



NASHUA CONSERVATION COMMISSION

Tuesday, April 2, 2019

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, April 2, 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
Dan Sloan
Bill Parker
Gene Porter

Members Absent: Michael Reinke

Also in Attendance: Linda McGhee, Planning Department

C. Approval of minutes

March 5, 2019

MOTION by Commissioner Sloan to approve and place on file the minutes of March 5, 2019, as amended.

SECONDED by Commissioner Parker

MOTION CARRIED 6-0

D. Treasurer's Report

None

E. New Business

- *Independence Rowing Club, c/o Tim Hefferan (Owner) requesting Conservation Commission review for tree removal within the 75-foot "prime" wetland buffer. Property is located at 75 Crown St. Sheet 23, Lot 27. Zoned "GI" General Industrial. Ward 7.*

Tim Hefferan, Director, Independence Rowing Club, introduced himself to the Commission.

Mr. Hefferan gave a brief description of their issue. On the shoreline of the subject property, a tree right next to the river is leaning at a dangerous angle. The rise and fall of the river exacerbates the problem because the roots are either entirely submerged, or exposed to burrowing animals, and the problem has continued for the 40 years the club has been onsite. Their docks extend 75-ft, and pass underneath the tree. He said that even though the property is well posted, they constantly have trespassers. The club is concerned that when the tree finally falls, it will hurt or kill someone. In the past twenty-five years, he's seen the tree lean noticeably. Their solution is to remove it. He spoke last week with Mr. McPhie of the Planning Department, and he said that the club satisfied the state's requirement for tree removal. Mr. McPhie recommended that he come before the Commission.

Mr. Hefferan passed photos of the site around to the Commission.

Commissioner Sloan asked if they had a professional arborist assess the tree.

Mr. Hefferan said they had someone look at the tree, and he told them that unfortunately the tree is alive and healthy. He would not quote them on removing the tree, because he believed that the club would never get permission for it. However, it is clearly a danger the way it teeters there.

Commissioner Gillespie asked if it was possible to remove only part of the tree.

Mr. Hefferan said that he thinks it would be possible. They would have to take a good part of it off so that if the main trunk fell it wouldn't hit the docks.

Commissioner Porter said that he is familiar with the site because he collects water samples there. He has seen the tree, and said all of the Commission has seen trees along Thoreau's Landing that have been progressively undercut and fallen into the river. He is supportive of the need to cut the tree down before it damages the dock or hurts somebody.

Chairman Dutzy asked how large the tree is.

Mr. Hefferan said that the tree is about 23-25 inches in diameter.

Chairman Dutzy asked if this was something that could be felled and left in the water. Would it be appropriate for it to become habitat for fish?

Commissioner Porter said it would hit their dock.

Chairman Dutzy asked if it is a permanent dock, or if it comes up in the winter.

Mr. Hefferan said that the dock does come up in the winter. Leaving the tree would interfere with their ability to moor the dock offshore. They also use the inside of the dock to launch and haul boats, so if the tree were dropped and left there it would interfere with that side of the dock.

Chairman Dutzy asked if he believed that the tree would have to be removed.

Mr. Hefferan said yes.

Commissioner Porter said that today the river is flowing at about four times the normal rate. If you look on both shores of the river, even though big trees have fallen, they don't stay in the water for habitat because of the velocity of the river. It's a good idea, but it won't work.

Commissioner Parker said it's inevitable that the tree is going to go down. It's constantly being undermined, and it's a smaller caliber tree than the ones in the vicinity. He appreciates the applicant taking the time to go through the proper steps to get permission for removing this tree. He is in favor of this tree coming down in a controlled environment, rather than falling on its own.

Chairman Dutzy asked if the rowing club would pay for its removal.

Mr. Hefferan said that is the other hurdle. The club has 13-20 members, and when they asked around for quotes one told them that the tree would cost \$6,000-\$7,000, and he wasn't sure if he could even get his crane in. Most removal services wouldn't

even give a quote until they knew they would have authority to remove the tree.

Commissioner Porter asked if before they put the docks in, they could cut the tree into the river and drag it ashore.

Mr. Hefferan said they did think about that. It didn't sound feasible to the people he talked to because of the size, where it was going to fall, and the grade of the embankment.

