

**LMRLAC – October 27, 2011**

**LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE**

**MINUTES**

**October 27, 2011**

**Members:**

✓ = present

**Current:**

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

**Pending Renewal:**

Jim Barnes (Treasurer) – Hudson  
Glenn McKibben – Litchfield

**Associate Members:**

Mildred Mugica – Nashua

**Also in attendance:**

- Tracie Sales, Water Resources Manager, Merrimack River Watershed Council

The meeting was called to order at 7:05 pm in the Music/Art/Media section at the Nashua Public Library by Chair Kath Nelson. Kath stated Jim Barnes had informed her he would be unable to attend the meeting.

**Minutes**

The minutes of the May 26, June 23, and September 22, 2011 meetings were accepted with clerical edits and clarifications as distributed prior to the meeting.

**Shoreland Water Quality Protection Act**

Kath brought a copy of the most recent issue of the Lake Winnepesaukee Watershed Association (LWWA) newsletter (available at [http://www.winnepesaukee.org/pdf/LWWA%20Ripples\\_Summer\\_2011.pdf](http://www.winnepesaukee.org/pdf/LWWA%20Ripples_Summer_2011.pdf)) and read from the “Message from LWWA” column, which discusses the Shoreland Water Quality Protection Act, which went into effect in July of 2011. The column summarizes the changes to shoreland protection under the act as an overall “relaxation and reduction of the many standards that were in place to protect the water quality of our state’s lakes and ponds from negative impacts due to development and land use activities within the 250 ft protected shoreland area”.

Among the changes highlighted in the column:

- Creation of the Permit by Notification (PBN) process, created for projects with no water quality impact and that follow DES rules. DES has 5 days to respond to a PBN application. Further, the law does not define “no impact”, nor does it require the applicant to demonstrate how the proposed project has no impact.
- Pesticides and herbicides can be applied within the 50-foot waterfront buffer by horticultural professionals licensed to apply pesticides
- Removal of woody debris and natural leaf litter is no longer prohibited
- Natural ground cover may be removed for normal maintenance, to protect the waterfront buffer, or to provide access to natural areas or shoreline

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- The point system for vegetation within each 50 foot square grid along the shore has been altered; points are inflated, requiring fewer trees/shrubs to reach the 50-point total within each grid box than was required under the previous Shoreland Protection Act

Kath read from the column that the LWVA is looking at options at the local level, approaching communities about their shoreland regulations rather than relying on state-level regulations.

George asked whether the LAC can still comment on a PBN application. Kath responded that the time window is small, and speculated that the LAC may not even receive notification. David suggested the possibility of meeting electronically; Kath responded she would look into that but expressed concerns with public meeting laws and disclosure. Kath suggested the LAC could circulate comments without a vote. George commented the LAC generally works by consensus.

Michael R. commented that there had been specific elements in the law that made it cumbersome for some activities such as installation and removal of seasonal docks. He also said he understands there will be PBN guidelines put together.

Michael R. mentioned he had recently attended an event with a representative from the New Hampshire Builders Association and Department of Environmental Services (DES) legal counsel. He indicated the DES legal counsel has a summary on the legislation coming out in the New Hampshire Bar News. Michael will keep an eye out for it and will forward it to members.

Members agreed that the changes overall support a change from a natural look to a more landscaped look along water bodies.

The discussion turned to what led to the changes in the law. Kath summarized her experience on the committee which had worked for a year on putting together the previous legislation. The committee comprised stakeholders including representation from the Business and Industry Association (BIA), landscapers, and foresters. Kath offered her view that it was a thought out and balanced piece of legislation, and expressed her view that subsequently there was a coordinated effort to overturn it.

George pointed out that this is where the state currently is politically. He also pointed out that public opinion swings back and forth over time.

Kath suggested the LAC could continue to monitor this and consider whether to take on an advocacy role.

Ms. Sales commented that the New Hampshire economy is tied to tourism, including water-based tourism, and wondered at the apparent disconnect between that and the legislation. Michael R. responded that he feels there is the belief that the legislation will not result in a negative impact

Kath gave an example of several lake cottages near her family's cottage, some with natural yards and others with lawns. She commented that one of the owners with a natural yard later changed their preference and put in a lawn. Kath stated there is milfoil in that part of the lake now, and she speculates there are water quality issues as well.

