

LMRLAC – October 23, 2014

LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE

MINUTES

October 23, 2014

Members:

- ✓ = present

Current:

- ✓ Gene Porter (Chair) – Nashua
- ✓ Nelson Disco (Vice Chair) – Merrimack
- ✓ Karen Archambault (Secretary) – Nashua
- Michael Croteau (Treasurer) – Litchfield
- ✓ George May – Merrimack
- ✓ Michael Redding – Merrimack

Associate Members:

Mildred Mugica – Nashua

Also in attendance:

None

Meeting called to order at 7:09pm by Chairman Gene Porter. Secretary Archambault affirmed that a quorum (greater than 50% of membership) was present.

Minutes

The minutes from the September 25, 2014 meeting were approved with two corrections; the Independence Rowing Club is on the west bank (not the east bank) of the Merrimack River, and the proper spelling of the last name of Nashua's Community Development Director is Marchant.

LAC Mini-Workshop on November 15

Chairman Porter reminded members that there is a LAC mini-workshop on Saturday, November 15 from 8am to noon in Concord. DES needs a head count by Friday, October 24; Chairman Porter asked members to RSVP to DES. Ms. Archambault indicated she had a schedule conflict that day; Mr. Redding indicated he was tentative.

Hudson Representation on LMRLAC

Chairman Porter stated he attended the October 22 Hudson Planning Board meeting to introduce himself to the board and discuss Hudson representation on LMRLAC. He informed LMRLAC that Hudson is interviewing a potential representative next week; Chairman Porter will recommend the individual attend the November 15 LAC workshop in Concord. Mr. Porter also commented that Hudson had reviewed the 2008 Lower Merrimack River Corridor Management Plan in 2009 and developed planned actions from the recommendations in the plan.

Meeting with Sarah Marchant, Nashua Community Development Director

On October 14, Chairman Porter and Ms. Archambault met with Sarah Marchant at Nashua City Hall. At the meeting, Chairman Porter summarized LMRLAC's mission and provided Ms. Marchant with a few copies of the LMRLAC briefing. The discussion included whether there would be interest in adding the Nashua River to the Designated Rivers program; Ms. Marchant suggested LMRLAC contact Pierce Rigrod at the Rivers Bureau if there was interest in pursuing that. Ms. Marchant also suggested LMRLAC contact Roger Houston to discuss the process for working with the Nashua Planning Board. Chairman Porter and Ms. Archambault agreed that the meeting was positive and productive.

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Chairman Porter stated that Ms. Marchant has since given a copy of the LMRLAC briefing to Mr. Houston; Chairman Porter will be in contact with Mr. Houston.

Chairman Porter also mentioned that he will be pursuing the possibility of a lease on the Greeley Park boat ramp with NH Fish and Game, which would include improvements to the ramp area, given that recent contacts with Nashua officials indicate they seem receptive to the idea. Mr. Redding commented that boating provides an excellent opportunity for members of the public to connect with the river; that, in order to protect the river, the public needs to know about it and to develop an interest in it.

Members briefly discussed whether it would be useful to develop a relationship with the Building Department in each member town/city. This would be a way for LMRLAC to learn about such things as shed permits within the corridor, which would be useful if, for example, the shed would be visible from the river. Chairman Porter asked members for such contacts in each member town/city; Mr. Redding indicated he may have a contact in Merrimack.

DES Permit Review Workshops

Chairman Porter and Mr. Disco have attended recent weekly permit review workshops at DES at which the permit review process has been thoroughly reviewed and documented. Chairman Porter provided copies of the permit process flow to members. Mr. Disco commented that the process is complex and that he has learned a lot from the workshops.

Chairman Porter and Mr. Disco gave examples of permit inconsistencies (e.g. there is a dock permit for lakes and ponds, but that permit does not specify it also applies to rivers, and there is no separate permit for a dock on a river) and the complexity of the process (many people are involved, the process has time limitations, with rules for 'stopping the clock').

Chairman Porter also distributed copies of a preliminary action plan, put together by DES as a result of the workshops. The action plan includes short, medium, and long term tasks for DES to implement. Members should provide comments or feedback to Chairman Porter, or plan to discuss them at the LAC workshop on November 15.

Permit Applications

1. Manchester Waste Treatment Plant, NPDES Permit #NH0100447

Chairman Porter requested a formal vote on the following draft comments prepared prior to the meeting:

- The sampling frequency for CSO events of one per year shown in paragraph 1b is strikingly lenient. It would seem much more reasonable to require sampling during every CSO event at every CSO location and the timely public reporting of the results, including trends, including in CSO event frequency.
- The draft permit is largely silent on making the results of the monitoring and mapping activity readily available to the public. We recommend that the draft permit be amended to require the timely posting of all monitoring and mapping results on a publicly accessible website.
- It would be helpful if the permit itself, or the material associated with it, were to explicitly address the relationship of this permit and Phase 2 of the CSO abatement program that the DES website (<http://des.nh.gov/organization/commissioner/pip/factsheets/wwt/documents/web-9.pdf>) reported was under federal and state review as of 2012. If this permit is in fact the implementation of Phase 2, it would be helpful to see a display of the old and new CSO targets and how they compare to the targets being established for the CSO discharges from the City of Nashua's new waste water storage system.

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Mr. Redding seconded; the motion passed. Mr. May added the comment that he thinks that CSO discharges are monitored.

