



NASHUA CONSERVATION COMMISSION

Tuesday, January 8, 2019

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, January 8, 2018 at 7:00 PM, 229 Main St, City Hall in Room 208.

B. Roll call

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

Members absent: Michael Reinke

Also in Attendance: Scott McPhie, Planning Department
Shoshanna Kelly, Alderwoman-at-large

C. Approval of minutes

December 4, 2018

MOTION by Commissioner Sloan to approve the minutes of December 4, 2018, as amended.

SECONDED by Commissioner Porter

MOTION CARRIED UNANIMOUSLY

December 1, 2018

MOTION by Commissioner Gillespie to approve the site walk notes of December 1, 2018 (Baldwin Warsaw Multifamily Project), as amended.

SECONDED by Commissioner Sloan

MOTION CARRIED UNANIMOUSLY

D. Treasurer's Report

None

E. New Business

- *John J. Flatley Company (Owner) Requesting Conservation Commission review for temporary and permanent impacts to the 40-foot "other" wetland buffer and wetland itself to allow for the construction of a climate controlled storage facility. The wetland is over 9,000 square feet. Property is located at 200 & 10 Innovative Way. Sheet A, Lots 798 & 713. Zoned "PI" Park Industrial. Ward 8.*

Chris Guida, Certified Wetland and Soil Scientist of Fieldstone Land Consultants, introduced himself as the representative of the owner, John J. Flatley Company.

Mr. Guida described the extent of the proposed project. They are proposing a climate-controlled, self-storage facility in the corner of a pre-existing parking lot. There will be a central entrance with a freight elevator to interior storage, instead of the common drive-in storage layout. They do not anticipate a lot of daily parking, more periodic.

Mr. Guida showed the Commission the extent of the disturbance. He said that much of the proposed development is within the parking lot. Most of the edges past the parking lot are steep fill created slopes, from when the parking lot was originally built. A lot of the buffer disturbances are temporary, and will be revegetated. They propose a stormwater infiltration basin for stormwater runoff. There will be a temporary disturbance in order to connect to a pre-existing sewer line. Most of the wetland is fed by a culvert coming across Innovative Way, which then eventually flows across Tara Blvd. Much of this feed is stormwater runoff from the parking lots and roadways.

Commissioner Porter asked where the stormwater from the existing parking currently goes.

Mr. Guida said that there are existing catch basins throughout the area which channel the flow and discharge it into the wetland.

Chairman Dutzy asked for clarification on connecting to City sewer lines.

Mr. Guida said there would be a small office inside the storage building. In order to provide bathrooms, they are installing a small load sewer line to tie into an existing sewer line. Mr. Guida showed the Commission some interior schematics of the proposed structure.

Chairman Dutzy asked about the existing nearby office.

Mr. Guida said that the largest tenant is BAE.

Commissioner Porter asked who the storage would be used by.

Mr. Guida said he doesn't know, specifically. He believes that it is for the nearby residential units, as well as the business units. He doesn't think there is a wholesale component or plan to advertise this to the general public. The units would be for the tenants onsite.

Commissioner Porter asked if all the stormwater from roofs and adjacent pavement areas is channeled into the infiltration basin.

Mr. Guida said that was correct. Currently, stormwater is treated and channeled into the basin. The area is actively under design, so the site plan proposal may change. The design is not finalized and ready to submit to the Planning Board.

Commissioner Porter says the application implies that none of the stormwater goes into the City wastewater treatment system.

Mr. Guida said that was correct.

Chairman Dutzy asked if the current parking lot serviced the adjacent office building.

Mr. Guida said that it did. He didn't know if there was any limitation on the location the employees could park at.

Commissioner Parker asked if there were any other storage facilities in the industrial park.

Mr. Guida said not to his knowledge.

Commissioner Sloan said that there was one farther up Spit Brook Rd, but not in that part of the park.

Chairman Dutzy said the actual wetland impact areas are quite small.

Mr. Guida agreed, and said that the building is not in the wetland. The grading on the edge of the building is the only impact to the buffer.

Commissioner Gillespie asked if the grading portion of the plan is new parking area.

Mr. Guida said that it is altered parking, but from existing pavement. They are changing the configuration of the parking spots. A brief discussion of the parking ensued.

Chairman Dutzy asked about mitigation.

Mr. Guida said revegetation would occur along the edges of the basin, as well as off the edge of the parking area. He said the topography in the back is rugged and rocky, and the building takes advantage of the slope. The building is designed to be more of a walkout in the back, minimizing additional fill towards the wetland area.

Commissioner Parker asked if there will be a list of plant species identified or a landscape plan.

Mr. Guida said the site plan submittal requires a landscape and planting plan for the buffer area.

Commissioner Parker asked how successful those efforts to add vegetation are.

Mr. Guida said as far as the planting goes, pretty good. Unlike in parking lots, there's nothing really to disturb the landscaping once planted. He expects minimal maintenance beyond trash and sand removal. The wetland will provide the water they need.

