

**LMRLAC – February 24, 2011**

**LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE**

**MINUTES**

**February 24, 2011**

**Members:**

- ✓ = present

**Current:**

- ✓ Bob Robbins (Chair) – Hudson
- ✓ Kathryn Nelson (Vice Chair) -- Nashua
- ✓ Karen Archambault (Secretary) – Nashua
- ✓ Nelson Disco - Merrimack
- ✓ George May – Merrimack
- ✓ Michael Redding - Merrimack
- David Scaer – Hudson

**Pending Renewal:**

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

**Associate Members:**

Mildred Mugica – Nashua

**Also in attendance:**

- None

The meeting was called to order at 7:05pm in the Music/Art/Media section at the Nashua Public Library by Vice Chair Kath Nelson. Kath stated that she'd heard from David and from Geoff that they were away on business and would not be able to attend the meeting.

**Minutes**

The minutes of the January 27, 2011 meeting were approved without changes.

**Old Business**

**Proposed PSNH Thornton and Eagle Substations, Merrimack**

Kath stated that the Shoreland application for the project has been approved, but the Wetlands and Alteration of Terrain applications have not been approved yet. Nelson stated he believes that the project is on the Merrimack Planning Board agenda for either March 8 or 15.

The discussion turned to the status of the mitigation for the project. Kath briefly reviewed the Aquatic Resource Mitigation (ARM) Fund process. Nelson stated that the Merrimack Conservation Commission had sent a letter requesting the mitigation funds from the PSNH application be used for a particular project, but doesn't know the status of that request. He reminded the LAC that the site does not have enough space for on-site mitigation. Nelson commented that the LAC could bring potential mitigation sites to the attention of the Merrimack Conservation Commission. Kath responded that the mitigation site review process should be collaborative; the LAC could start with the Conservation Commission's list and suggest adding to it if other sites come to mind.

**RMAC**

Members briefly discussed recent personnel moves at DES and state budget concerns. In response to a comment that staff has moved from Alteration of Terrain to another division, Bob asked whether there are fewer applications, and Michael replied that there are. Kath mentioned that Steve Couture informed her that his support staff has been cut for the Rivers Management & Protection Program. Since there are four new rivers/river segments applying for Designated

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River status, this means more rivers but less staff. Steve asked Kath in her capacity as LAC representative to the Rivers Management Advisory Committee (RMAC) whether an LAC roundtable discussion might be a good way for the LACs to network and discuss issues, and who could make a meeting during the day, and whether a statewide meeting or regional ones made sense.

George suggested a lunchtime meeting and that the meeting be at DES; Bob suggested a breakfast meeting. George recommended the meeting take place after the proposed new rivers join the program as an opportunity to introduce them. Kath suggested that it would be good for representatives from DES staff at Shoreland, Wetlands, and Alteration of Terrain attend as well.

Kath asked about a seasonal preference for the meeting. Members agreed that summer would not be preferable, but other times of year would work.

### **New Business**

No new permit applications have been submitted for LMRLAC to provide comment on. The Hudson dam permit for which the LAC received notification recently is not within the corridor. George suggested the LAC could still comment. Bob and Kath replied that the project was a detention pond, categorized as a dam under the permitting process. Kath mentioned that it's better to get notified about too many applications rather than too few, and Bob agreed that it's good the LAC is getting notified.

### **General Discussion**

#### **CSPA Legislation**

Kath stated Michelle Tremblay did not have any updates on the status of the proposed legislation to change or repeal the Comprehensive Shoreland Protection Act (CSPA). Michael and Jim stated they understand the content of the bill is still being worked out.

This led to a discussion about the option of implementing shoreland protection in town ordinances – the benefits of which are local control over the process and enforcement, but the downside of which is the cost of local oversight and enforcement, and the potential for different regulation from town to town, complicating the issue for contractors and engineers who support applications in several towns. Kath also commented that such an ordinance would generally need the support of an organization such as NRPC to put the ordinance template together.

Kath mentioned some of the pushback is because the changes to the CSPA in 2008 require permits for some projects that did not previously require permitting. She expressed concern that CSPA repeal is a possibility.

Bob offered to speak to legislators and committee members to discuss the results from the LMRLAC survey, conducted in 2005 as part of the Corridor Management Plan update process. Bob summarized that survey respondents indicated that people like the idea of having trails, preserving open space, and having places to pursue recreational activities.

