

The following Commissioners were present: Bob Elliott, Chairman; Emily Boeing, Stuart Lahtinen, Rob Rand, Pat Swain Rice. Absent: Tim Dinsmore, Pete Steeves

8/1/2023 - Minutes

1. Public Hearings, Public Meetings & Appointments

- A. 7:05 PM - Continuation Of Request For Extension To An Order Of Resource Delineation (ORAD) - 161 Nashua Road, MassDEP 259-0795

Mr. Matt Waterman with Land Tech Engineering, representing Cervenka Development Properties, requested a one-year extension to the ORAD, thereby allowing additional time to continue current work to present a future proposal for the site. The property is located next to the Pepperell Airport. Conservation Administrator Terrasi said she was able to confirm the presence of the four bank flags, which had not been accessible due to flood levels on the Nashua River. With the exception of the bank flags, all wetlands flags had previously been confirmed. On a motion by Chairman Elliott, seconded by Commissioner Rand, all

VOTED: to extend the Order of Resource Area Delineation for one year.

- B. 7:10 PM - Continuation Of Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By Richard Green 1A Investments, LLC For A Re-Development Project Consisting Of An Office Building With Research And Development Space For An On-Line Automotive Instructional Business, Associated Parking Amenities, Grading, And Landscaping Within Riverfront Area, Bordering Land Subject To Flooding, And Bordering Vegetated Wetlands At 23 Mill St.

Mr. Matt Hamor with Landplex Engineering and his team including Ms. Melissa Robbins from the law firm of Farrell & Robbins, P.C. represented the owners of the property. An updated plan was prepared by Mr. Hamor and shared during the public hearing. The image on the left side of the plan identified the Historic Mill Complex, existing buildings, and gravel areas with an overlay of those areas that would have been considered disturbed i.e. non-landscaped areas, within the 100' buffer. The right side of the plan showed areas that would be considered impervious and portions of the site within the 100' buffer. There has been a reduction to work proposed from the original submission because it was agreed the sidewalk/walking path would be removed. The sidewalk/walking path would be relocated to the inside edge of the parking lot, defined by a striped pedestrian aisle alongside the edge of the parking lot curbing, to a trail that would provide access to the TOP Conservation Commission property next to the Covered Bridge. There would be three 4" X 4" PT posts with trail placards to guide pedestrians to the trail. They would meet with Administrator Terrasi and/or the Commission to identify a section of the trail/path once the path exits the parking lot. This portion of the trail would meander around trees on the property and provide access to the conservation land. There are still plans to remove all asphalt beyond the top of the bank as a method of restoration. All gravel areas and trees within the 100' buffer would remain to protect existing root systems. The plan has a temporary staging area and the proposed grading was removed that would have affected work proposed at the drumlin. Mr. Hamor said their intentions are to go to the Planning Board to ensure they are satisfied with the plan. Upon consensus of the Planning Board of the sidewalk/trail change, they would provide a global change to the plans and Stormwater Report. All plans would be updated and they would return to the Planning Board to ensure comments from staff had been addressed before returning to the Conservation Commission. Chairman Elliott presented a plan, which he had prepared for a working meeting earlier in the day. This was the working session mentioned in the draft Minutes. The working session was attended by Administrator Terrasi, Chairman Elliott, Mr. Hamor, and Attorney Robbins. Chairman Elliott said he took the plan shared by Mr. Hamor identifying the Historic Mill Complex (in red) and overlaid the plan with the project being proposed. The area in green is the proposed project area, which includes the sidewalk. Chairman Elliott created the plan to visually show where the existing mill site pavement is located vs. what is proposed so the working group could review the plan and discuss it. Chairman Elliott suggested eliminating the sidewalk. By using the Historic Mill Complex regulations for redevelopment of the site, they can develop the areas shown in red but areas in green contain top soil and these areas are not

