

LMRLAC – December 9, 2010

LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE

MINUTES

December 9, 2010

Members:

- ✓ = present

Current:

- Bob Robbins (Chair) – Hudson
- ✓ Kathryn Nelson (Vice Chair) -- Nashua
- ✓ Karen Archambault (Secretary) -- Nashua
- ✓ David Scaer – Hudson

Pending Renewal:

- Jim Barnes (Treasurer) – Hudson
- Glenn McKibben – Litchfield
- ✓ George May - Merrimack

Associate Members:

Mildred Mugica – Nashua

Also in attendance:

- Geoff Daly, corridor resident and potential member, Nashua
- Michael Redding, prospective member, Merrimack

The meeting was called to order at 7:10pm in the Music/Art/Media section at the Nashua Public Library by Vice Chair Kath Nelson. Kath stated that she'd heard from Jim and from Bob that they would not be able to attend the meeting.

Administrative Items

1- NRPC Staff

Kath informed the members that she had learned that Minda Shaheen is no longer working at NRPC. Kerrie Diers, the NRPC Executive Director, informed Kath that the NRPC staff person who will serve as LMRLAC liaison is to be determined. George suggested a joint meeting with representatives from the Souhegan River LAC, LMRLAC, and Kerrie Diers to discuss the relationship and level of support between NRPC and the LACs. Kath will send a note to Kerrie Diers and include George on distribution.

2 - LMRLAC Meeting Space

David mentioned that there is an alternate meeting space available at the Nashua Country Club if there is a need – for example, when an applicant presentation would make more sense in a quieter space, or when a library event would tie up the available parking. Kath will contact the library to check on a schedule of events that might cause such a conflict with LMRLAC meetings.

Minutes

The minutes of the September 23, 2010 meeting were approved without changes.

25 Flagstone Drive, Hudson

LMRLAC had received notification of an Alteration of Terrain Permit (100930-121) to disturb approximately 170,030 square feet of earth to construct an addition and make changes to parking. The timing of the notification was such that LMRLAC had no meeting scheduled in time to discuss a response to the permit, so Kath had asked Michael to review the application and to submit comments to DES. DES sent a request for more information to the application, and the request letter included a reference to the LMRLAC comments submitted on October 12

LMRLAC – December 9, 2010

and requested a response to those comments. Kath thanked Michael for his efforts in reviewing the plans and compiling and submitting the comments. Kath pointed out that this is an example of how the notification process worked; DES included LAC feedback in its response to the applicant.

This led to a brief discussion on the process of reviewing plans and compiling comments in a regular meeting or outside of a meeting. Kath mentioned that, in this case, there was no LMRLAC meeting scheduled that would have met the timetable for comments, which is why she asked Michael to review and comment on the plan. In general, members agreed that it is preferable for all members to review within a meeting, but that circumstances may on occasion require the approach Kath and Michael took with this project. Kath mentioned that Laura Weit-Marcum's periodic e-mails list the recently submitted applications and deadlines for comments. Kath also pointed out that DES has notified the LACs that, if they do not receive permit information for a project listed in the e-mail, they should contact the POC listed in the e-mail for the applicable program (Alteration of Terrain, Shoreland, or Wetlands). A response from the LAC that it has not received information to comment on an application can flag a 'not administratively complete' response from DES.

George commented that he has contacted applicants directly for information for applications along the Souhegan River. George also commented that he feels Shoreland applications are missing the LAC step to a greater extent than the other two types. Kath will look into the level of documentation being sent to Shoreland and what portion would be relevant for the LAC.

Kath mentioned that Shoreland has requested that the LAC always respond to an application – even if it's just to indicate that the LAC has no comments.

George recommended that plans be submitted to the LAC electronically. When Kath expressed concern about format and readability, George and Geoff commented that .pdf format is often standard for electronic submittals. Individual homeowners submitting applications could scan the plans and submit them that way. When members expressed concern about the possible burden on homeowners submitting plans, George replied that the electronic submittal could be requested but not required. Michael pointed out that one drawback to electronic submittal is that the certified mail receipt is the proof of notification.

Michael asked whether there should be a distinction between small and large projects – should, for example, a homeowner improving a dock be required to submit information to the LAC? Kath mentioned that she considers the LAC interaction as a form of outreach, and prefers the LAC have the opportunity to comment on projects, regardless of size.

New Stream Crossing Regulations

Kath read an excerpt from an e-mail summarizing aspects of the new stream crossing regulations. Streams are classified as Tier 1, 2, or 3, and the proposed work is classified by impact level. The regulations include the requirement for a study of the impacts of the project on washouts and blockages.

Michael commented that performing such a study for a small crossing is expensive, and he speculated that one result could be repairs or improvements that might not be possible due to lack of funds. He also mentioned that one result of the new regulations is an opportunity for more open-bottom culverts.

LID Guidebook

Copies of the LID Guidebook and sample impervious surface ordinance were passed around. Kath will check with Kerrie Diers to check whether they are also available on the NRPC Web site.

