disruption is just going to come from preparation of where the shed will be placed.

Mr. Sokoloski said he doesn't know if there is anything beyond the shed, the drip line infiltration trench, and the relocation of the wood stock fence.

Commissioner Parker asked if there is little disruption to the ground beyond the footprint of the shed.

Mr. Sokoloski said correct.

Commissioner Parker asked who would be overseeing the placement of silt socks and installation of the trench.

Mr. Sokoloski said the owner would be hiring a contractor alongside Reeds Ferry Shed.

Commissioner Parker asked if he provides specifications to his clients.

Mr. Sokoloski said he would provide guidance to make sure that his contractors are up to speed.

Chairman Dutzy asked if a pool has been installed almost entirely within the 40-ft buffer.

Mr. Sokoloski said yes. He said he doesn't know if that was installed prior to Lincoln Brook's designation as a critical

wetland. He said on both sides of the brook there is residential property built into the buffer for the full length of the road. He thinks the subdivision was put in before the designation, because it's basically fully developed.

Commissioner Parker said there is also a fairly substantial timber wall that's been built along the edge.

Commissioner Gillespie asked what is being stored in the current shed.

Mr. Sokoloski said he believes it is common lawn implements.

Commissioner Gillespie asked if gasoline and fertilizer was stored there.

Mr. Sokoloski said it might be assumed.

Commissioner Gillespie asked what would be stored in the new shed.

Mr. Sokoloski said they have a lot of household equipment in their garage right now, specifically textiles. The wife designs clothes, and then later donates them.

Commissioner Gillespie said it sounds like it would be more convenient to have that material closer to the house.

Mr. Sokoloski said having that shed adjacent to the house would mean more water next to the foundation. He would have some concerns having a large impervious surface next to the home.

Commissioner Reinke asked if it would make sense to postpone this case until more of their questions could be answered. He said going into a buffer zone is a big deal, and they would need a good reason to approve that. It doesn't seem like tonight he has the information they need for that. He cited individual concerns, and said he doesn't know why the shed needs to be in this exact spot.

Chairman Dutzy said she would have to perform a site visit. She wants to see if there are any solutions to enhance the buffer, rather than further degrade it.

Mr. Sokoloski agreed that a site walk would be helpful. He

said if there is an option that the Board insists upon, it could probably be moved there.

Commissioner Porter said he has not heard a compelling reason for putting this inside the buffer when there is some alternate land available. He said their explanation for the need for this shed suggests some commercial activity at the house.

Mr. Sokoloski said it's not commercial, it's charitable.

Commissioner Porter said it doesn't seem to warrant invading the buffer with an additional shed, in his view.

Chairman Dutzy asked if the chain link fence extends off of his property.

Mr. Sokoloski said he would have to trespass quite a bit to walk the extent of the fence. He said you can see at least 75-ft in either direction.

Chairman Dutzy asked Staff if they have records that the city had done something to install the fence.

Mr. McPhie said a lot of this goes back before the Clean Water Act. If anything was done at that time, it's been there since then.

Chairman Dutzy asked if the chain link fence was on the edge of the brook.

Mr. Sokoloski said it is, and there is evidence of some washing under the fence.

Chairman Dutzy said they might want to consider having that removed, if the city owns it.

Mr. McPhie said it might be in the minutes from when the subdivision was approved.

Chairman Dutzy said they could do some research.

Mr. Sokoloski presented additional photos of the site.

The Commission agreed to schedule a site walk and meeting on Saturday, January 11, at 10:00AM.

- ***Elizabeth Lu (Owner) Requesting approval to construct a single family home within the 75-ft "prime" wetland buffer. Property is located at L Roby St. Sheet 126, Lot 103. Zoned "RA" A-Urban Residence. Ward 6.***

Elizabeth Lu, 17 Roby St, Nashua NH

Ms. Lu introduced herself as the property owner. She and Matthew Plante own the adjacent parcel, 17 Roby St.

Ms. Lu said in reference to the previous case, that there is a shed onsite. They store lawnmowers and snow blowers in the shed, but only when they are empty of gasoline.

Chairman Dutzy asked if the shed has a concrete floor.

Ms. Lu said no. It has a wooden floor.

Chairman Dutzy summarized the request, as detailed in the December 3, 2019 meeting.

Commissioner Parker asked if any of the woodland would be disturbed.

Ms. Lu said no. That woodland is off of the property.

Chairman Dutzy said the land is fairly flat. Would they be regrading it?

Ms. Lu said slightly. It will need some grading up by the street on the east side.

Chairman Dutzy asked if there would be a shared driveway with the current house.

Ms. Lu said correct.

Commissioner Parker asked for orientation details for the submitted photos. He said this house would be quiet close to the current one.

Ms. Lu said the screened porch was built back in 1973, before current setback requirements. She said if they were to build here, the existing porch would have to be removed. She said both the pool and the deck would be removed.

Commissioner Parker asked if both properties would meet setback requirements beyond that porch.

Ms. Lu said correct.