Commissioner Gillespie asked if there will be lighting in the parking lot.

Mr. Guida said he doesn't know if there is existing lighting,

but is sure that there will be at least some safety lighting on the building.

Commissioner Gillespie requested that the lighting could be downcast.

The Commission plans to perform a site walk on Tuesday, January 15, 2018, at 3:30PM, at 200 Innovative Way.

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

MOTION by Chairman Dutzy to nominate Commissioner Gillespie as Clerk

SECONDED by Commissioner Sloan

MOTION CARRIED UNANIMOUSLY

MOTION by Chairman Dutzy to nominate Commissioner Pierotti as Treasurer

SECONDED by Commissioner Porter

MOTION CARRIED UNANIMOUSLY

MOTION by Chairman Dutzy to nominate Commissioner Sloan as Vice Chair

SECONDED by Commissioner Parker

MOTION CARRIED UNANIMOUSLY

MOTION by Commissioner Sloan to nominate Chairman Dutzy as Chair

SECONDED by Commissioner Porter

MOTION CARRIED UNANIMOUSLY

F. Old Business

➤ ***Final brochure design***

Commissioner Pierotti led a brief discussion regarding design font.

MOTION by Commissioner Porter to approve the brochure as

revised.

SECONDED by Commissioner Sloan

MOTION CARRIED UNANIMOUSLY

➤ ***Update for LCHIP managed Parcel H-635***

Chairman Dutzy led a discussion in regards to a correspondence for the Northwest conservation parcels. She has the names of three people who can complete the additional information requests by LCHIP for the northwest conservation parcels. She plans to talk to them, and have them submit proposals of cost and plans of what they are looking for. She explained the issues the Commission has had with LCHIP conservation easement requirements. She said that the reason they would have to hire a monitor is because most of the boundary markers are hard to get to and many are in wetland areas.

Commissioner Porter said basically there were a lot of regulations on the books that nobody has paid full attention to, and now that somebody is in charge and wants them complied with. He asked if the regulations are reasonable.

Chairman Dutzy said she didn't think they are unreasonable. The Commission wants to do the right thing, but they now have to walk the properties every three years. She doesn't think that they have the boundaries designated.

Mr. McPhie said that they do, and every single point has been surveyed. The head of LCHIP gave them a different format to follow. The Commission has all the materials, so he is glad that LCHIP has sent them an outline of what they want.

Chairman Dutzy said they have to now document they are walking the property lines, and in the past they have done trails because they thought that was what they needed to do. In order to walk the boundaries, they will have to find them.

Mr. McPhie said that it is on LCHIP terms and her format not the City's format.

Commissioner Gillespie asked about reporting deadlines.

Chairman Dutzy said that they can probably align the report to the deeds. One of the Commission needs to become intimately

familiar with the each individual legal document. Then they can create a report and a plan to mark out the boundaries during the year. She said that according to the head of LCHIP the parcel is owned by Pennichuck Corporation, but the Commission is supposed to be managing it. But when she called Pennichuck, and they say that they don't own it.

Mr. McPhie said that they should be able to work with the Commission on that. It's confusing because the City owns Pennichuck Water.

Chairman Dutzy said then you get into the legalese of the document and have to apply it to the physical land you are supposed to be monitoring. She would be willing to look at doing three reports and getting the reports in line with the more detailed LCHIP format. The Conservation Commission will submit one report in the recommended format, and walk the boundaries. If LCHIP needs more than that then they will hire a monitor.

Commissioner Porter said he was surprised the Commission felt constrained by the need to walk the boundary. He suggested they hire a drone company that does real estate surveys to video tape the boundaries.

Commissioner Pierotti said he wasn't sure that you could fly a drone that close to the Nashua airport.

Commissioner Porter said that the airport could shut down for two hours while they did it.

Commissioner Pierotti asked if the Airport Authority would work with them.

Commissioner Porter said that he doesn't know. Before they go out into the wetlands, they should think of some other alternatives.

Commissioner Pierotti said depending on where the boundaries are a drone may not be able to get into heavily wooded areas.

Chairman Dutzy said another alternative is that they could attempt to locate the boundaries, and if they have issues with that, try something else. They don't have to walk interior boundaries. The good thing is that when they do this, they will be intimately familiar with the property. They spent all

this year on the trails, and apparently LCHIP doesn't care about that.

Commissioner Sloan said that the public cares about it, and that is important too.

A brief discussion of all the clean ups the Conservation Commission accomplished on the property ensued.

Commissioner Sloan said the best time to walk would be in early spring, before the ferns pop up.

Commissioner Gillespie said when the Commission first acquired the property; a group went out to try and find the boundaries and was unsuccessful.

Commissioner Pierotti asked when the property was last surveyed.