degraded and should not be used for redevelopment. Chairman Elliott said, redevelopment projects are supposed to move further away from the Riverfront Areas. Mr. Hamor and/or Attorney Robbins suggested striping a 3'-4' wide strip along the curb of the pavement. Mr. Hamor said they are removing some pavement and there have been tradeoffs. The grading would be adjusted, as part of the give and take. Chairman Elliott said the areas in green can be paved but they would eliminate the area in red for the staging area. The stake closest to the river at the edge of the walking path is barely 3' from the top of the bank. Chairman Elliott said he was not representing the Commission at the working meeting but he was taking the opportunity to show where redevelopment was permitted when using the Historic Mill Complex regulation. Chairman Elliott said there is still 119 spaces. Could they eliminate additional parking spaces or move them? Chairman Elliott and Administrator Terrasi visited the site to view the stakes for the proposed location of the sidewalk. One of the stakes is only an arms-length from the top of the bank. If the walking path is moved to the parking area, there would be a minimum distance of 5' to the river. The top of the bank is a vertical slope to the river below. Commissioner Rice said moving the sidewalk is a great idea and asked about the surface of the trail once it left the parking lot as it "meandered" through the trees to the conservation land. Who would manage the trail? The trail is set to go to Groton St through conservation land and we should consider where it goes through conservation land and how it will be managed. In preliminary discussions, there would be a trail that starts at the existing parking area and meanders through the 1A site to conservation land. The trail would be on natural ground. The trail would be demarcated. The trail would end on the town conservation property. It would be a trail so people could walk to the bridge. Mr. Green said the town would manage the trail if it wasn't paved. There would be an easement. The trail would be maintained by the facility for pedestrians to get from Mill Street to the Covered Bridge. It will be a natural trail. Management of that portion of the trail would not be the responsibility of the DPW. Commissioner Rand talked about the conservation land trail maintenance program and the volunteers. Mr. Hamor said the trails that are utilized require very little maintenance. They can include pruning and minor maintenance in the O&M Plan for the facility. Commissioner Rice stated she is glad to have the maintenance addressed. The trail would be approximately 60' – 70'. Commissioner Rice stated that at the first site walk, the fact the entrance is on a separate parcel was brought up. They are seeking a Special Permit from the Planning Board for the access easement (access other than through lot frontage). Chairman Elliott asked Mr. Hamor to show the limit of disturbance. Mr. Hamor said the goal is remove physical pavement along the top of the bank and those areas will be immediately restored. Chairman Elliott stated, it should be shown on the plan. Mr. Hamor said they will update the plan set to include all of the work to remove the sidewalk and grading. The toe of the grading will become the limit of disturbance as well as the areas affected by the drainage. If there is physical pavement at the top of the bank encountered during construction, they can work with Administrator Terrasi or a member of the Commission to address things that might come up. If work is not within the edge of the disturbance when staked out, they will ask for advice/permission. Chairman Elliott said they want erosion control and the limit of disturbance shown. Mr. Hamor said the new Floodplain elevations to the plan will be added. Administrator Terrasi asked about the soil management plan and the 6" of soil to be removed. Mr Hamor said that's more of an average of the amount of soil to be removed. They are making efforts to avoid disturbing established root systems, even if they are in gravel. Commissioner Boeing is still questioning the paving and parking. There are 83 spaces required but plan shows 124 spaces. Why are there so many additional spaces and can the temporary vehicle storage area be moved because of its proximity to the river? The business currently operates in Nashua and at the building they know they need all of the spaces. Even though the Zoning Regulations require less parking, their calculations actually show a need for more parking and they feel this is the minim they need to support the business. Mr. Hamor stated there are no other parking spaces in the general area like cities with on-street parking. Commissioner Boeing said she appreciates the trail being moved onto the pavement and the management responsibilities. Appreciates the improvement and knowing the walking path is now approximately 5-6' from top of bank. A request was made to continue the meeting to the first meeting on September 5. Commissioner Rice said she is unsure she will be available on September 5. Chairman Elliott suggested meeting on the 12th or a Wednesday? Chairman Elliott said we want to be sure we have a quorum of those who have attended every meeting, which is required. Commissioner Lahtinen is not available on the 5th but he is available on the 12th. Commissioner Boeing said the 12th works best for her because of conflicts with other meetings held on Wednesday's. The meeting was continued to September 12, 2023.

2. Review Of Draft Minutes

A. Review Of Draft Minutes Of July 11, 2023

On a motion from Chairman Elliott, seconded by Commissioner Rand, all

VOTED: to approve the draft Minutes of July 11, 2023, as drafted.

3. Conservation Administrator's Report

A. Heald Orchard - DPW Addressing Water Issues Along Heald Street

Administrator Terrasi said the DPW has been working at the Heald Street Orchard following the discovery of a large volume of water bubbling out of the ground near the West Gate kiosk. The Water and Highway Departments confirmed the water was not from a water main break but runoff from a pipe just inside the stonewall along the road. A pipe was attached to the drainage pipe and the water is now carried to a catch basin at the road.

B. Heald Pond Water Chestnut - Signage

Signs have been posted at various canoe/kayak launch areas informing residents they should check their boats for "hitchhiking" invasive plants. Invasive water chestnut plants were found in Heald Pond and a group of volunteers immediately joined together to pull all water chestnut plants present. Several residents have continued to check the pond regularly for any plants that may have been missed. The early discovery and actions taken will be critical in preventing an uncontrolled spread of the plants. Administrator Terrasi said each year, around July 4th, an organized pull should be scheduled to remove any new plants that are found.

C. Conservation Restriction - 83 To 85 Jewett Street

The Conservation Restriction for the property at 83 to 85 Jewett Street is currently being reviewed by Town Counsel. A copy of the draft CR will be shared once Town Counsel completes his review.

D. INPAC - Invasive Effort At Keyes Parker Conservation Area

Administrator Terrasi said she would like to thank members of INPAC for their ongoing efforts to control invasive plants. Many thanks to Cricket Boeing, Jim Franklin, and Annette Cate for their recent efforts at the Keyes Parker Conservation Area who spent time cutting invasive plants that had re-sprouted from last year.

4. Matters That May Be Raised That The Chairman Didn't Reasonably Anticipate

Invasive Plant Crib at Transfer Station – Commissioner Pat Swain Rice mentioned the plant "crib" at the Transfer Station located near the recycling area. Residents can bring their invasive plants to the Transfer Station. A Transfer Station Sticker is required.

EZ Dock – The EZ Dock, which was purchased using \$6,319 provided by the Nashua, Squannacook, and Nissitissit Rivers Wild & Scenic Committee has now been installed at the Marion Stoddart Conservation Area on River Road. Administrator Terrasi, who is on the Stewardship Council for the W&S Committee, took part in a program to evaluate canoe and kayak launch areas on the rivers. Encouraging more people to paddle on the rivers is a goal of the Council and providing easier access to the Nashua River is possible using the EZ Dock.

5. Other Business

None

The next Conservation Commission meeting is scheduled for Tuesday, August 22, 2023. The regularly scheduled meeting for August 15, 2023, was rescheduled to August 22 when several Commissioners stated they were not available for the August 15 meeting.

Respectfully submitted,

Paula Terrasi/Conservation Administrator