Commissioner Sloan asked if the new property would go over a little bit.

Matthew Plante, 17 Roby St, Nashua NH

Mr. Plante said correct. They want to keep it as far away from the wetland as possible. That will result in encroachment.

Chairman Dutzy asked what the footprint of the house would be.

Mr. Plante said 52'x62'.

Commissioner Parker asked if this would be a 2-story, 6,000-sqft house.

Mr. Plante said that includes the two car garage. He said there would be two small bedrooms on the second floor. This is their retirement home.

Chairman Dutzy asked if it would be more like a cape in terms of design.

Mr. Plante said kind of like that.

Commissioner Parker said this would be creating a significant amount of impermeable surface. Are there any plans in place for addressing that?

Ms. Lu said they would direct runoff to catch basins and rain gardens. She said it's 2,400-sqft of additional impervious space.

Mr. Plante said there used to be a swimming pool and a deck there. This is not much more than it was six months ago.

Commissioner Sloan said it's not much more disturbance than was there originally.

Commissioner Porter said it's a long ways from the brook.

Commissioner Parker said as long as you don't mind being on top of your neighbor, it meets the setbacks.

Commissioner McCarthy said the report mentioned an endangered species, but didn't go into detail.

Ms. Lu said they checked, with the National Heritage Bureau. It was determined that they don't expect it will be impacted by the proposed project, but didn't go into detail on what it was in the area.

Commissioner Parker said it's so rare, they don't know what it is.

Chairman Dutzy asked how many square feet would be permanently impacted by this.

Mr. Plante said roughly 2,000-sqft.

Commissioner Porter asked if no trees would be cut

Mr. Plante said correct.

Commissioner Pierotti said one picture shows a boat trailer sitting on the outskirts. He asked if that would be a typical use, and if they drive along the backside there.

Mr. Plante said yes. They don't store cars there.

Ms. Lu asked if that was permitted in a wetland buffer.

Commissioner Pierotti said yes, if there are no fluids stored. He said the fact that they are exercising best management practices for stormwater runoff and the roof is a good thing. They aren't touching any of the trees, and the forest looks pretty nice.

MOTION by Chairman Dutzy to favorably recommend the proposal to construct a single family home within the 75-ft "prime" wetland buffer with the following stipulations:

1. Keep the lawn area to a minimum.
2. Add native plants where possible in landscaping to aid wildlife.

3. Use best management practices for stormwater runoff and filtration.
4. Install erosion control devices before any soils are disturbed

SECONDED by Commissioner Porter

MOTION CARRIED 9-0

Commissioner Sloan volunteered to oversee the project.

➤ ***Annual nomination and election of officers***

Chairman Dutzy led a discussion in creating a more equitable nomination process and avoiding fait accompli.

Mr. McPhie suggested that if any of the members wish to run for a position, they should email him. He will print it out, and they can vote on it at the next meeting.

F. Old Business

➤ ***Update on 2019 LCHIP properties***

Chairman Dutzy gave an update on the site walk performed. Holly Green from the Dept. of Environmental Services (DES) and Paula Bellmore from LCHIP have both received the reports. She said they probably want to do the monitoring this year in April.

Commissioner Sloan said they should do it as soon as possible.

Chairman Dutzy thanked Commissioner Sloan for his efforts in locating the GPS points.

➤ ***Update on Southwest Park Lands Conservation Area maintenance***

Chairman Dutzy said extensive maintenance of overgrowth on the Tirrell Conservation area has been completed. This is part of the ongoing stewardship plan. She said it looks pretty rough now, but will look good in June.

The Commission held multiple discussions regarding habitat.

➤ **Update On Sullivan Farm**

None

➤ **Update On Previously Approved Cases**

None

G. NCC Correspondence and Communications

- Notice from Stacey Powers of Society for Protection of NH Forests, regarding a land conservation conference
- Letter from Forest Society re: Sullivan Farm conservation
- Email from Stacey Powers of SPNHF re: Lovewell Pond wetland and vernal pool study

MOTION to accept and place on file all correspondence not made.

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

Nonpublic session was not required.

I. Commissioners Discussion

- **Forest Management:** Chairman Dutzy said she invited Mike Gagnon from the UNH Extension to come and talk about forest management.
- **Greeley Park:** The new roadway for the proposed boat ramp improvements has been cut. The Commission and Ald. Jette led a discussion regarding proposed improvements.
- **Excursions:** Chairman Dutzy suggested the Commission start planning excursions with the public to get people more involved. She suggested hiring a wetland scientist to inventory interesting areas of the city. Mr. McPhie said he can look for the city's Wildlife Action Plan.
- **New Alderman Liaison:** The Commission welcomed Alderman Ernest Jette. Ald. Jette thanked the Commission for their dedication.

J. Adjournment

MOTION to adjourn by Commissioner Porter at 8:36 PM.

SECONDED by Commissioner Reinke

MOTION CARRIED 7-0

APPROVED:

Richard Gillespie, Clerk, Nashua Conservation Commission

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Prepared by: Kate Poirier