



City of Nashua
Conservation Commission
City Hall, 229 Main Street, PO Box 2019, Nashua NH 03061-2019
(603) 589-3090 www.nashuanh.gov

NASHUA CONSERVATION COMMISSION

Tuesday, May 7, 2019

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, May 7, 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: Scott McPhie, Planning Department
Brandon Laws, Alderman-at-large

C. Approval of minutes

April 2, 2019

MOTION by Commissioner Sloan to approve and place on file the minutes of April 2, 2019, as amended.

SECONDED by Commissioner Porter

MOTION CARRIED 6-0

D. Treasurer's Report

None

E. New Business

➤ *Pennichuck Water Works & Harris Preserve Homeowner's Association (Owners) Bay State Forestry (Applicant) requesting Conservation Commission review for standard tree harvest within the 75-foot "prime" wetland buffer of Harris Pond. Property is located at L Manchester Rd & L Tinker Rd. Sheet G,*

**Lots 24 & 488. Zoned "R-18" B-Suburban Residence & "R-40"
Rural Residence. Ward 3.**

Mike Powers, Forester, Bay State Forestry

Mike Powers introduced himself to the Commission as representative for the owners.

Mr. Powers gave a brief history. The properties at Harris Preserve were last harvested in 2006, and as part of the management plan they want to return 13 years later. He described the tree thinning strategy. He said that Pennichuck Water is very interested in maintaining a healthy forest around their reservoirs. As part of the project they will also be removing trees with the potential to fall into the water. He spoke with Ryan Duquette of the New Hampshire Department of Environmental Services (NHDES) about the buffers. Mr. Duquette explained that if there is no infrastructure crossing the wetland then the NHDES has no problem with them working within the buffer. If they were installing some sort of crossing, they would apply for state permits as necessary.

Mr. Powers said that this project has no relation to other work being conducted on Manchester St. This is a forestry type project, with no construction of any kind or stump removal.

Commissioner Sloan asked what the timeframe is for the work.

Mr. Powers said it would be late spring to early summer, weather permitting.

Mr. Sloan asked if they would be using a skidder.

Mr. Powers said yes.

Mr. Sloan asked if they would be replanting anything.

Mr. Powers said no. There is an abundance of natural regeneration in there. Part of the idea in doing this is to create growing space for the larger trees and get some sunlight down onto the understory saplings. He said that they will try to minimize any damage to that young growth.

Commissioner Porter asked what the motivation was for this.

Mr. Powers said this is purely for maintenance and trying to

keep as healthy of a forest there as possible.

Commissioner Porter asked if they would just be removing diseased trees.

Mr. Powers said no. There will be trees removed that have some value to them.

Commissioner Porter asked why.

Mr. Powers said that they tend to target mature and over-mature trees because those are susceptible to mortality. There's mostly white pine in there, and once they grow to 24-inches in Diameter at Breast Height they tend to get red rot. They rot from the inside and become susceptible to wind shear and falling over. Pennichuck is very interested in removing trees that might fall into the water.

Chairman Dutzy asked if this was part of a forestry plan.

Mr. Powers said yes, and showed the Commission the plan Pennichuck has for the land. It was updated in 2013.

Chairman Dutzy asked if they cut every 5-10 years.

Mr. Powers said when that they're working in pine stands it's usually a 10-15 year rotation. Hardwoods tend to be 15-20.

Chairman Dutzy asked Mr. Powers to explain the process of how they are going to cut and remove the trees with the least amount of disturbance.

Mr. Powers said he will go onsite and mark which specific trees they will be removing. He will lay out roads for the equipment to use with flagging, so they can avoid sensitive or steep areas of the property. They will try to minimize damage to the understory whenever possible. At the conclusion of the job they follow New Hampshire Best Management Practices for time harvesting and erosion control.

Commissioner Parker asked if they have an estimate of the number of trees that need to be removed.

Mr. Powers said he doesn't have that number yet. It's probably roughly between 150-250 total.

Mr. Parker asked what percentage he would consider dead, diseased, or dying.