Kath asked all to keep an ear out and to pass information along to the rest of the LAC.

### **EPA Draft NPDES Permit (#NH0001465) for PSNH Merrimack Station in Bow**

The current National Pollutant Discharge Elimination System (NPDES) permit for the Merrimack Station electrical generation plant in Bow, operated by PSNH, was first issued in 1992, expired

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in 1997, and was administratively continued for several years. The period for public comment on the draft permit runs until November 30, 2011. A public hearing is scheduled for Thursday, November 3, at 6:30pm at DES in Concord.

One significant item in the draft permit is that it requires a new closed-loop cooling system, which will benefit the river by discharging less thermal pollution.

Kath sent information about the permit to Michelle Tremblay with the Upper Merrimack River LAC (UMRLAC) and informed her we would be discussing the permit. George pointed out it is well out of our jurisdiction, but was in favor of providing comment. Nelson and Kath both stated it does affect our part of the river.

David commented the water temperature is very high. He explained the Nashua Country Club draws from the river and the water is sometimes too warm to effectively cool the grass. George replied that he doesn't think that is a direct impact from the power plant. He commented that water quality monitors measure both air and water temperature and it looks normal. He further stated the average temperature is usually a little warmer than the Souhegan. David replied that the monitoring records don't pre-date the power plant.

Ms. Sales commented that it would be hard to separate the power plant effects from the fact that there is little or no tree cover for our part of the river.

Ms. Sales stated she was in favor of the scrubbers discussed in the draft permit, but expressed concern that the draft permit implied more chemicals may end up in the river. Michael R. agreed that the water bath to remove substances from the scrubbers would result in that. He suggested that this was an example of how the Clean Air Act and the Clean Water Act can be at cross-purposes.

Michael R. mentioned that he likes the proposed low pressure wash for impinged fish to gently dislodge them from the intake screens.

Nelson recommended that the LAC should go on record about the draft permit. George stated the draft permit is beneficial to our stretch of the river. George also mentioned that the salmon restoration program is working, that salmon is a cold-water fish and thus should benefit from the thermal improvement to the river.

Kath asked for suggestions on what the LAC response should include. Initially, members came up with the phrase "we support the draft permit as written – we feel it would be beneficial to the river". George asked whether the response should mention salmon restoration; Nelson then suggested the phrase "consistent with the salmon restoration program". Nelson and George then suggested that it more generally mention the cold water fishery.

Ms. Sales commented that newspaper coverage about the draft permit included information about increased electric rates. She stated she had reviewed some of the online comments, which were negative about the rate increase. Kath remarked the LAC would be a needed counter voice to such comments. She asked whether the salmon program has a name. George said it was the US Fish and Wildlife Salmon Restoration Program. George also mentioned that US Fish and Wildlife doesn't generally comment on such things as draft permits.

Ms. Sales asked if Trout Unlimited would comment. Michael C. replied that he would talk to the State Council about it. He mentioned that he would also talk to someone connected to the Society for the Protection of New Hampshire Forests.

George commented that kayakers may not be in support of reduced thermal effects, pointing out

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that increased water temperatures make for a more comfortable paddle at this time of the year. George also pointed out that there isn't much of interest for paddlers in that part of the river – it's flat.

George suggested Kath send a copy of the LMRLAC letter to Michelle Tremblay. George also commented that he believes UMRLAC's reach ends at the Garvin's Falls Dam, which is above the Merrimack Station site.

Kath will put together a letter based on the discussion and will send it to EPA and to Michelle Tremblay.

### **General Discussion**

#### **Proposed PSNH Substation - Merrimack**

George asked if there were any updates on the PSNH Merrimack substation project. Nelson replied that it's under construction. David commented that there has been a lot of tree clearing on the Litchfield side for the power lines. Kath mentioned the floodplain forest; George commented that the LAC had asked PSNH to re-site the plant to avoid that. Kath replied they did not, but Nelson pointed out that Merrimack received mitigation – land was purchased near Greens Pond.

