

LMRLAC - February 28, 2019

LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE

MINUTES

February 28, 2019

Members:

- ✓ = present

Current:

- ✓ Gene Porter (Chair) – Nashua (current term expires Dec 2019)
- ✓ Nelson Disco (Vice Chair) – Merrimack (current term expires 06/21/21)
- Chris Barrett – Nashua (current term expires 08/22/20)
- ✓ Michael Croteau – Litchfield (current term expires 11/08/20)
- ✓ George May – Merrimack (current term expires 06/14/20)

Pending Renewal:

- ✓ Karen Archambault (Secretary) – Nashua (current term expired 08/12/17)
- Christine Dupree (Treasurer) – Hudson (current term expired 11/25/17)
- ✓ Francis Murphy – Nashua (current term expired 02/18/19)

Also in attendance:

Geoff Daly, corridor resident, Nashua
Jack McTigue, TFMoran
Bob Simonds, SMC Management
Mason Twombly, NRPC

Meeting called to order at 7:04pm by Chairman Gene Porter in the Meeting Room at the Nashua Public Library. It was noted that a quorum was present for the meeting.

Minutes

The minutes of the January 24, 2019 LMRLAC meeting were approved with the corrections circulated prior to the meeting.

Current Business

Nashua: Residences at Riverfront Landing Alteration of Terrain Application (File #160125-007)

The purpose of the presentation is to update LMRLAC on permit amendments for the multi-use development project. One of the proposed buildings is removed from the plan due to interference with the City's wastewater infrastructure in the area, the building originally designated as a restaurant is being converted to a 7-unit residential building, and the plan now includes a dog park for residents.

Mr. McTigue introduced the changes by displaying the original plan, and pointing out the modified portions of the plan.

Chairman Porter expressed concern about removing the restaurant, because it would provide a public amenity. Mr. McTigue explained that no one has leased the restaurant building since its construction. He stated that the residential units are at full occupation.

The discussion then turned to the patio area attached to the restaurant building, and the easement for it on City land on top of the levee. The patio has been built. Chairman Porter asked whether patio access is limited to tenants of the complex; the response implied that it likely would be.

LMRLAC - February 28, 2019

The Nashua Planning Board has approved the amended plan, and the easement did not come up for discussion at the meeting. The Planning Board favored the change because it would reduce traffic in the area, which had been a concern.

Chairman Porter asked whether the project results in stormwater runoff to the river or to the wastewater system. Mr. McTigue replied that the site is essentially a bowl and that stormwater is being fully infiltrated on site. The site includes porous pavement and the building rooftops drain to underground storage/infiltration.

Mr. Disco commented that the proposed changes result in less of an impact than what was previously planned.

Mr. Croteau asked for more details about the dog park. Mr. Simonds explained that the complex will have a 'doggie DNA' policy with a fine system. He explained this is consistent with other housing complexes managed by his firm. The dog park will be enclosed by a vinyl-coated chain link fence.

Chairman Porter repeated his disappointment at the loss of the restaurant amenity on the riverfront. Mr. Simonds commented that a subsequent phase of the project, on an adjacent parcel, includes proposed dining and retail.

Chairman Porter brought up the topic of a Riverwalk from downtown Nashua to the river. Mr. Simonds replied that the Army Corps of Engineers did not want to encourage a trail atop the levee. Mr. Simonds did agree that such a trail from downtown to the river would be a great amenity.

Mr. Disco asked about the drain pipe to the river, which is visible on the plan. That pipe is an existing CSO. Mr. Simonds briefly described the process by which the City's retention tank stores and treats stormwater, then discharges to the river (by gravity, no pump needed) when a valve is opened.

Chairman Porter stated that LMRLAC would likely have no comments for DES on the proposed changes.

LMRLAC thanked Mr. McTigue and Mr. Simonds for discussing the project modifications.

Later in the meeting, Mr. May requested LMRLAC reconsider submitting a comment to DES, expressing concern that the change to the plan removes a proposed public amenity on the river, which is relevant to public access and encouraging river awareness and use. Chairman Porter agreed to submit such a comment.

Merrimack: Residences at Edgebrook Alteration of Terrain Permit Application [File #20181025-160]

Chairman Porter stated he had received a letter from NH DES about the project. DES had sent several questions to the applicant and the applicant requested an extension in order to compile a response. The response is due March 20.