Commissioner Gillespie asked if the intent is to remove the tree completely, and not just cut and leave it.

Mr. Hefferan said correct. The plan would be to remove it completely.

Commissioner Parker said any skilled arborist would never just drop a tree into a body of water, whether it's moving or still. There are definitely arborists out there that could take down the tree without using a crane. He offered to provide contact information for some.

Mr. Hefferan said that would be helpful.

Chairman Dutzy asked Staff if the applicant would need any further approvals than the Commission.

Ms. McGhee said it would end here. It doesn't need to go to Zoning Board.

MOTION by Commissioner Sloan to approve the removal of the tree.

SECONDED by Commissioner Porter

MOTION CARRIED 6-0

- ***City of Nashua (Owner) requesting Conservation Commission review for a seasonal floating dock, to be installed on the Nashua River at the Mines Falls Boat Ramp. Property is located at 19 Stadium Dr. (Sheet E, Lot 2191). Zoned "R9" C-Suburban Residence and "PI" Park Industrial. Wards 1 & 4.***

Mark Saunders, Assistant Construction Engineer, introduced himself to the Commission as representative for the City of

Nashua.

Mr. Saunders presented an overview of the proposal. The Parks and Recreation Department is working with the Engineering Department for a floating dock at the boat ramp in Mine Falls Park. They have submitted a wetland permit to the state.

The dock will be located at 19 Stadium Drive, behind the Street Department building, with a route where the new skate park was built. The dock has been requested by public demand, and it will help with on and offloading of boats. The majority of parking is at Stellos Stadium, and this will allow boaters to tie off their boats and retrieve their cars. He showed the Commission examples of the dock. He said that the dock can also be used as a kayak launch and fishing location. Mr. Saunders showed the Commission the plan they submitted to the state Dept. of Environmental Services (DES) for the wetland permit.

Commissioner Gillespie asked about a leaning tree in one of the photos, and asked if they intended to remove it.

Mr. Saunders said no. The tree is farther to the left than it appears in the photo. They can also move the dock to the right, where it is a more open area.

Commissioner Gillespie asked how close they are to the current coming from the upstream dam. Would it be dangerous for a beginning kayaker?

Mr. Saunders said no. He would assume that kayakers already use the boat launch, which is at the same access point. It is probably about 400-ft from the falls.

Chairman Dutzy asked how the dock is anchored.

Mr. Saunders said there will be six 2.5-in diameter supports augured into the ground. The dock will be locked into these supports.

Commissioner Parker asked if the upright supports would stay in the winter.

Mr. Saunders said yes.

Chairman Dutzy pointed out a bench on the plan, and said she

noticed the idea that people would come here and sun themselves here. Is that part of the proposal?

Mr. Saunders said that the main purpose is to let people launch their boat, tie it to the dock, park their vehicle, and load into the boat. But if there are other benefits, that could be one of them.

Commissioner Porter asked if they planned similar facilities to what is currently proposed at the Greeley Park boat Launch.

Mr. Saunders said that it's not part of this current proposal. He has not talked with the Parks and Recreation Dept. about adding a launch like the Greeley Park one.

Chairman Dutzy asked if this came about because of the public.

Mr. Saunders said yes, this is by public demand.

Commissioner Gillespie asked if there would be cleats on the dock for people to tie their boat to, or would they tie onto the pillars.

Mr. Saunders said there will be two cleats in the front, and two moorings at the left and right. The dock is designed for one boat to tie off and launch. If there is a queue, other boats will have to wait.

Commissioner Gillespie asked if they could tie off all the way around.

Mr. Saunders said no. The right side will be where the boat ramp is, and on the inside it's too narrow for anything but a canoe to tie off on.

Commissioner Gillespie said that seems like a limitation on the dock.

Chairman Dutzy asked if the kayak rack is part of the dock.

Mr. Saunders said yes. That is called a kayak launch, and it's designed to allow boaters to launch themselves from a stable point, without getting into the water. He doesn't believe it would be storage, since they are not providing kayaks.

Commissioner Parker asked if there was a moving mechanism as

part of the launch.

Mr. Saunders said no. He believes it's just a stable point to get into the kayak.