LMRLAC – December 9, 2010

Michael commented that the LAC portion of the NRPC Web site is hard to find.

Geoff mentioned that Vanasse Hangin Brustlin (VHB) has completed work on the road to Thoreau's Landing and stated that it's a textbook LID example. Members expressed interest in a tour, perhaps in the spring when it's light in the evening. Geoff said he would take some pictures in the meantime. George suggested contacting David Brooks at the Telegraph to see if he would be interested in writing a story about the project.

Proposed PSNH Thornton and Eagle Substations, Merrimack

Members reviewed the Shorelands, Wetlands, and Alteration of Terrain permit applications (DES File #101101-131) submitted by PSNH for its proposed Thornton and Eagle Substations in Merrimack. Representatives from PSNH had presented information about the proposed project to LMRLAC at its July meeting.

Members were pleased to note that the applicant had filled out a copy of the LMRLAC checklist as part of its application packet.

Members briefly discussed the detention on the proposed plans, and speculated that the detention must have resulted from the stormwater calculations, since none was proposed at the July meeting.

Kath found an e-mail from NH Fish and Game in the packet, in which they commented that they didn't expect bald eagle impact from the project but would like an easement to protect trees along the river. Further, NH Fish and Game requests three surveys to look for evidence of the grasshopper sparrow on the site during breeding season from May to July. Members stated one of the comments on the plans should be to support NH Fish and Game's recommendations.

Michael asked about the Functions and Values section of the Wetlands permit. When he found it, he read a portion of it that indicated the two wetland impacts were to low functioning wetlands, one of which is a mature red maple wetland. Members disagreed strongly with the categorization of a mature red maple wetland as 'low functioning'.

Geoff pointed out that the plans indicate 2-1000 gallon propane tanks on-site, but that the smaller, color outline of the plan indicates 2-2000 gallon propane tanks, and wondered which tank size is correct.

Members expressed some concern that the proposed mitigation appears to be a contribution to the ARM Fund, rather than pursuing a mitigation project within Merrimack, and wondered whether the mitigation options were sufficiently pursued before deciding to contribute to the ARM. George suggested LMRLAC recommend a meeting with representatives from the Merrimack Conservation Commission, the LAC, and PSNH to discuss mitigation options other than contributing to ARM. George offered to talk to Andy Powell, Chair of the Merrimack Conservation Commission, to see whether they had been approached for mitigation recommendations for the project.

In summary, the LAC response letter will include the following comments:

- LMRLAC concurs with NH Fish and Game recommendations.
- LMRLAC would like more information into the process used to evaluate mitigation options. Did the applicant fully evaluate on-site or mitigation options in Merrimack, before deciding to contribute to the ARM?
- LMRLAC offers to assist Merrimack Conservation Commission and/or the town in discussing mitigation options.

LMRLAC – December 9, 2010

- LMRLAC would like to request whether the tree cutting in the 250' CSPA buffer could be reduced.
- In LMRLAC's opinion, the functions and values of the mature red maple wetland are not minimal.
- LMRLAC would like to know if the two substations could be located to be out of the 250' CSPA buffer and out of the wetlands.

Kath will send comments to DES. George mentioned we should also add a comment, thanking the applicant for sending LMRLAC the application packet and plans.

Other Business

2011 Planning

Michael mentioned that he knows DES Commissioner Tom Burack and met with him to discuss what LMRLAC could do better as an LAC. In particular, they discussed outreach to the communities – to municipal officials, Public Works directors, and the public at large. Michael mentioned developing more of a relationship with the towns, reaching out by doing such things as attending trade shows with a display, and reaching out to schools.

Members commented that some outreach has occurred over the years; for example, LMRLAC coordinated a boat tour of the river several years ago and invited state and local officials. Kath mentioned that she puts together the LMRLAC annual report and that she was approached by one of the member towns last year about including LMRLAC's report in the town's annual report.

George commented that having a brochure might be nice and members discussed the logistics of putting together a brochure. Kath pointed out that some funding would be needed to put together and print a brochure. Kath will check with Bob to see whether we have any funds available from Bob's employer.

George suggested LMRLAC put together a display of some sort. Michael mentioned that used displays are available. Geoff mentioned that, for \$45, Kinko's has a box available that is both a carrying case and the support for the display. BAE SYSTEMS and Anheuser-Busch were also mentioned as possible sources of funding for a brochure or display.

Members thanked Michael for his initiative and the list of suggestions.

Miscellaneous

Geoff mentioned that the Beazer site in Nashua has another leak, and booms have been put up in the river to contain it.

Kath mentioned that it may be time to approach the Manchester-Boston Regional Airport for an update on their dissolved oxygen study.

Scott McPhie is no longer the Merrimack planner. Kath requested members review the mailing list for other changes.

Meeting adjourned 8:55pm.

Next meeting is currently scheduled for Thursday, January 27, 2011, at 7pm at the Nashua Public Library.

Respectfully submitted,
Karen Archambault
secretary