

**LMRLAC – July 24, 2008**

**LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE**

**MINUTES**

**July 24, 2008**

**Members:**

- ✓ = present
  
- ✓ Bob Robbins (Chair) – Hudson
- ✓ Kathryn Nelson (Vice Chair) -- Nashua
- ✓ Karen Archambault (Secretary) -- Nashua
- Glenn McKibben (Treasurer) – Litchfield
- Cynthia Ruonala (Public Relations) – Nashua
- George May - Merrimack
- ✓ Jim Barnes – Hudson
- Ray Peeples – Litchfield
- Stan Kazlouskas – Hudson

**Associate Members:**

Millie Mugica – Nashua

**Also in attendance:**

- ✓ Lucy St. John, planner, City of Nashua

The meeting was called to order at 7:10pm in the east wing downstairs at the Nashua Public Library.

**Minutes**

The minutes from the June 26, 2008 meeting were received.

**Old Business**

**Nashua – Thoreau's Landing**

Karen briefed the LAC on the riverbank erosion assessment report prepared by Aries Engineering in April 2007. Karen first mentioned that the CD copies distributed last month had two files on them: one was a watershed assessment study prepared by Camp Dresser and McKee in 2006. That study specifically mentioned Thoreau's Landing as an area with erosion concerns and a prime spot to consider a bioengineered riverbank protection approach.

The second file contains the Riverbank Erosion Assessment Report written by Aries. The report mentioned how the City of Nashua had applied for an emergency Dredge and Fill in April of 2007 to stabilize a 2800' section of the riverbank. The report summarized a review of aerial photographs and other documentation indicating the erosion that had occurred over the past 50 years. The report recommended that Aries conduct a pilot study and demo project to test a bioengineered riverbank protection system that would preserve and maintain a healthy flood plain and ecosystem. The first step of this, as recommended by Aries, would be to conduct a "hydrologic study, including a detailed geomorphic analysis".

Kath offered to generate a letter to DES supporting the study and requesting that LMRLAC be kept informed on the study.

**Corridor Management Plan**

Members briefly reviewed the status of presentations in each of the four towns.

Nashua: Lucy mentioned that the plan is a discussion item for the next Nashua Conservation Commission meeting. Members briefly discussed the timing of getting on the Planning Board's

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agenda, and agreed that comments from the Conservation Commission would be helpful at the Planning Board presentation. Lucy is still planning to get LMRLAC on the Planning Board's agenda sometime this fall.

Merrimack: There is no change in status yet. Kath will contact George about getting on the Merrimack Planning Board's schedule.

Litchfield: The joint meeting was rescheduled from July 22 to August 19, which is a Tuesday.

Hudson: Jim stated one member is going through the Goals and Objectives, mapping them to the Master Plan, looking for matches or conflicts. A report on this will be presented at a future Hudson Planning Board meeting or workshop. Jim indicated that the Hudson Conservation Commission is currently focused on its prime wetland survey. Jim will touch base informally with the Conservation Commission regarding the Corridor Management Plan to keep them aware of the process.

### **RMAC June meeting**

Kath mentioned that she is the LAC representative to the RMAC (Rivers Management Advisory Committee) and that she has received concerns from several LACs regarding lack of notification. An example given was that the LACs don't get copies of permits so LACs don't know whether/which LAC recommendations were taken into consideration.

Kath stated she has formed a subcommittee to look into this. The subcommittee put together a 9-question survey and sent it to the LAC chairs. Kath indicated she has had approximately a 50% response so far, and the responses are pretty much along the same lines (i.e. concerns about lack of communication).

Kath's goal is for the subcommittee to put together recommendations for potential statute changes for LACs. She summarized a multi-tiered approach to review and comment: tier 1 would include permits for wetlands, Alteration of Terrain, and CSPA (Comprehensive Shoreland Protection Act). This tier would require LAC notification and a full packet of information submitted to the LAC. Tier 2 would include such things as NPDES (National Pollutant Discharge Elimination System) permits, herbicide application, and the like. This tier would require LAC notification.

Kath will have a draft report to send around, probably in August. The report will likely recommend statute changes, or ways to set up a more formal process.

A brief discussion followed of the plan review process and how updates to plans do not always get to all interested parties. Members agreed on the importance of indicating date/revision of plans when the LAC submits comments to DES. Members also agreed that having complete information on which to comment allows the LAC to provide better, professional comments.

Members also briefly discussed that feedback to the LACs on their comments would lead to increased respect for the LACs and increased awareness by the public for what the LACs do. This in turn could make it easier for LACs to recruit members.

### **New Business**

#### **Sale of State-Owned Land**

LMRLAC received a letter to comment on the potential sale of a parcel of land in south Nashua, at the end of South Main Street. The parcel is .27 acres, owned by DOT and acquired in the 1970s as part of the Exit 2 and 3 interchange. The parcel is currently vacant land, proposed use unknown.