A brief discussion of the kayak rack ensued.

Chairman Dutzy asked if the disturbance to the wetland is basically just auguring the posts.

Mr. Saunders said yes.

Chairman Dutzy asked if the posts went around the dock.

Mr. Saunders showed the Commission where the posts were on the plan.

Commissioner Sloan asked how large the dock is.

Mr. Saunders said that the dock will be 330-sqft. Each floor section is 5'x10'-ft in area.

Commissioner Parker said that their concern is less about the design, and more about the impact to the environment. If all they're doing is a one-time installation of some stabilizing hardware, his only concern is that they are encouraging more human activity. He understands that this is the objective, but it's also what contributes to degrading the environment. But getting people out onto the water is a good thing, so he doesn't have any other questions.

Commissioner Sloan said it looks like it is going alongside the existing ramp.

MOTION by Commissioner Porter to approve the installation of a seasonal dock alongside the existing ramp at Mine Falls Park.

SECONDED by Commissioner Parker

MOTION CARRIED 6-0

Mr. Saunders said they plan to build the dock after they receive the wetland permit, and expect to start late May.

F. Old Business

➤ ***Plaques for Barbara Pressley and Brian McCarthy***

Chairman Dutzy said that the sign company they contacted was unable to do what the Commission requested. She asked around, and Nick Caggiano of the Parks and Recreation Department said that the city works a lot with Gate City Monument and Marshall Signs.

She reached out to Roger Pellerin at Gate City Monument, and they can do some beautiful work. He could probably bring it in under \$8,000. She said it would probably be a lot less than \$8,000 depending on what they ask for.

Commissioner Sloan said that the biggest issue he had with the 8"x10" plaque was the size of the letters. The company wouldn't do a proof unless they placed the order. He said if they use the whole document they need to use a bigger plaque.

Chairman Dutzy said they were probably looking at \$1,000-\$1,500 just for the plaque. She showed the Commission various different ways of displaying the plaques.

Chairman Dutzy said she looked at some of the other signs, and noticed the signs for the art symposium. She described the placards for the Commission, some of which have been standing in good condition for twelve years. The quote she was given placed the price at around \$500 per sign.

Commissioner Gillespie asked if it would be printed metal or stamped.

Chairman Dutzy said she thinks they can get them etched.

A discussion of design options ensued.

Commissioner Porter said that the high end casting is a prime vandalism target. They're often stolen for scrap metal.

Commissioner Sloan described fastenings that the sign company he talked to use to prevent stealing.

Commissioner Porter said that a \$400-\$500 etched sign that lasts ten years would be his preference rather than a high end cast sign.

A discussion of the potential for vandalism and theft ensued.

Commissioner Sloan asked where the Brian McCarthy plaque would be located.

Chairman Dutzy described the location, a hairpin turn on the trail at Lovewell's Pond, by the bridge. She said that his dedication ceremony is set for May 18th, and invitations are already being sent out. She recommended they focus on Brian McCarthy's plaque for the ceremony, and work on Barbara Pressley's plaque later.

The Board discussed choosing between a cast plaque or etched plaque.

Commissioner Sloan volunteered to get a quote from Marshall Signs, and Chairman Dutzy volunteered to get a quote from Gate City Signs.

MOTION by Commissioner Sloan to order a bronze engraved cast iron sign, pending acceptance of at least two quotes of \$1,500 or less, for the Brian McCarthy Memorial.

SECONDED by Commissioner Porter

MOTION PASSES 6-0

➤ ***Conservation Commission Webpage***

Ald. Kelly researched the current webpage, and found that the Clerk's office only does updates to the page. She said it would be nice to have a link to a new website and be able to tell a story about what the Commission does.

A discussion of the current website ensued.

Ms. McGhee said that all of the departments in Community Development post weekly on the Facebook page. The Planning Department puts approved projects on there to tell a story.

Chairman Dutzy said that she will reach out Wendy Weatherbee for information about a new webpage.

➤ ***Update On Previously Approved Cases***

- **206 Manchester St/L Tinker Rd/L Deerwood Dr Water Line Project:**

Commissioner Porter said that the city should install sidewalk on top of the water lines on Tinker Rd, where there are no sidewalks. This is a good opportunity at very little added cost

Chairman Dutzy said that would be the Street Department and some people don't want sidewalks in front of their houses. She said they should send a note to the Planning Board.

