



**City of Nashua**  
**Conservation Commission**  
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EXPANDED MEETING SUMMARY

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**NASHUA CONSERVATION COMMISSION**

**January 18, 2022**

**A. Call to order**

A special meeting of the Nashua Conservation Commission was called to order on Tuesday, January 18, 2022 at 7:00PM in Room 208 in City Hall AND via Zoom virtual meeting.

**B. Roll call**

Members present: Sherry Dutzy, Chair  
Brandon Pierotti  
Gloria McCarthy  
Carol Sarno  
Jed Crook  
Meghan Cook (Zoom)

Also in Attendance: Matt Sullivan, Planning Manager  
Ald. Ernest Jette, Alderman Liaison  
Deb Chisholm, Waterways Manager (Zoom)  
Brendon Martin

**C. Approval of minutes**

None

**D. Old Business**

None

**E. New Business**

None

**F. Correspondence**

None

**E. Discussion Items**

## **1. Mitigation Project List/Riverfront Development**

Mr. Sullivan provided an overview of the previous mitigation discussion. He said there was a past project and now an upcoming project that presents an opportunity for the Commission for a production of a list of mitigation projects to bid on receiving monies typically paid to the NH Dept. of Environmental Services for wetlands impact. Last year's project was the Pennichuck Middle School, and this year is the Riverfront Project. It has a sizeable environmental impact fund associated with it, between \$100-500,000.00.

Mr. Sullivan said what is unique is that this will be a permittee responsible mitigation (PRM) project. There are a different set of requirements from ARM. Once the Riverfront identifies a dollar amount, they are eligible to find local mitigation projects but the parameters are a lot more narrow. The value to the environmental and functional values need to align with what is being impacted.

Mr. Sullivan said he had a meeting directly with the Riverfront engineering team and presented a list of mitigation projects previously discussed by the Commission, and the project manager believes that in his experience these are not a good fit for the PRM requirements. Much of that is timing related. The level of design necessary to pursue funding is fairly high, in many cases beyond a concept design. They would have to invest in a design that could be implemented during construction, and it is unlikely that any planning or study activities would be funded.

Mr. Sullivan said it emphasizes the need to turn attention towards the mitigation project worksheet and funding design improvements so they can look at construction long term. He also wants the Commission to understand the reason that when there is a mitigation payout for this project, why it will be going to the state.

Chairman Dutzy said one of the things they talked about is forward thinking in terms of the projects that they want to invest in design work. They want to look at projects like upgrading culverts that are on conservation land. Her understanding is that culverts can be a big problem in the state because they don't get maintained or upgraded. The kind of project they are looking for wouldn't have to be done on an

emergency basis but could be infrastructure based. They could do the planning and have everything in place so they could present it to the DES.

Mr. Sullivan said yes. ARM dollars can be used more flexibly for conservation efforts, but for PRM projects, a construction ready project needs to be ready to go. There is a real need for the Commission to engage with the Engineering Dept., as they have a lot of useful knowledge and resources on infrastructure. They should reach out to learn more about critical failure points and possible investment areas.

Chairman Dutzy said the first thing should be to task the Planning Dept. with coordinating with Engineering to come up with some ideas. They are talking about a sizeable amount of money that they would have to pay upfront for a project design.

Mr. Sullivan said if they can have 4-5 projects they can probably do an economy of scale concepts for multiple sites all at one time to give some options. It would require an appropriation from the Board of Aldermen and a good idea of what the scope should look like.

Chairman Dutzy said they had big and small projects on this list. She was surprised that none of them qualified for the PRM. There seems to be a disqualification for everything.

Commissioner Cook asked if the Natural Resource Inventory is still on track to be presented by June. That might help the Commission identify priority areas and projects.

Mr. Sullivan provided an update. He had a call with NRPC and they are on track to complete that update by June. The good news is that they can also complete additional co-occurrence mapping to identify values that the Commission would like to see protected to identify areas across the city that would be good for conservation long-term. It may be worthwhile to focus their efforts on that.

Chairman Dutzy said a deliverable would be for Planning to coordinate with Engineering to identify projects. Another would be for the Commission to consult with NRPC. Once they have that they can kinda decide where to go from there.