#### **Rivers Management Advisory Committee**

Kath mentioned that she had been unable to attend the most recent Rivers Management Advisory Committee (RMAC) meeting but plans to call Michelle Tremblay to get filled in soon. Kath mentioned one of the agenda items was to discuss combining the rivers and lakes management programs for efficiency. She mentioned that one of RMAC's tasks is to review surplus land near rivers and has a checklist to do so. She expressed her view, and members agreed, that a 'mega-checklist' covering both rivers and lakes would not be effective, because the circumstances differ between the two.

She also mentioned that with three new LACs having recently formed, the state is likely to focus its support on the new LACs, and may be less able to provide support to the older LACs. Kath will provide an update when she has additional information.

#### **Hayden Green Project - Nashua**

George asked whether there was any news on the Hayden Green parcel or on Pennichuck in general. There was a brief discussion on recent press coverage. George suggested continued pressure from community groups could affect the decision to develop the parcel.

Michael R. commented that he had had the opportunity to view the plan for the project and commented that it was a good plan.

Kath mentioned that DES had responded to the Nashua Conservation Commission request to review the Alteration of Terrain permit application and found nothing amiss with the application.

#### **Lowell Boott Hydropower Dam**

George asked if there was any news on the dam in Lowell in general or on the proposed pneumatic crest gate bladder system in particular. Ms. Sales mentioned that it appears from recent discussions that the historic aspects of the site seem to be the focus.

#### **Merrimack River Watershed Council/Water Quality Sampling**

Kath asked whether there was anything new with MRWC. Ms. Sales replied that the MRWC has had to cut back on staff and that her status is now part time. She explained that most of MRWC's funding comes from grants, with some coming from memberships.

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Kath praised George for running the monitoring program on such limited funds. Ms. Sales mentioned MRWC's grant application to coordinate and cooperate with the Souhegan monitoring program and stated she would be looking to LMRLAC for help in deciding where to put the monitoring equipment if the grant is awarded.

She explained the HOBO basic unit costs about \$700 and also requires some one-time purchases. When asked how to retrieve data from the unit, Ms. Sales explained one removes the equipment from the water, connects it to a laptop, and transfers data in about 10 minutes.

### **LMRLAC Minutes Distribution List**

Nelson and George mentioned that Merrimack has a new contact person: Timothy Thompson is the Community Development Director in Merrimack. Karen said she would add him to the minutes distribution list. This led to a brief discussion on distribution of draft vs. final minutes to the member towns. It was decided that the draft minutes are okay to distribute.

This led to a brief discussion about providing information on LMRLAC to the member towns for community information brochures and the like. Kath encouraged members to be aware of any opportunities to provide information about LMRLAC on the local level.

### **Merrimack River Bridge – Airport Access Road**

Nelson stated that the bridge over the Merrimack River to the Manchester-Boston Regional Airport will be open on Friday, November 11 and that there is a ribbon-cutting ceremony scheduled for Thursday, November 10.

George stated he will check about Protected River signage for the bridge. He mentioned looking into signs on the Taylor's Falls Bridge in Nashua and that he doesn't like where the signs are on the Sagamore Bridge in South Nashua. He also mentioned there should be signs on the Merrill's Marauders Bridge over the Souhegan River.

### **Speakers at Upcoming Meetings**

Kath asked whether LMRLAC would want to entertain speakers at meetings with a light agenda and asked for suggestions. She suggested a speaker about pervious pavers; she understands they were removed from a site in Massachusetts somewhere because turning cars caused erosion of the pavers. Ms. Sales commented she had heard something similar.

Ms. Sales mentioned attending the NH Watershed Managers' Roundtable last week and that there were a couple of LID site tours. One was at Center Harbor, NH to a site with grassy pavers. Ms. Sales explained that grassy pavers are rings connected in a grid with grass growing through them. The pavers are used for things like overflow parking. It gives the appearance of a lawn and can be mowed, but it's more stable.

Kath encouraged Michael C. to provide any Trout Unlimited updates.

Meeting adjourned at 9:00 pm.

### **Upcoming Meetings**

Next meeting is currently scheduled for Thursday, November 17, 2011, at 7:00 pm at Margarita's, if the agenda permits.

Respectfully submitted,  
Karen Archambault  
secretary