Mr. Powers said he hasn't marked them yet, so he couldn't say.

Chairman Dutzy asked Mr. McPhie if he thought this was a project that required a site walk.

Mr. McPhie said that is up to the Commission. What Pennichuck is doing has been a standard practice for years.

Commissioner Sloan said it might be worth doing a site walk after the trees are marked.

Chairman Dutzy said they would have to make a decision tonight for that. She asked Mr. Powers if they would have no input once the project has moved to marking trees.

Mr. Powers said he doesn't think so. He doesn't know of any city ordinance that would give the Commission jurisdiction at that point.

Chairman Dutzy said they would have to make a decision tonight and leave it up to his judgement.

Commissioner Gillespie said that the application mentioned following state forestry laws regarding the basal area along bodies of water, and asked Mr. Powers to explain that.

Mr. Powers said that basal area is a measure of tree density, and you can only remove 50% of the basal area of trees within 150-feet of Harris Pond.

Commissioner Gillespie asked if they knew where the staging area will be.

Mr. Powers said yes, it will be right off of Manchester St.

Commissioner Gillespie asked if it is possible to get straw bales around that.

Mr. Powers said yes, or silt fence while the operation is in progress.

Commissioner Parker asked if there is a high percentage of trees dropping into the pond.

Mr. Powers said he doesn't know the percentage, but if you go out there you'll see a fair amount of deadfall into the pond. What Pennichuck is worried about is the trees breaking free and working their way into the dam infrastructure.

Commissioner Parker asked what kind of financial gain they expect out of this project.

Mr. Powers said he doesn't know until he marks the trees. Then he'll get an estimate of the volume and value.

Commissioner Parker asked if they are primarily removing softwoods.

Mr. Powers said yes, mostly white pine.

Commissioner Porter asked if the sale of that wood results in money coming back to the city treasury.

Mr. Powers said that he doesn't know. He recommended they speak to Don Ware at Pennichuck Water.

Tom Kelly, Harris Preserve Homeowner's Association

Mr. Kelly introduced himself to the Commission. He said that the staging area they will use is the same area they used for the previous tree harvest. It is a flat area, and has double gates off of Manchester St. The residents were very happy with how they conducted the control and the cleanup of the common area. They did an excellent job last time, so he's not sure if there is any need for straw bales or silt fencing. They can drive right in and out.

Commissioner Gillespie asked if they fuel and perform maintenance on the vehicles at that point.

Mr. Powers said that they wouldn't change the oil, but they would have to fuel them. It wouldn't be a hardship to install a barrier. He asked if he could install either of them.

Commissioner Gillespie said either option is acceptable.

MOTION by Commissioner Sloan to accept the proposal as written with the following stipulation:

1. Erosion control methods in compliance with Best Management Practices are in place for the duration of operations.

SECONDED by Commissioner Parker

MOTION CARRIED 6-0

Commissioner Porter volunteered to be the liaison for this project.

The Commission expressed interest understanding the full extent of the project. Chairman Dutzy volunteered to contact Mr. Powers and ask to walk the site between marking and cutting for their own education on the procedure.

- ***Etchstone Properties Inc. (owner) requesting Conservation Commission review for temporary and permanent impacts to the 40-foot "other" wetland buffer and "other" wetland to create a road crossing for a future subdivision. Property is located at 35 Groton Rd. Sheet D, Lot 28. Zoned "R-40" Rural Residence. Ward 5.***

Tom Zajac, Civil Engineer, Hayner Swanson Inc

Mr. Zajac introduced himself to the Commission as representative for Etchstone Properties Inc. He also introduced Kevin Slattery of Etchstone Properties Inc and Brendan Quigley, Wetland Scientist, of Gove Environmental Services.

Mr. Zajac presented an overview of the proposal. The property is abutted by the Groton Woods development to the west, the undeveloped Brox property across Groton Rd to the south, and city owned conservation lands to the north and east. Currently there is an unoccupied single family home onsite, and was previously used as a farm. The site is currently accessed by a single gravel driveway from Groton Rd, and much of the property remains undeveloped.