Process Discussion

Chairman Porter requested that developers consider discussing planned applications with LMRLAC prior to presenting to the relevant Planning Board. Mr. McTigue explained that Alteration of Terrain applications generally happen last due to changes which typically occur during plan development. Mr. Simonds offered to coordinate the civil engineer from Edgebrook Heights to come to the next LMRLAC meeting.

LMRLAC - February 28, 2019

Merrimack: Pennichuck Water Expansion Shoreland Application (File #2017-00449), Dredge and Fill Application (File #2017-00386), Shoreland Application (File #2017-03217); Dredge and Fill Application (File #2018-03433)

Litchfield: Shoreland Application (File 2017-02197), Dredge and Fill Application (File #2017-02305); Dredge and Fill Application (File #2018-03615)

Chairman Porter received the formal wetlands permit application. Mr. Disco asked about the comments LMRLAC had submitted as a result of the presentation at the January 2019 LMRLAC meeting (to see a copy of the landscaping plan, and to request greater density and larger caliper plantings). Chairman Porter replied the response indicated that the proposed replanting exceeds guidelines.

Proposed Changes to Wetland Review Rules

Chairman Porter highlighted some of the proposed rule changes, and stated that he had sent comments to DES that the proposed changes are not in the public interest. He indicated he had received a response from DES that they plan to respond to submitted comments in the coming week.

Financial Disclosure Filing

Chairman Porter urged members to submit their forms to the Secretary of State's office if they have not already done so.

Nashua: Greeley Park Boat Ramp

Chairman Porter stated the project is an agenda item for the Nashua Planning Board at their March 7 meeting. Chairman Porter indicated that Mr. Barrett plans to attend, and encouraged other Nashua LMRLAC members to attend as well. After Planning Board review and approval, the City of Nashua will submit Shoreland and Wetland permit applications.

Merrimack: NH Plating Superfund Site

Chairman Porter explained that there is an EPA Superfund site north of Horseshoe Pond, which is up for its five-year review by EPA. He stated he had expressed his interest in registering LMRLAC as a stakeholder and is working on formalizing that.

Mr. Disco explained that the site has been dormant for years and is fenced off. Chairman Porter explained there is good information available on the EPA Web site. (Reference: <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.cleanup&id=0101092>)

Upcoming Meetings and Events

Chairman Porter highlighted the following upcoming meetings and events.

- March 4: Public Water Access Advisory Board meeting
- March 7: Nashua Planning Board meeting, which includes the Greeley Park boat ramp on its agenda
- March 7: Merrimack River Watershed Council annual meeting; Chairman Porter will attend this event
- March 23: Annual LAC workshop at DES in Concord; Chairman Porter plans to attend and encourages all LAC members to do so

Chairman Porter summarized the agenda for the MRWC annual meeting, which includes CSO discussions and presentation of a video which discusses threats to the river. Chairman Porter stated his concern about a lack of data on degradation of water quality, based on either time or distance downstream.

Mr. Daly commented that there is a chemical reaction which occurs between raw sewage and

LMRLAC - February 28, 2019

per- and polyfluoroalkyl substances (PFAS).

Other Business

EPA sampling equipment

Chairman Porter explained that the EPA has restarted a program for providing sampling equipment and suggested we might approach the MRWC to fund sampling after CSO events.

Mr. May indicated that the biggest challenge is that any sampling program requires a meter per person/site being sampled. Chairman Porter suggested that river sampling after CSO events could be limited to 3-4 locations.

Chairman Porter mentioned recent newspaper reports which indicate NH DES is considering lowering the PFAS threshold. He commented that LMRLAC will continue to follow this situation.

Items from the Floor

Mr. Croteau stated that there is a potential development project on a parcel adjacent to the Moore's Falls conservation area in Litchfield. The project proposes a gas station and general store on the site. Mr. Croteau will keep LMRLAC updated on the project's status.

Mr. Twombly stated that NRPC is working on a Source Water Protection Grant project. He said they project includes public outreach, and asked to present at a future LMRLAC meeting.

Meeting adjourned at 8:13pm.

Next LMRLAC Meeting

The next LMRLAC meeting is currently scheduled for Thursday, March 28, 2019, at 7:00pm at the Nashua Public Library.

Respectfully submitted,
Karen Archambault
Secretary