Commissioner Pierotti asked if Nashua is a USA tree city.

Mr. Sullivan said they used to be. He doesn't know if they still are.

*\*\*\* Audio garbled \*\*\**

Mr. Sullivan said it appears that Nashua still is.

Chairman Dutzy said it was to encourage people to plant trees. There's a tree program through Parks and Recreation and they have a nursery in the city.

Ald. Jette asked what is happening on the Riverfront that requires mitigation, and what mitigation would be acceptable.

Mr. Sullivan said if mitigation can be done in the Nashua River and nearby, that is the best form of mitigation. The mitigation is required because of riverbank and shoreland impacts done because of the project, in addition to work in the river proper. The NHDES permits require those fee impacts.

Chairman Dutzy asked if it almost takes a wetland scientist to understand the equivalents they are looking for. It sounds very technical and over and above the abilities of the Commission to make that determination. For a layman it's obtuse. It's hard to know what projects they could do that meet the specific technical qualifications.

Mr. Sullivan said prime wetlands specifically are viewed as high priority resources under state rule. That is the trigger for this specific permit. There are permanent impacts to the prime wetland. The way that the administrative rule further reads, if onsite mitigation cannot be achieved, then you go through the process of seeing whether other mitigation is available in the community. If not, you pursue a payment in lieu to the state fund.

Ald. Jette asked how much money would be available. Looking at the river, he understands that they are still dumping combined sewer overflow into the river. Is there enough money to tackle something like that? Another project that comes to mind is near the River Pines area, Horrigan Park.

Chairman Dutzy said that was on the list. Land acquisition doesn't qualify.

Mr. Sullivan said under Permittee Responsible Mitigation. He expects that they would say Combined Sewer issue is mandated under some portion of rule relative to wastewater.

Ms. Chisholm said she doesn't know either. It's frustrating. It's an unfunded mandate, so to speak. Fixing the combined sewer would cost millions of dollars. If they had millions, they would have fixed it years ago.

Chairman Dutzy said when she spoke to the Division of Public Works a few years ago, she was told that in order to fix the problem it would cost about \$330 million dollars.

Ald. Jette said he was more thinking they could try a portion of it.

Chairman Dutzy said it's a good idea. They should get a wishlist together.

Mr. Sullivan said it sounds like they need to move forward.

Commissioner Cook asked if the Riverfront project has bank impacts, are there areas along the Nashua River that have erosion issues? They could stabilize the banks or do native plantings along the banks. Could that qualify?

Mr. Sullivan said that's a fair question. He would be happy to ask. The consultant for the project has been very good at answer questions.

Commissioner Cook said she isn't sure what might be good areas. She imagines there are areas that could use stabilization, or there are banks overtaken by invasives.

Chairman Dutzy asked about the area by the library, where they removed the trees. Does that area need any stabilization?

[Unknown] said he doesn't understand, they have tons of erosion on the Merrimack.

Chairman Dutzy said the impacts are to the Nashua River. She asked how the whole area by Jackson Falls got restructured. She listed some locations along the Nashua River that have steep drop-offs, and said those seem to be areas where there could be some bank improvement.

Mr. Sullivan said if it is city property, there is a possibility. Securing landowner permission to perform revegetation may be a problem. They don't plan to have a project capable of spending all of the remediation funds, but if they can show some value of injecting the capital back into the community, that would be a win. He will find out.

Chairman Dutzy asked if there will be other impacts going forward.

Ms. Chisholm said she doesn't know if anything within that Riverfront project is exempt. VHB would have already thought about the bank erosion in the area. The area between the library and the senior center has some erosion problems, and she believes there is a plan with the Riverwalk development that will help that area. The problem with that whole area is that it's underlain with asbestos. That elevates that project to something more important than just putting some nice plantings out there. There are certainly other private properties with erosion issues along Cheyenne Drive.

Ms. Chisholm said the other thing she is thinking about is invasive species management. Every year they treat for aquatic invasive species, and she wonders if that would be an eligible small project. That costs \$40-80,000 every year.

Chairman Dutzy asked Mr. Sullivan if he could ask VHB about that.

Mr. Sullivan said yes.

[Unknown] asked if there is asbestos between the library and the senior center.