Three wetland areas were defined and shown on the plan by Mr. Quigley. He indicated Wetland "A" as a wet meadow in the southeast portion of the site, with an intermittent stream that runs north into the city conservation area. The source of the stream is unknown. Wetland "B" is a forested wetland to the north. There is a small cart road that bisects the

wetland, and a small culvert crossing. There is also a box culvert that empties the stream onto the conservation area to the north. Wetland "C" is an isolated pocket wetland to the west of the site, with no inlet or outlet. It is permanently flooded throughout the year. A vernal pool study was conducted by Mr. Quigley, and identified two areas. Wetland "C" is a vernal pool, and there is a small pocket vernal pool adjacent to the stream and Wetland "A". They will be added to the plan.

The applicant is proposing 25 single-family condominium style detached units. This is a cluster style development in accordance with the city's conservation subdivision regulations. He described the benefits of their proposed design. The units will be under a condominium form of ownership, with an association to maintain the open space.

Mr. Zajac described the features of the development. 22 units will be in the central portion of the site. There will be a private shared driveway to access the last 3 units in the northeast corner of the site. In order to provide access to those three units, they need to cross the intermittent stream. They will be impacting 1,226-sqft of wetland, and 5,596-sqft of wetland buffer. The proposed crossing is the narrowest section of the stream, and will leave the current cart road for pedestrian traffic.

Mr. Zajac described the proposed stormwater management. They plan to maintain existing drainage patterns. The runoff will be collected and piped into a dry infiltration basin to the rear. He also discussed pedestrian access with the Commission. He described their plans for sidewalks and connections to pre-existing and proposed sections of trails. They plan to construct a gravel walk by the cart road, which would contribute to buffer impact. Their goal for today is to answer preliminary questions and schedule a site walk with the Commission.

Commissioner Sloan asked if it was feasible to move the three units down below, to the left of the site.

Mr. Zajac said they didn't want to disturb this portion of the site. If they ran a road through there, the development would be tight.

Commissioner Sloan said that they would be saving some of the property up above to development. He suggested splitting up

the three units.

Mr. Zajac said there are also some challenging grades.

Commissioner Sloan said they have a right of way along one of the trails. If they connect into that trail, it will take them into the rail trail.

Commissioner Porter asked about the status of the fifty-unit development to the north.

Mr. Zajac said it is under construction.

A discussion of the abutting property ensued.

Commissioner Porter said that connection into the northeast conservation area is desirable. He said that the three units seem to be outliers. He wants to know why they want to place the units there.

Kevin Slattery, Etchstone Properties Inc

Mr. Slattery said it is a beautiful location.

Commissioner Porter asked if they will be condos.

Mr. Slattery said yes. He met with the Fire Department, and they have no problems with it. They will be running a fire hydrant up to that cul-de-sac.

Commissioner Gillespie referred back to the northern abutting property, and described the adjacent site.

Commissioner Sloan asked if there had to be two forms of egress offsite.

Mr. Zajac said that once a road surpasses 750-ft, then you need to have a second form of egress. They are about 600-ft from the road to the edge of that cul-de-sac, and each of these cul-de-sacs have the ability for Fire Department vehicles to turn around. They met with the Fire Marshall, and he was comfortable with the proposal.

Chairman Dutzy asked how many homes will be on an acre.

Mr. Zajac said one per acre. They would meet the density.

Chairman Dutzy asked how much land will be around each home.

Mr. Zajac said it will be a single lot. Anything outside of the units will be common space.

Chairman Dutzy asked for clarification on the 85% open space.

Mr. Zajac said he was referring to impervious cover vs pervious cover. They will be covering about 3 acres of a 25 acres lot that is already 88% open space.

Chairman Dutzy said that in a conservation development there has to be 40% open space.

Mr. Zajac said correct.

Chairman Dutzy asked if he was asking for 85% open space.

Mr. Zajac said correct.

Chairman Dutzy said she was having trouble imagining a 25 acre site with 25 homes on it, and yet having 85% open space.