Mr. McPhie gave a brief history of the survey indicating the property was targeted for development so the City has a complete surveyed plan with pins and iron pipes shown. He said it can be fun finding the property pins, but when you can't you take pictures of trees or other things easily found along the route to meet any gaps you might have. You then GPS the spot and document it on an aerial photograph so anyone could walk the bounds. The detailed aerial is required as part of LCHIPS submittal requirement. Each successive year marking tape that may have disappeared close to the boundary can be added at each point.

Chairman Dutzy said the assumption is with GPS coordinates you can head to those coordinates, look down, and see a pin.

Commissioner Sloan said the issue is that some GPS units are only accurate to 20-feet.

Mr. McPhie said sometimes it's a 200 year old iron pin in a stone wall that you have to clear leaves off to view.

Chairman Dutzy said they can try to walk the smallest one first, and if the pins are impossible to find they can hire an expert.

A brief discussion of funding options for conservation land ensued.

Commissioner Porter said property owners have to give the Commission permission to walk their property but the owner in this case is Pennichuck, which is owned by the City.

Mr. McPhie said that's why it makes sense for both Pennichuck and the Commission to walk this together.

Chairman Dutzy said that she will reach out to Pennichuck.

Mr. McPhie said they might soon be bringing an application to the Commission, and that would be a good time to talk with them.

➤ ***Add Southwest/Lovewell Parcel numbers to the existing ordinance***

Chairman Dutzy said she called Dorothy Clarke of City Corporation Counsel, and asked Mr. McPhie if she checks her voicemail.

Mr. McPhie said that the turnaround time for requests is usually a couple of months.

Chairman Dutzy said that she will try again.

➤ ***Update on tree cuttings on Henri Burque Highway***

Mr. Porter said the Henri Burque Highway is owned and maintained by the New Hampshire Dept. of Transportation (DOT). There is a nice wooded buffer along the highway from Amherst St to Concord St. that buffer is now disrupted for 50-100 feet by clear cutting of large trees, which have been left lying on the ground. He has found, after some research, there is a branch of DOT that deals with limited access highways. A resident complained to the DOT that some of the trees along the road looked sick, and they were concerned that the trees could fall on their garage.

Chairman Dutzy said that there was a brush fire there a couple of years ago.

Commissioner Porter said yes, DOT knew some of the trees were damaged. The DOT had the authority and responsibility to cut down damaged trees that might threaten neighboring properties. So they cut down the trees, and will eventually get around to

cleaning them up someday.

Chairman Dutzy said the State had an arborist tag all of the damaged trees. It has looked like slash-and-burn for the last six months.

Commissioner Porter said he asked the state if they would replant, and hasn't received a response.

Commissioner Pierotti asked if this included the property on the south side of Henri Burque that opened up complete access to the highway.

Chairman Dutzy said yes, this is 18 Birchwood Dr (13 Cabot Dr).

Commissioner Pierotti said that whoever owns the property has turned it into an environmental disaster. They have been doing grading there. And the state sanctioned that?

Commissioner Porter said they did, and they had a certified arborist do it.

Commissioner Pierotti said it wasn't a professional job at all.

Chairman Dutzy said they started this discussion because they thought the homeowners were in violation and just cut down all those trees.

Commissioner Parker asked why they would leave the trees.

Commissioner Parker said it looks like a homeowner did a slash-and-burn cut.

Commissioner Parker said any professional company would drop the trees, and then haul them away or chip them on the spot.

➤ ***Updated projects list***

65 Spit Brook Rd: Chairman Dutzy asked Mr. McPhie for an update on the approval letter. Mr. McPhie said that he sent Mr. Porter the letter a month or so ago. He offered to resend the letter as the e-mail may have got blocked. He explained the Conservation Commissions role is to make recommendations to the Zoning Board; the Zoning Board then chooses to use all

those recommendation or a good portion of them as part of the Special Exception approval. The BAE letter had language in its approval letter that was very general where the Conservation letter was more specific. Sometimes projects do not go to the Zoning Board but are required to go to the Planning Board. The Planning Board once again can choose to accept all the recommendations or a portion of the Recommendations as part of their final approval.

Lovewell Pond Bench: Chairman Dutzy asked Mr. McPhie for an update on his investigation. Mr. McPhie said he bumped it up to a higher authority, Roger Houston & Sara Marchant. He is not sure where it stands. Chairman Dutzy asked if he could nudge the process.

Brian McCarthy Memorial Bridge Sign: Commissioner Sloan says that locally no one makes the metal signs, but they can be ordered online. For a brass or bronze 8"x10" sign, prices start at about \$150.00. He forwarded the idea that since some of the trails in his ward don't have official names they could make a Brian McCarthy or call it the Stargazer trail. Chairman Dutzy volunteered to draft a write-up for the dedication with the help of former Alderwomen and Community Development Director Kathy Hersh.

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

None

J. Adjournment

Commissioner Porter made a motion to adjourn; the motion was seconded by Commissioner Sloan. Motion carried. The meeting ended at 8:04 PM.

APPROVED:

Richard Gillespie, Clerk, Nashua Conservation Commission

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