Kath will contact Bob with the list of committee members. Kath commented that it's good public relations for the LACs to be represented at the hearing. Kath asked George to pass along whatever information he gets on the status of the legislation as well.

#### **Lowell Boott Hydropower Dam – Crestgate Bladder System Permit Status**

Kath mentioned a recent e-mail from Kevin Webb, Regulatory Affairs Coordinator for Enel, indicating that the public comment period on the application with the Federal Energy Regulatory Commission (FERC) had closed.

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Kath mentioned that she wished the LAC had asked more questions about fish passage with the Crestgate bladder system. Bob replied that it should be the same as for the Essex Dam in Lawrence.

### **Fish Passage**

Kath briefly discussed a report she'd seen from the Central NE Fishery Resources Office in Nashua. She read statistics from it with numbers of American shad, sea lamprey, and Atlantic salmon counted at the fish passages at the Essex Dam in Lawrence, the Pawtucket Dam in Lowell, and the Amoskeag Dam in Manchester. She expressed some concern over the apparent sharp dropoff of numbers from Lawrence to Lowell, and apparently no count at the Amoskeag dam. Members asked about the time frame the data was collected, which was not specified. Members also wondered about whether the lack of data from the Amoskeag Dam indicated no counting was performed, or counting was attempted and no fish were seen.

Kath then led into a brief discussion about the downstream passage of eels. She had recently read a book that discussed the eel lifecycle: born in the Sargasso Sea, eels swim up the Atlantic coast as 'glass eels' and live in fresh water for years, then return to the Sargasso Sea to mate and die. Kath stated the book had pointed out that eels are being 'decimated' by hydropower plants: the downstream flow is pulled into the turbines, which pulls the eels in as well. Kath then mentioned that the Icehouse Dam on the Nashua River in Ayer is putting in a downstream eel passage.

Bob suggested letting the Telegraph know about this so they could do a story. Kath will pass along more information.

George commented that eels pooled below the Merrimack Village Dam site. George then stated he had understood that shad were doing pretty well, and indicated that he had not been aware of the eel's circumstances. He also commented that he understands the Fish Hatchery in Nashua is struggling. Kath asked whether LMRLAC could be an advocate for the hatchery.

### **Local Updates**

#### **Hudson**

Jim gave a summary on the status and history of the Hudson Conservation Commission's prime wetlands warrant article. He stated the project started 3-4 years ago with a survey of a list of wetlands, followed by site walks and an initial list of 20+ proposed prime wetlands. The Hudson Planning Board turned down that proposal. The Conservation Commission then returned with a reduced list of about 16 that was also turned down by the Planning Board, so the Commission submitted a petitioned warrant article to bring the proposal before the town this year. The Planning Board voted not to recommend the petitioned warrant article.

Jim stated there are two additional wetlands-related petitions on the Hudson ballot this year. One reduces buffers on 'artificial or manmade wetlands' from 50 feet to 25 feet, on the premise that the buffer size is just a number without scientific evidence. The other provides for exemption from the prime wetlands ordinance if, for example, the buffer goes through a building. Jim stated the Planning Board voted not to recommend those, as well. Bob commented that all three warrant articles are likely to fail; that most voters rely on the recommendation of the Planning Board.

Kath pointed out that the scientific evidence for wetland buffer sizes is available if one looks for it, and that a 25-foot buffer is not enough. A discussion followed on the benefits of wetlands buffers and methods available to protect wetlands. Bob suggested wetlands are always changing and that some of the wetlands would never be built on. Kath disputed that point of view, and stated that, if a road goes in, it provides access to previously inaccessible land.

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Bob pointed out that having a wetlands buffer is only one way to implement protection and advocated conservation easements as a way to do it instead of using a regulatory approach. Kath replied that wetlands buffers and conservation easements are not mutually exclusive.

Bob gave an example of the association at Robinson Pond and how cleanups and education are part of the ongoing process to protect or improve the quality of the area.

Members discussed whether LMRLAC should send a letter to the editor advocating for a prime wetlands ordinance in Hudson. Bob reminded the rest of the members that LMRLAC is not a conservation group. After further discussion, members decided against writing a letter to the editor.

