



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, August 6, 2019

A. Call to order

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, August 6, 2019 at 7:05 PM, 229 Main St, City Hall in Room 208.

B. Roll call

Members present: Sherry Dutzy, Chairman
Richard Gillespie
Gene Porter
Michael Reinke

Members Absent: Bill Parker
Brandon Pierotti
Dan Sloan

Also in Attendance: Scott McPhie, Planning Department
Josh Hauser

C. Approval of minutes

July 9, 2019

MOTION by Commissioner Reinke to approve and place on file the minutes of July 9, 2019, as amended.

SECONDED by Commissioner Porter

MOTION CARRIED 4-0

D. Treasurer's Report

None

E. New Business

➤ *Raymond W Ennis Sr Rev. Trust (Owner) Requesting Conservation Commission preliminary review for impacts within the 75-ft "prime" wetland buffer of the Nashua River. Property is located at 111-113 Lock St. Sheet 41, Lot 14. Zoned "GI" General Industrial. Ward 3.*

Tom Zajac, Project Engineer, Hayner Swanson Inc

Mr. Zajac introduced himself to the Commission as representative for the owner.

Mr. Zajac gave an overview of the site. He described the zone and the surrounding property uses. The Nashua River abuts the southern portion of the property, approximately half a mile from the river's mouth. He said they were granted a use variance by the Zoning Board of Adjustment (ZBA) on May 28th for an 18-unit multifamily residential use. He described the current site conditions. He said that the property is unique in that the deed describes "top of bank" as the property line. The owner does not own the riverbank.

Commissioner Porter asked if they are aware of complaints regarding tree cutting and dumping on the bank.

Mr. Zajac said that Planning staff brought that to their attention. Their survey picked up a gravel path and a concrete patio by the bank, but they are not proposing to do anything to the bank as part of the project.

Chairman Dutzy asked if the riverbank is owned by the city.

Mr. McPhie said it may be private. The water is owned by the state. It's a complicated, old deed.

Mr. Zajac said it's a grey area for sure. The current property owner and surrounding properties were deeded to "top of bank", so it's very clear that they don't own it outright. They could petition to move the property line to the center of the river, but that would be a legal matter. He thinks that the heirs of Nashua Manufacturing own it.

Mr. Zajac said that the rear portion of the site is located within the 75-ft "prime" wetland buffer from the Nashua River. The majority of the area is currently developed, with 75% paved. There is no stormwater management at all. The front portion of the site drains into Lock Street's combined sewer system, and the rear portion drains directly into the river.

Mr. Zajac described the proposal. They plan to demolish the existing building, parking, and gravel areas, and construct a multifamily residential project. Preliminarily they propose an

8-unit residential building to the west and a 10-unit residential building to the east, for a total of 18 units. This may change to 9-units each. The buildings will be 3-story, townhouse style, with a single car garage on the first floor. These will be under a condominium ownership, and governed by a homeowner's association. Access will be from a single driveway, with emergency turnaround and guest parking towards the rear of the property.

Commissioner Porter asked if they had considered a stormwater infiltration system underneath that.

Mr. Zajac said this section of the city has very sandy soils and a long distance to groundwater. He thinks they will be looking at a combination of surface and subsurface stormwater practices. There will likely be a subsurface system somewhere onsite, but he is also looking into a rain garden up front. They will have to pepper the site with urban retrofitting stormwater practices.

Mr. Zajac said that in redeveloping this site they want to respect and improve the existing buffer. They plan to keep the majority of the development outside of the 75-ft wetland buffer. They will be reducing the impervious area within the buffer by about half. They will look into porous paving as part of the design process. They will be adding stormwater systems onsite where there are currently none. They are trying to redevelop this site in a responsible manner.

Commissioner Reinke asked if they considered an east to west alignment with 4-5 townhomes in each line and a driveway in between. He said that would give a sense of front yard and back yard.

Mr. Zajac said dimension wise this property lends itself to one layout. East to west arrangement would have made the layout choppy towards the back. They will try to save some trees to the outside to provide a little privacy.

Commissioner Porter expressed concern that the riverbank is owned by an unknown entity. He would like it if this project could take on some responsibility for riverbank protection. It would benefit from stabilization, and he doubts that the unknown entity would. Is there some way that they can take responsibility for stabilizing the riverbank?

Mr. Zajac said they can look into it, but he can't commit to doing something on someone else's property. He thinks the owner would prefer the property line went to the centerline of the river.

Commissioner Porter said the city has some responsibility and authority to protect within the buffer area, and hopefully will look into this ownership and authority to replant. He thinks it's a city issue.

Mr. Zajac said he can talk to city staff about it.

Mr. McPhie suggested that they contact the DES to ask about similar cases of this.

Chairman Dutzy asked if the city Waterways Manager could help research.

Mr. McPhie said possibly.

Commissioner Gillespie asked if they could relocate the dumpster outside of the wetland buffer.

Mr. Zajac said that he can try.

Chairman Dutzy asked if they will be presenting a finalized plan at the next meeting.