Ms. Chisholm said the upper piece of the embankment definitely. In some spots you can see a green plastic mesh; that was the original material used to cap the asbestos back in the early 80s.

Chairman Dutzy asked if now it is deteriorating.

Ms. Chisholm said somewhat. Certainly with more storms and more severe rainfall, that could have an impact.

Chairman Dutzy said that goes into the Nashua River, which goes into the Merrimack River. The Merrimack River serves as

drinking water. That should be a high priority.

Ms. Chisholm said from a health standpoint drinking asbestos is not as high of a risk as inhaling it.

Chairman Dutzy asked if she could drink as much asbestos as she wanted.

Ms. Chisholm said sure.

Chairman Dutzy said they have some next steps and options to move forward. It's worth taking a look at.

## **2. BAE Rain Garden Discussion**

Chairman Dutzy said she and Mr. Sullivan discussed this, and the best they could figure out is that what they were shown as the rain garden during the site walk is not the rain garden. It's possible that Mr. Coutu from BAE didn't know what one is.

Mr. Sullivan indicated the area that he believes the Commission was shown, which is not where the rain garden is. He argues that what they proposed is not actually a rain garden, but it is in the northern portion. He showed the Commission photos of the installation and the approved planting plans.

Chairman Dutzy said they did not see plantings in the area, so it may have been a perennially wet area that Mr. Coutu thought was the rain garden.

Mr. Sullivan said it did spark an additional discussion about what details need to be provided for rain gardens. Technically they built this as approved, but in his experience this is not a true rain garden. It's a shallow basin with vegetation in it. That's not the typical design he has seen.

Chairman Dutzy said they also have a March 30, 2018 stipulation letter for the parking lot which required them to provide a general long term maintenance document for the rain garden. They can write a letter to request it.

Mr. Sullivan said they have it. They require regular reporting, and BAE meets that requirement. They are one of the few entities that does.

Chairman Dutzy asked if it meets design specifications.

Mr. Sullivan said it does. They may want to encourage them to add some plantings beyond what was required to make it an attractive rain garden and an example to other developers of what a model rain garden is. He doesn't know of any beautiful structural rain gardens in Nashua and would like to see one. This might be a good opportunity to initiate that conversation.

Chairman Dutzy said apparently the area they viewed would not be appropriate for a rain garden. It is perennially wet. That's not the place to put it.

Mr. Sullivan said they want at least 3-ft of separation between the ground water table.

### **3. Joyce Park Wildlife Sanctuary Stewardship Plan**

Chairman Dutzy said that Joyce Park is like peeling an onion. Last week she was on a call with Freedom's Way National Heritage Area. They do grants up to \$5k, and it's a matching grant. They are talking about an archaeological plan, and they recommended the Commission take a step back and make a cultural landscape plan. There are landscapers that will look at the land and try to determine the use for the land going back in terms of cultures. It's something you do before you do an archaeological plan. The UNH Extension may be able to help.

Mr. Sullivan asked if it was indicated as eligible under the grant parameters.

Chairman Dutzy said yes. Apparently the form is very simple and they are making grants until they go along until the money runs out. They can do it at any point. One other thing that's interesting is the ironworks building.

[Unknown] said that is where the original 1984 archaeological survey was performed.

Chairman Dutzy said the report also shows a waterbody called Harbor Pond, which was a part of Salmon Brook and is now underneath Simoneau Plaza. That was in 1963, the year that the state came in to enable Conservation Commissions.

[Unknown] asked if the cultural landscaping survey would do a

natural history survey. That dam was probably one of the first impediments to fish on Salmon Brook. Restoring that area to pre dam conditions might be good.

Chairman Dutzy said she thinks the purpose is to understand who occupied that land and go back as far as they can.

Commissioner Sarno said Matt Tarr is a UNH Extension professor who specializes in wildlife. He has offered to come to Nashua to offer suggestions and strategies for managing invasives and wildlife habitat. They removed the invasives on the Nashua River, and were left with just dirt. Invasives provide some habitat, so they need a measured approach to removal. They can't clear everything out without knowing what will come next. She recommended the Commission invite him and forester Mike Gagnon to walk the area in March. Another good place would be the tire dump in Yudicky Park. She doesn't know if it would cause more harm to remove it. He can also help generally advise on dealing with beavers.