### **Nashua**

#### **Monitoring wells**

Kath summarized Geoff's e-mail about the monitoring wells on the National Grid site along the Nashua River on Bridge Street in Nashua. Kath had contacted Lucy St. John, Nashua Deputy Planning Manager, who sent Kath minutes from Zoning Board of Adjustment meetings about the wells. Lucy indicated there had been waste discovered years ago and now DES was coming back to see what's going on.

Michael took down the case number (199810022) and will look it up on DES OneStop. Michael looked over the e-mail received from Ralph Wickson at the DES Hazardous Waste Remediation Bureau, and stated it's likely they will extract groundwater, remove contaminants, and put the water back. Michael quoted from the e-mail that they are also looking at an activity and use restriction.

#### **Nashua CSO Project Status**

Kath contacted William Keating, City of Nashua Wastewater Project Engineer, to get an update on Nashua's Combined Sewer Overflow (CSO) project and passed along several meeting options. Kath will follow up with Mr. Keating to see if he will attend an upcoming meeting.

#### **Trails along the River**

Kath showed a copy of "A Guide to Trails from Canada to the Atlantic Ocean", published by the Merrimack River Watershed Council in the 1990s, which includes maps and descriptions of existing and proposed Heritage Trail segments in New Hampshire. Kath mentioned applications in the past for which LMLRAC had requested an easement at the top of the bank to support a trail, which is often met with resistance by the applicant. Kath mentioned the shelf that exists along much of the riverbank on the Hudson/Litchfield side and suggested a trail on the shelf could be an alternative – it would be better than no trail at all.

Kath also mentioned the Recreational Trails Study that NRPC produced recently, and the issue with showing trails on private lands on a published map.

Bob mentioned that there are trails along the river in the development off route 3A (Sparkling River). Kath mentioned that we should praise projects when the trails get implemented

#### **Benson Park**

Bob and Jim plugged Benson's and encouraged others to come and check out the park. Jim stated that lots of people are using the park this winter; for example, people looking to break trails snowshoeing need to get there early in order to get a chance to break their own trail.

Kath asked where the park entrance is. Jim replied the entrance is off Kimball Hill Road and there is a sign.

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Jim mentioned the perimeter trail is two and a half miles long. The outer edges of the park will stay more natural, while the center core of the park is more open. Jim stated the park has an “Adopt a Spot” program and a large volunteer list, over 500 names.

### **Souhegan River Canoe/Kayak Trips**

George handed out several copies of a flyer listing 2011’s Souhegan River guided canoe/kayak trips. This year’s trips are on April 17, May 21, and June 26. Information about the trips can be found soon at [www.merrimack.org](http://www.merrimack.org).

### **NRPC Staff**

Kath said that Jill Longval will attend the March meeting to meet with LMRLAC and to discuss some grant/funding opportunities.

### **Recent Thermal Seminar at UNH**

Michael mentioned that he attended a thermal seminar at UNH recently. Michael summarized discussion at the seminar – that stressors of cold water fisheries were being analyzed, and that thermal characteristics may be a surrogate to understanding stressors. UNH has temperature data, which is being studied in hopes of developing guidelines to mitigate thermal impacts.

Bob asked for clarification on thermal impacts. Kath mentioned that water temperature is raised by stormwater runoff. Michael mentioned that the runoff temperature improves with the removal of impervious cover.

Michael stated that the best BMP, as discussed at the seminar, is putting the discharge 3-4 feet deep, which creates some thermal absorption. He also mentioned that hydrodynamic separators were the worst.

Nelson asked whether tree shading was discussed as a method for keeping the water temperature lower. Michael replied that tree shading was not discussed. He also mentioned that the feedback from attendees at the seminar indicated they wanted to know more about managing watersheds through land use.

Michael also commented that they showed the use of a fiberoptic cable that can be placed in a stream short term to measure temperature gradients all along the river. The data from the cable could be used to know where to put data loggers for collecting more detailed temperature data.

### **Manchester-Boston Regional Airport – Water Quality Monitoring**

Kath will contact airport officials for a status of the airport water quality study results. (When airport officials attended the January 28, 2010 meeting, they indicated the final report for the study was due in October 2010.)

Meeting adjourned 9:00pm.

Next meeting is currently scheduled for Thursday, March 24, 2011, at 7pm at the Nashua Public Library.

Respectfully submitted,  
Karen Archambault  
secretary