Ms. McGhee said that the project wouldn't go to Planning Board.

Commissioner Porter said he would call the Mayor, Ward Alderman Dowd, and Pennichuck Water. He volunteered to be the liaison for this project.

- **3 Sapling Circle:** Commissioner Parker volunteered to be the liaison for this project.
- **L Concord St/Greeley Boat Launch:** Commissioner Porter said he will be looking into the regulations regarding public restrooms at parks and boat launches. A discussion of the necessity for public restrooms ensued.
- **65 Spit Brook Dr:** Commissioner Porter said that he's not aware if the Commission has a system other than reading the minutes to be able to follow up on what's been promised.

Chairman Dutzy said that she's asked Mr. McPhie of the Planning Department to make sure that project liaisons get approval letters so that they can manage their sites.

Commissioner Parker asked if the project is already underway.

Commissioner Porter said it's almost done. It's been almost clear-cut, and they didn't leave clumps of mature trees like the Commission thought they were going to. That's why he wants to see the stipulations on the letter.

Commissioner Gillespie said that a lot of the things they

discuss on the site walk are never put into stipulations.

A discussion of stipulations ensued.

Chairman Dutzy said that when they get the stipulation letter, they should go back to the minutes and make sure that everything the applicant promised to do in the minutes makes it into the letter.

Commissioner Gillespie said that if an applicant makes a commitment during the meeting or the site walk that they're going to do something, and it doesn't make it into the letter stipulations, they should still be held to their word.

Chairman Dutzy said that when you're responsible for a project, you should make a notation when they presented, go back to those minutes, and compare them to the letter. If something isn't in the minutes and it isn't in the approval stipulations, then they didn't do something right.

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

- **Wildlife Habitat Presentation:** Chairman Dutzy led the Commission in a discussion regarding a presentation by UNH Extension biologist Matt Tarr on increasing wildlife habitat. She said that the UNH Extension offers free services, so they will come look at Commission managed land and create a free management plan for them. She suggested the Joyce Park and Wildlife Sanctuary and Lovewell's Pond as two locations.
- **Trail Maintenance:** Chairman Dutzy contacted Miguel Alveros to continue maintaining the boardwalk and rain gardens at the Southwest Conservation Area. She is working with Risk Management to address any concerns before moving forward.

- **Bridge into Mine Falls Park:** Commissioner Gillespie said he has been in discussion with Gate City Fence in regards to installing a cage or fence over the bridge to stop people from throwing stuff into the canal. The bridge is located near the intersection of Ledge St and Everett St. The project didn't have enough funding leftover to build the cage, so that stipulation of approval is not being upheld. He said that screening was discussed at the June 19th, 2017 meeting, but in the end they didn't do it.

A discussion of stipulations and the need for written guarantees ensued.

Chairman Dutzy suggested that Commissioner Gillespie document the situation, and if trash is being thrown into the canal, then they can take further steps.

The Commission discussed accountability and whether they had the ability to recall previous applicants if they didn't follow through on the design and stipulations they were approved for.

Chairman Dutzy said she would draft a letter for review to send to Community Development Director Sarah Marchant.

- **Lovewell Pond Conservation Area Bench:** Chairman Dutzy said she will reach out to Nick Caggiano at the Parks and Recreation Dept. about who authorized the placement and construction of the bench. The bench is in the wetlands, in their property.
- **Stipulations of Approval:** Ms. McGhee said that she serves as Staff for the Planning Board, and when they make conditions of approval, unless it's shown on the plan or made a condition of approval they can't hold the applicant to what they've said. When Staff performs a final inspection, they refer to the notes on the plan and the stipulations of approval in the letter. They don't use the minutes. The applicant can't get a Certificate of Occupancy unless the work is done or bonded for. She recommended that they outline everything they want to be included in the stipulations.

J. Adjournment

MOTION to adjourn by Commissioner Sloan at 8:26 PM.

SECONDED by Commissioner Porter

MOTION CARRIED 6-0

APPROVED:

Richard Gillespie, Clerk, Nashua Conservation Commission

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