A brief discussion of beaver management ensued.

Commissioner Cook said that Mr. Gagnon used to be a teacher at Alvirne High School and has a passion for teaching. He could be a good resource for any educational programs they want to pursue. He did a public walk with the Hudson Conservation Commission.

The Commission agreed to schedule a walk with Matt Tarr and Mike Gagnon.

Chairman Dutzy said she will look into getting some names for cultural landscapers. A problem is that the bench installed by the Eagle Scout was not placed where they had requested it. They placed it too close to the edge, and it needs to be moved 3-4 feet further back.

Commissioner McCarthy said that sounds like a new Eagle Scout project.

Commissioner Cook asked if they can approach the boy scouts about their project.

Chairman Dutzy said there may be a reason for it.

Commissioner Sarno said they can reach out to the scouts that

the bench is beautiful, but not where they need it to be. Is there a reason for it?

Chairman Dutzy said the scouts were so happy to get it done.

Commissioner Cook said she wouldn't mind reaching out.

Chairman Dutzy said she probably would first want to go out there with a pickaxe and see what's underneath. If there is ledge it would be a moot point.

Commissioner Cook said Jeremy the turtle surveyor followed up with her asking if the Commission is interested in him studying the area. The Zoo representatives said it would be a great area to document a variety of turtles, maybe even Blandings turtle. He has a permit for this upcoming trapping season in Nashua, and a little flexibility on where he does it. Joyce Park was one area he proposed as part of his permit, or Field's Grove. It's not a guarantee that he can do two places. It's a 1-2 week window. If they really want trapping, he wants to do it, but he may need funding for equipment. She can email the Commission more details.

Chairman Dutzy asked if she can send that to Matt to put in the February package. They will also have to do another spring cleanup.

Mr. Sullivan said he also has to take care of the railroad ties.

Chairman Dutzy asked if they have a plan for disposal.

Mr. Sullivan said DPW doesn't want to take the ties because of what they are. It's finding another location to take them. He needs to research someone who will accept the railroad ties.

Chairman Dutzy said she can call Northeast Resources, who has a contract with the city for all sorts of things. Her goal for this year is to clean up as much of the junk there as possible and keep working on the stuff in the canal.

A brief discussion of junk ensued.

#### **4. Wetland Buffer Marking Project**

Chairman Dutzy said the wetland boundaries can move based on a

number of different factors. They are never going to get it exact, and would get into a lot of trouble if they tried. If they want to move forward with this along Salmon Brook, is it possible to get a 4x4 with a sign that says "wetland area, restrictions apply". It would be close to the boundary, but they wouldn't have it flagged or surveyed. Is that possible so that that new homeowners are alerted?

Mr. Sullivan said no. It would be challenging to generalize the boundary.

Commissioner Cook asked if they can use it to mark the buffer.

Mr. Sullivan said it would call into question that if they aren't using a wetland scientist or surveyor, who is going out there with a tape measure. It has to be a qualified professional.

Chairman Dutzy asked if they can use a wetland scientist but have the sign say 'wetland area based on' where the boundary was placed by the expert.

Mr. Sullivan said that might be a good middle ground.

Chairman Dutzy said new developers do this.

Mr. Sullivan said they use wetland scientists. They absolutely have the authority to require it as part of a new development, but the question is how you do it for voluntary purposes for residents along Salmon Brook. He doesn't know if they're going to have people willing to do that. The other concern he has is when they do find illegal structures in the buffer, what do they do?

Commissioner Cook asked if they can do an educational campaign.

Chairman Dutzy said they have a brochure. In 2005 they sent a letter to homeowners.

Mr. Sullivan said that's probably why a lot of entities settle on that measure. He likes that idea a lot more.

Chairman Dutzy said they can take that approach when they find illegal structures and code enforcement issues. She referred to a previous application at 22 Burnett St involving concrete

dumping, and how there was never really any resolution.

Commissioner Pierotti led a brief discussion other options to remove the railroad ties.

**J. Adjournment**

**MOTION** to adjourn by Commissioner Sarno at 8:13PM

**SECONDED** by Commissioner Crook

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