Mr. Zajac said yes. There will be about 9,000-sqft of buffer impact, not all of them permanent. Tonight's meeting is to set up the site walk, answer some questions, and get some initial feedback.

The Commission agreed to schedule a site walk on Tuesday, August 13, 2019, at 4:30PM.

➤ ***Status of Easements along proposed Joyce Park Wildlife Trail***

Postponed to the August 6, 2019 meeting

F. Old Business

- ***Weston Associates Development Co. (Owners) requesting Conservation Commission preliminary review for impacts within the 40-ft "critical" wetland buffer of Round Pond and the 50-***

ft conservation easement. Property is located at 546 Amherst St. Sheet H, Lot 178. Zoned "GB" General Business & "PI" Park Industrial. Ward 2.

Chris Rice, Project Engineer, TF Moran

Mr. Rice introduced himself to the Commission as representative for the owner. He gave a brief overview of the property, which was previously occupied by Southern New Hampshire University.

Mr. Rice said that they propose to demolish the current building and redevelop the site to include a 16,000sq-ft building along Amherst St and a smaller 5,000sq-ft out building at the southern portion of the lot. The site is accessed currently by two "right turn only" curb cuts. With this proposal they will attempt to align access with the signalized intersection at Blackstone Dr.

Mr. Rice presented a plan to the Commission showing the impervious surfaces that would be removed within the wetland buffer and the surfaces that would be added, for a net reduction of approximately 1,000sq-ft.

Mr. Rice said that the NH Dept. of Environmental Services (DES) does not have any Shoreland jurisdiction over Round Pond. However, since this project requires an Alteration of Terrain (AoT) permit, they will be reviewing the stormwater design. They intend to capture and pretreat all runoff onsite, so that nothing would directly runoff into Round Pond. There will be limited tree clearing, with an estimated 8-10 trees removed. Existing public access to the pond will be maintained. If the Commission issues a positive recommendation, they will then apply to the Zoning Board of Adjustment.

Commissioner Reinke asked about pervious parking.

Mr. Rice said they are still in the design phase. They will be digging test pits and infiltration tests onsite. Given the proximity to Round Pond, he doesn't think they will have the separation of water table they would need for porous pavement.

Commissioner Porter asked who controls the water levels of Round Pond, and under what jurisdiction? He expressed concerns about flooding.

Mr. Rice said they haven't done the drainage design calculations yet, but that will be part of the plan and what they ultimately bring to the Planning Board. They have left numerous messages with Pennichuck Waterworks, because they believe Pennichuck meters the pond. There is a depression onsite, so there may be natural ponding just because there is no outlet on that part of the site. There is only a few feet difference in height from the site to Amherst St, so if the pond was flooding the site it would probably flood Amherst St too. They will continue to investigate and if necessary berm the site.

Commissioner Porter said that during the site walk they noted it is a reasonably popular fishing and kayaking spot. Is the owner amenable to granting a public access easement?

Mr. Rice said he will check. At the previous meeting the owner was not opposed to the existing access point. If they're asked to build a sidewalk to that point that may impact the impervious surface within the buffer.

Commissioner Porter asked if they could stipulate a formal easement.

Chairman Dutzy said there are already a number of properties with access easements to Round Pond.

Mr. McPhie said that would be a private easement, not one the city owns or has influence on.

Mr. Rice said there is also a 50-ft easement, and indicated it on the plan.

Commissioner Gillespie asked if the parking lot would be curved.

Mr. Rice said yes.

Commissioner Gillespie asked if there would be underground storage chambers for stormwater infiltration.

Mr. Rice said they haven't got to that stage of the design, but he anticipates yes.

Commissioner Gillespie asked if there is a Natural Heritage

Bureau letter.

Mr. Rice said they will have to submit one as part of their AoT permit.

Commissioner Gillespie said that they normally get to see that before the case goes to Zoning or Planning Board.

Mr. Rice said it wasn't mentioned at the last meeting. He would be happy to provide that once they receive it, and if there are any issues they can come back to the Commission.

Commissioner Gillespie asked how the Water Supply Protection District overlay will be handled.

Mr. Rice said that they will be submitting plans to Pennichuck Water as they progress. He has experience with the process.

Commissioner Gillespie asked how the areas where they are removing impervious area will be revegetated.

Mr. Rice said with loam and seed, unless there is something more specific the Commission wants to see.

Commissioner Gillespie suggested a conservation mix.

Chairman Dutzy said that state regulations allow for 30% of crushed glass to be used in pavement sub-base. Would they consider making this a requirement? The Commission is trying to encourage the glass recycling markets.

Mr. Rice said he has never come across. He can't commit to that on behalf of his client, but they will look into it.

Chairman Dutzy recommended an organization that could direct them to contractors. A brief discussion ensued.

Commissioner Gillespie suggested they pave the entire parking lot with porous pavement.

Mr. Rice said that would depend on if they could even physically do it there and meet stormwater treatment requirements for the DES. He reiterated that they would look into it.