2. Nanocomp Technologies, Inc; 57 DW Highway, Merrimack – Hazardous Waste Limited Permit

This permit application is for an elementary neutralization unit to treat dilute nitric acid prior to discharge to the Merrimack sewer system. This waste stream would have a pH level that classifies it as corrosive hazardous waste, thus requiring the permit. It was noted that the Merrimack Waste Treatment Facility provided no comments to LMRLAC after a request was submitted. Chairman Porter recommended a 'no comment' response; Mr. Disco seconded and the motion passed.

3. DES File Number 2014-02812 Shoreland Application for 300 Webster Street, Hudson

4. DES File Number 2014-02809 Dredge and Fill Application for 300 Webster Street, Hudson; "Autumn Circle"

Mr. Redding summarized the permit application for the rest of the members. The project is on the border of Hudson and Litchfield, to construct a cul-de-sac to access ten building lots. The proposed street includes a stream crossing with a 5'x5' box culvert set one foot below streambed elevation, lined with streambed simulation, leaving a clear opening of 5'x4'.

Mr. Redding stated that the proposed culvert meets criteria for a stream crossing. When asked about the size of the culvert, Mr. Redding stated the plans he reviewed did not include hydrology numbers but he believes a 5'x4' opening meets the requirement for a perennial stream.

Members briefly discussed the proposed treatment on site. Mr. Redding stated the proposed treatment system does not address any nutrient issues. Mr. Disco commented that Green SnowPro training is an available resource to learn appropriate levels of salt treatment.

Members noted that lot number 7 has its well and septic outside the 250 foot shoreland protection boundary, but that the house would have to be placed within the boundary. Lot number 7 also appears to have a gravel road/ramp which provides access to the river.

Members developed the following list of comments:

- Request installation and maintenance of signage indicating low or no salt treatment for the street
- Marker/signage indicating the 50-foot shoreland buffer
- Request an easement for public access to the river from the cul-de-sac to the existing river access road
- Roof runoff for the house on lot 7 should be directed away from the river
- Supplement the existing vegetative buffer for 30 feet on either side of the stream crossing to compensate for the additional runoff from the street
- Request an access easement to access the drainage structures so the town can properly maintain the structures
- Ensure adequate provision for a shoreside extension of the NH Heritage Trail along the top of the bluff

Chairman Porter made a motion to submit the comments and Mr. Redding seconded; the motion passed. Mr. Redding took the action to send Chairman Porter a copy of the comments for submittal to DES prior to the October 25 response deadline for the shoreland application. (The comment deadline for the Dredge and Fill is November 4.) Chairman Porter will cc both Hudson and Litchfield since the overall project straddles the town border.

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5. DES File Number 2014-02889 Dredge and Fill Application for Tomasian Drive, Merrimack

It was determined that this notification was sent to LMRLAC in error; the property is within the corridor for the Souhegan River but not for the Merrimack River.

Heritage Trail

Members briefly discussed the Heritage Trail project from the 1990s. Chairman Porter stated that he has been informed there are funds available at the State level for trail easements, but that trail construction and maintenance must be funded locally.

Boott Hydro Dam

Chairman Porter commented that there has been another lowering of the headpond level for flashboard repair work on the Pawtucket Dam in Lowell. He stated he had contacted Enel and learned that Enel is not required by its FERC license to provide advance notice for this. He contacted the New Hampshire Dam Bureau and was informed that they generally request a 30-day notice; 0 days for an emergency. He is looking into what Massachusetts requires. He also stated that the FERC permit has been issued for the Crest Gate Bladder project, but that the National Park Service is appealing the permit. Mr. May suggested LMRLAC submit a letter to the National Park Service, requesting that they withdraw their objection to the Crest Gate Bladder project.

Ms. Archambault took the action to forward copies of minutes to Chairman Porter from meetings at which the Boott Dam had been discussed in recent years, including meetings at which Enel representatives and residents of the Pawtucketville neighborhood had attended and expressed their views of the situation.

Compliance Monitoring in the Corridor

Chairman Porter indicated this is a topic for discussion at the workshop on November 15. Members agreed that they feel LMRLAC's primary focus is education, to raise awareness of the river and public interest in the river.

LMRLAC Web Site

Chairman Porter stated that he is in the process of reviewing Web sites for all the LACs in the state. He encouraged all members to think about LMRLAC's Web presence and what would be useful to promote LMRLAC's mission to educate the public about the Merrimack River. As an example, he cited the Upper Merrimack River LAC's Web site, for which UMLAC currently pays \$150 annually. Mr. Redding suggested Facebook or perhaps Twitter could be useful tools for outreach; for example, to promote recreational activities on the river.

Designated River Signage for the Merrimack River

Chairman Porter reminded members that Designated River signage is available for \$100 per sign. The signs are two feet square. Mr. May commented that the Sagamore Bridge has a Merrimack River sign on either side, but it is not well placed, being well before the river itself. He also suggested a 2'x2' sign might be too small for the Sagamore Bridge, given the bridge's size and speed limit.

Chairman Porter will proceed with pursuing signage for the Taylor Falls Bridge and will investigate whether larger signs, or relocating the existing river signs, are possible for the Sagamore Bridge.

Next Meeting

Members discussed when to schedule the next LMRLAC meeting, given the fourth Thursday of November and December are both holidays (Thanksgiving and Christmas, respectively).

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Members agreed to plan to meet on Thursday, December 11 if there are agenda items requiring a meeting.

Meeting adjourned at 8:43pm.

Next LMRLAC Meeting

The next LMRLAC meeting will be Thursday, December 11, at 7:00 pm in the Music/Art/Media room at the Nashua Public Library.

Respectfully submitted,
Karen Archambault
secretary