Mr. Zajac said that he thinks she is thinking of a contiguous area. He is coming from a stormwater perspective, and counting the lawn areas in the 85%. Another option for a conservation subdivision is fee simple lots and a public road, where there are open space lots owned in combination. If you were to draw that in these open space areas, their footprint is 50% open.

Commissioner Gillespie asked if runoff would be treated beyond infiltration in the dry basin.

Mr. Zajac said no, that he was referencing the qualitative treatment practices that they are held to by the NHDES and city. The primary treatment practice would be infiltration, and secondary treatment would be a sediment forebay.

Commissioner Gillespie asked if there was no mechanical device or layering involved in stormwater treatment.

Mr. Zajac said no.

Chairman Dutzy asked Mr. Quigley to talk about the vernal pools.

Brendan Quigley, Wetland Scientist, Gove Environmental Services.

Mr. Quigley showed the Commission a photo of the intermittent stream. He said that while it shows up well in the photo, the stream channel is hard to find in the field. He showed the Commission photos of Wetlands "A", "B", and "C". , and the two areas they found vernal pool activity. He said this is a typical post-agricultural property, and is nicely maintained. There used to be a pond in the back, but now it is a cattail wetland. He said you don't often see cattail wetlands like this supporting true vernal pool habitats.

Mr. Quigley indicated the wetland to the southwest, and said it was a typical "kettlehole" type wetland. It's not a dug pond, and hasn't been modified in any way. But it supports a nice scrub wetland dominated by buttonbush, which indicates that it is permanently flooded. That is a pool he would advise his clients as being a significant area.

Chairman Dutzy asked how the development would affect the vernal pool.

Mr. Quigley said that there's not a lot of habitat to begin with. The fields themselves are not places where wetland wildlife would spend the rest of the year. He described the site in detail.

Chairman Dutzy asked if in his experience, if you have a housing development with people maintaining their lawns and fertilizing them, what are the chances within the next ten years that the pool will go away?

Mr. Quigley said that he can't speak to long term effects from chemical pollution, but there are certainly plenty of measures that can be taken to prevent it. The more significant issue is not surrounding it with development and removing the entire supporting habitat to the buffer.

Chairman Dutzy asked what he would recommend to maintain the habitat.

Mr. Quigley recommended signage and fertilizer use restrictions. There's probably a good chance that there won't be any major impact to the pool with some basic education and

working with the residents.

Chairman Dutzy said it sounds like nothing structural, and simply signage and education.

Mr. Quigley said if it was virgin forest he would probably say the more forest surrounding the pool the better. Given the kind of habitat present, wildlife are likely to seek moister areas than the woods.

Commissioner Gillespie asked if the fields will be maintained.

Mr. Zajac said that once they post signs and placards for the wetlands, they would stop mowing the fields within the wetland buffers.

Commissioner Gillespie asked if a farmer uses them currently.

Mr. Slattery said yes. He agrees with Mr. Zajac's suggestion on mowing. The extent of mowing and fertilization can all be embedded in the condo documents.

Commissioner Gillespie asked if the fields were not part of the wetlands and buffers.

Mr. Slattery said yes.

Commissioner Gillespie asked if they could be maintained and kept free of invasive species.

[Unknown] asked if they would be mostly covered by houses.

Commissioner Gillespie said no, the big field on the right will be maintained.

Mr. Zajac said there are two spots that will be left over after the development. He indicated them in the plan.

Commissioner Gillespie said it might not be worth the farmer's time, but it would be nice to see it maintained.

Mr. Quigley said he would recommend it. It is a resource, and an annually maintained field can have a lot of habitat features. Otherwise there will be invasive species in there within ten years.

Commissioner Porter asked if all lawns drain towards the infiltration basin.

Mr. Zajac said that all internal areas of the site drain towards the roadways. The back half of the roofs and rear lawns would be directed towards the wetlands.

Commissioner Porter asked how many units would have lawns draining directly into the southwest wetland.