Chairman Dutzy said they would like to stipulate that a

conservation mix be used in the landscaping. Another stipulation would be that the Natural Heritage Bureau letter be attached to the application.

Commissioner Gillespie said he would like underground stormwater infiltration systems.

Mr. Rice said that will be part of their drainage design.

Chairman Dutzy asked if they could replant trees.

Mr. Rice said yes, they can replant trees along the side where they will be removed.

MOTION by Commissioner Reinke to favorably recommend the proposal with the following stipulations:

1. Underground stormwater infiltration system shall be installed.
2. Natural Heritage Bureau letter be attached to the application.
3. Landscaping shall use a conservation seed mix to revegetate between the driveway and Round Pond.
4. Appropriate replanting of trees along the western side of the driveway.

SECONDED by Commissioner Porter

MOTION CARRIED 4-0

➤ ***Mowing/Maintenance at Lovewell Pond***

Chairman Dutzy said that Miguel has finished maintaining boardwalk over the marsh at Lovewell Pond. She will send an email to Mr. McPhie and Planning Director Roger Houston to approve the payment. The cleanup cost \$600, and will cost \$900 if he maintains the vegetation twice.

➤ ***Tree Removal on the Terrell property***

Chairman Dutzy said she spoke with forester Patrick Kenney and he said that the job would likely not exceed \$9,800. There is

a \$200 mobilization fee to move equipment, and it is \$1,600 per acre for about 6 acres of woody shrubs and trees. She will talk to Roger Houston about their spending limits. She will also reach out to Michael Powers of Bay State Forestry for a second quote.

Mr. McPhie said that the higher they go on cost, the more process there is.

Chairman Dutzy agreed, and said they should make a decision on this soon so that they can schedule maintenance for October or November. They will need to go out and tag the area they want the foresters to work in.

Mr. McPhie said that Roger Houston would know what area was thinned before.

Chairman Dutzy said it is all pretty overgrown. She also talked to Nick Caggiano of Parks and Recreation, and he said that the area from the parking lot to the sign is considered Southwest Park, which is the responsibility of Parks and Recreation, not the Commission.

Discussion of other foresters and options ensued.

Chairman Dutzy asked Mr. McPhie to confirm with Mr. Houston what the forestry parameters are. She suggested every 4-5 years as a standard operating schedule.

➤ ***Mowing/Maintenance Plan for Buckmeadow Fields***

Chairman Dutzy said she contacted Glen Kohl about mowing. He can come out in the fall and mow the fields. He also knows someone who can perform haying. She asked what they could get for selling the hay.

Commissioner Gillespie said sometimes the cost of haying is above the value of the hay they can harvest. He spoke to a farmer in New Dunstable who could hay all three fields, who will take a look at it and give them a quote.

Chairman Dutzy said it is so hard getting workmen to come out and look at anything because they are so busy. If the Commission can get anybody who gives a decent quote and they can get it approved, she thinks they should just go for it. She asked Mr. McPhie if they could approve something via email

or special meeting.

Mr. McPhie said if they are talking about a large amount of money, they need to follow the procedures and do the votes, obey the limits. If it's small enough, they can talk to Mr. Houston.

Chairman Dutzy said they need to get this done.

Mr. McPhie said they can access the existing account for haying.

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

- **546 Amherst St:** Commissioner Reinke volunteered to be the project manager for this project.

➤ ***2019 Monitoring Plan for LCHIP Properties***

Chairman Dutzy said that Mr. McPhie was able to find some surveying documents on all three LCHIP easements, which detail the property boundaries. They have been sent to Commissioners Porter and Sloan. She spoke to some members of the Amherst Conservation Commission, and they showed her the spreadsheet they have been using to keep track of their LCHIP properties.

Chairman Dutzy suggested using Google Documents to upload the spreadsheet and other documents so that all of the Commission members can see them. In the meantime, she will send the spreadsheet to Mr. McPhie.

A discussion of the properties and boundary markers ensued.

G. NCC Correspondence and Communications

- Solicitation from the Society for the Protection of NH Forests re: Sullivan Farms. Commissioner Gillespie said they are soliciting for the last \$14,000 needed to purchase and steward a conservation easement on the property.
- Site Walk for 546 Amherst St: The Commission did not make a quorum for this site walk, so they will not vote to approve the site walk notes of July 17, 2019, for 546 Amherst St.
- Email from Zoning Coordinator Kate Poirier re: address of

Lovewell Pond trail head. The address given by Google is incorrect.

- Nashua River Watershed Association re: request for payment of annual membership fees.

MOTION by Commissioner Reinke to pay the annual \$100 membership fee to the Nashua River Watershed Association.

SECONDED by Commissioner Porter

MOTION CARRIED 4-0

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

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

MOTION to adjourn by Commissioner Porter at 8:13 PM.

SECONDED by Commissioner Reinke

MOTION CARRIED 4-0

APPROVED:

Richard Gillespie, Clerk, Nashua Conservation Commission

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Prepared by: Kate Poirier