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Members discussed whether there could be any value to this parcel as a pocket of open space. Kath and Karen pointed out that this lot is not far from the end of Peach Drive, which has had flooding issues historically.

Kath will send a letter indicating LMRLAC has no objections to the sale. She will include a request that the following items be taken into consideration for future use of the parcel: impervious cover, LID development, and a history of flooding in that area of Nashua.

### **Lowell Dam Level**

Members briefly discussed the extended period of time that the river level has been low for repairs at the Boott dam in Lowell. Kath explained information she recently learned about hydropower dams – that there are two types of dams: run-of-river and peaker dams. Run-of-river dams can only use the water that is stored behind them. Thus the water goes through the turbines at a constant rate, meaning the revenue for the electricity generated by the water fluctuates with the time of day. Peaker dams can draw down during peak hours and thus can get more revenue by generating more electricity during peak hours. LMRLAC doesn't know which kind of dam Boott is.

Kath also mentioned that flashboards are designed to break away in times of high water/spring floods, and then they get repaired.

Members briefly discussed that George had offered to write and send a letter to Boott at the previous LMLRAC meeting.

### **Local Updates**

#### **Hudson**

Jim brought plans for two projects recently presented to the Hudson Planning Board which are near the Merrimack River.

The first project is on Baker Street, one street up from Webster Street. The site does not abut the river but is within the quarter-mile corridor. The project involves two lots and two homes for which the owner wishes to redraw lot lines and create a third lot. Jim mentioned that property owners between this property and the river are concerned about erosion.

Jim pointed out that this part of Hudson has sewer and water. The proposed new lot would have 10,000 square feet, and sufficient Baker Street frontage. Jim indicated the site is flat, and has no wetlands. Kath asked Jim that the Hudson Planning Board consider imperviousness when reviewing the application.

The second project Jim brought up is on Webster Street. The site does abut the Merrimack River. This project also involves redrawing lot lines, in this case to add 4 new house lots. Jim pointed out that this site has wetlands and that the perennial Reed's Brook runs through the site.

Kath asked about drainage on the site. Jim replied that drainage details would come with the plans for the house lots, when that occurs. Jim pointed out that the fact that there is an existing road spares the plans from showing drainage.

Jim stated that the Hudson Planning Board asked that the project come to LMRLAC at the July 9 Hudson Planning Board meeting. Jim also mentioned that the Planning Board asked plan presenters whether they had taken into account the new CSPA and its buffers.

Members agreed that LMRLAC would need a packet to review and to comment on. Kath will send Jim the legislative language on how the LACs are charged with making comments on projects at the local level within the quarter-mile corridor.

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Jim will provide the Webster Street project presenter with contact information for Bob and Kath so that they can contact either Bob or Kath to get on the LMRLAC agenda. Bob stated he had been asked to attend the Hudson Planning Board meeting to represent LMRLAC, but members agreed that the LAC wants the project presented at a LMRLAC meeting.

### **Nashua**

Bob indicated that LMRLAC had been CC'd on a letter about the Pheasant Lane Mall site improvement Alteration of Terrain permit. He pointed out that the letter is feedback to the LAC from DES. LMRLAC had requested the project include some permeable surface, which did not get included in the plan, but members were encouraged that DES included LMRLAC on the letter. DES's response included the comment that water quality degradation will not occur as a result of the project.

Lucy informed members that she is working on a scope of work to retain a consultant to evaluate conservation parcels – to decide which parcels to acquire and to negotiate with owners.

Lucy also mentioned the city is in the process of gathering information to apply for a shoreline exemption. Lucy stated she has so far gathered information along the Nashua River from the Merrimack to the Tampa Street area. The final area for which Nashua plans to apply has not yet been defined. Lucy described that the exemption does not have to be contiguous. Lucy and Kath pointed out that the intention of the exemption is to exempt parcels that have been urbanized over the years. Lucy also mentioned that contaminated sites will be looked at for inclusion in the exemption. Kath expressed a concern over the possibility of including parcels along the Merrimack on the list.

### **Miscellaneous**

Bob pointed out the Development Review Checklist, available on the LMRLAC portion of the NRPC Web site. He would like the LAC to be able to direct people to the checklist before coming to LMRLAC to present projects. He recommended the LAC review it for consistency with the new CSPA. Kath offered to review and update the checklist.

Bob mentioned that he has been contacted by New Hampshire Public Radio, seeking comment on a couple of issues. One was the Nashua Landing project and the amount of impervious cover planned for it. The other was the discharge from the Manchester Boston Regional Airport, which was initially thought to be deicing fluid; however, foam is appearing in the summertime.

Karen gave several copies of Chapter 5, Recommended Actions, of the updated Corridor Management Plan to Lucy for the Nashua Planning Board meeting when it occurs.

Lucy will arrange for copies of Nashua Conservation Commission agendas to be forwarded to LMRLAC.

Meeting adjourned 9:00pm.

Next meeting is scheduled for Thursday, August 28 at 7pm at the Nashua Public Library.

Respectfully submitted,  
Karen Archambault  
secretary