Mr. Zajac said four. There is an existing high point to direct everything else, and the soils are well drained onsite. He said they could do some micro-grading to create little pools.

Commissioner Gillespie asked if the units will have individual septic.

Mr. Zajac said that they are planning on individual septic systems, to be maintained by the association.

Commissioner Sloan asked where they would be.

Mr. Zajac said the majority of them are behind the units. A few of the units closer to the wetland will have theirs in front. The NHDES has a setback requirement of 75-ft, and these far exceed that.

The Commission plans to perform a site walk on Monday, May 13, 2019, at 6:15 PM, at 35 Groton Rd.

F. Old Business

➤ *Plaques for Barbara Pressley and Brian McCarthy*

Chairman Dutzy said that sign is officially in place. Roger Pellerin cemented it in yesterday, and put the plaque on. She asked Mr. McPhie to confirm that invitations for the ceremony have been sent out. She contacted Manny Ramirez from Positive Street Art to visit the site and remove the graffiti before the dedication. She plans to clean up trash as well.

The dedication ceremony will be at the Southwest Conservation Lands Boardwalk Area on Saturday, May 18, at 11 AM.

➤ *Land Management Plan*

Chairman Dutzy received an email from Ethan Belair of the UNH Extension, and he is available to create a management plan for either Lovewell's Pond or Joyce Park and Wildlife Sanctuary. She thinks that having him look at Joyce Park would be good.

Commissioner Sloan agreed that it would be a better choice. He spoke with a forester last year and she recommended heavy logging at Lovewell's Pond to remove dead wood.

Commissioner Parker said Joyce Park is an amazing thicket. He doesn't know how they could increase wildlife.

Chairman Dutzy said she was hoping to get a plan for how they could utilize that land. She would appreciate having a couple of professional eyes evaluate it. She suggested doing a walk from Burke St to Ingalls Rd so that they can pick out a few areas for observation.

The Commission agreed to set up a site walk at the trailhead on 150 Burke St on Tuesday, May 21, at 4 PM.

➤ **Update On Previously Approved Cases**

- **978 West Hollis St:** The property appears to be for sale.
- **438 South Main St/Rivier University:** Commissioner Pierotti will follow up to see if they have started work on the parking lot.
- **L Fairmount St/L Hutchinson St:** Chairman Dutzy volunteered to be the liaison for this project.
- **10 Tara Blvd:** Commissioner Gillespie volunteered to be the liaison for this project.

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

- **Stipulations of Approval:** Chairman Dutzy led a discussion about stipulations and written guarantees. The Commission agreed that they need concrete, written down criteria. Chairman Dutzy said that she will write up the process, and someone will immediately take charge of the cases after approval.
- **Trail Maintenance:** Commissioner Sloan says that one of the bollards at the Gilson Rd rail trail into the Tirrell properties has been pulled out of the ground. Commissioner Pierotti and Commissioner Sloan will confer on replacing it.
- **Art Symposium Sculpture:** Commissioner Sloan would like to reach out to the Symposium to ask for more sculptures. Chairman Dutzy said that they are looking into dedicating a sculpture to Barbara Pressley at one of the Boardwalks. The ceremony is tentatively scheduled for next June, and she hopes that it will highlight the statewide work that Ms. Pressley has done for conservation. Commissioner Sloan wants to talk to the Symposium to let them know that more sculptures would be welcome.
- **E-Bikes:** Commissioner Sloan says that bike companies want electric-assist bikes on trails. He warned the Commission of the rising debate about using them on trails. They improve ADA accessibility, but can also damage the trails with the speeds they are capable of. He recommended that they research the issue and how it might apply to the motorized vehicles ban.
- **Invasive Species:** Mr. McPhie said that Emerald Ash Borer insects have been found in the northern section of the city, and soon will spread statewide. He recommends that residents with old ash trees do some research on how to protect them.

J. Adjournment

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

SECONDED by Commissioner Porter

MOTION CARRIED 6-0

APPROVED:

Richard Gillespie, Clerk, Nashua Conservation Commission

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

Prepared by: Kate Poirier