

**LMRLAC – February 22, 2018**  
**LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE**  
**MINUTES**  
**February 22, 2018**

**Members:**

- ✓ = present

**Current:**

- ✓ Gene Porter (Chair) – Nashua (current term expires Dec 2019)
- ✓ Nelson Disco (Vice Chair) – Merrimack (current term expired 08/28/17)
- ✓ Karen Archambault (Secretary) – Nashua (current term expired 08/12/17)
- Christine Dupree (Treasurer) – Hudson (current term expired 11/25/17)
- ✓ Chris Barrett – Nashua (current term expires 08/22/20)
- ✓ Michael Croteau – Litchfield (current term expires 11/08/20)
- Richard LeBourdais – Hudson (current term expired 11/06/17)
- ✓ George May – Merrimack (current term expires 06/14/20)
- ✓ Francis Murphy – Nashua (current term expires 02/18/19)

**Associate Members:**

Mildred Mugica – Nashua

**Also in attendance:**

Brian Pratt, CLD | Fuss & O'Neill

Meeting called to order at 7:05pm by Chairman Gene Porter in the Meeting Room at the Nashua Public Library, with a quorum present.

**Minutes**

Minutes of the October 26, 2017 meeting were approved with the corrections submitted at the December meeting. Minutes of the December 14, 2017 meeting were approved as written.

**New Business**

**Litchfield: 476 Charles Bancroft Highway Shoreland Application (File #2018-00403), Alteration of Terrain Application (File #180214-026), Wetland Application (File #TBD)**

The project is located in Litchfield, on a 9.8 acre parcel which runs from Charles Bancroft Highway to the Merrimack River. The parcel is agricultural land adjacent to Colby Brook and is zoned commercial. A previous set of applications for the same site were reviewed at the February and April 2017 LMRLAC meetings.

Mr. Croteau abstained from the discussion, citing his role as chairman of the Litchfield Planning Board and that the project has not completed its review process before that board.

Mr. Pratt introduced himself and the proposed project. He explained that the previous set of applications for the site, which was for two 15,000 square foot buildings and associated parking for a construction firm, was abandoned. The current applications are for an auto parts distribution firm: for a 36,000 square foot warehouse, parking for employees and delivery trucks, a 24' driveway with a new culvert, and associated stormwater treatment structures.

Mr. Pratt indicated the project has applied for and received a zoning variance. The project is located in a commercial zone; the proposed use is industrial.

Mr. Pratt summarized the Shoreland and wetland impacts. Paved tractor trailer parking and stormwater treatment are proposed within the 250-foot Protected Shoreland buffer. Wetland buffer and wetland impacts are proposed to increase an existing culvert from 15" to 24", and to

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widen an existing access road to a 24-foot driveway. The project also includes a lot line relocation to increase the size of the parcel to 13 acres. Roughly ten feet of trees in the shoreland buffer is proposed to be cut, leaving approximately 140 feet of wooded buffer between the site and the Merrimack River.

Chairman Porter asked whether the trailer parking and turnaround could move out of the 250' Shoreland buffer. Mr. Pratt explained that lot line limitations prevent moving the project entirely out of the 250-foot buffer.

Members expressed concerns about sight lines from the shore and from the river. Mr. Pratt displayed a cross-section of the river and site elevations, and demonstrated that, given the height of the bank, and the remaining wooded buffer, neither parked trucks nor the building will be visible from the river.

Members noted the plans show an existing walking path down to the river. Chairman Porter asked about the possibility of a easement for a trail along the river. Mr. Pratt replied that he had not pursued a trail easement with the applicant. Chairman Porter pointed out that Litchfield is interested in public access to and along the river.

Mr. Pratt next discussed stormwater. He stated he had discussed the project with NH Fish and Game, which recommended a 50-foot buffer to Colby Brook. He explained that the stormwater will sheet off to be treated by the existing vegetated buffer. There is a proposed infiltration basin between the developed portion and the Colby Brook buffer. There is also a proposed infiltration basin on the westerly part of the site to treat runoff which would flow from the site toward the Merrimack River. The treatment structures are designed to handle the 100 year storm event.

Mr. Pratt explained that the Alteration of Terrain permit requires inspection and maintenance manuals, which include quarterly inspection of treatment structures for such things as erosion and sediment accumulations. He also explained that, during construction, inspection is required within 24 hours of a storm event.

Mr. May asked about the proposed snow storage on the southerly side of the site, and whether it would go to the sediment forebay; the preference is to keep the snow storage away from Colby Brook.

Chairman Porter asked for a modification to the maintenance plan to visually inspect the basins at the height of major rainstorms.

Mr. Barrett asked whether any fuel will be stored on site; Mr. Pratt replied it would not, just boxes of quarts of oil. The building will not have floor drains and vehicle fueling will take place off-site. There is a proposed propane pad on the site; propane would be used to heat the facility.

Mr. Pratt explained there will be a small septic system on site (500 gallons) sized for a projected maximum of 50 employees. Mr. Disco asked about the leach field; Mr. Pratt showed that it is outside the 250-foot Protected Shoreland buffer.

Mr. May asked about lighting on the site. Mr. Pratt replied that the site will use dark sky, downcast, LED lighting. He further explained that the lighting will be motion sensitive.

Mr. Barrett asked what the proposed hours of operation will be. Mr. Pratt replied that it will be a 24 hour facility, with trucks arriving at any time. The majority of trucks will arrive during the day. The offices are closed at night with restock activities taking place overnight.

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Chairman Porter summarized the following comments:

- LMRLAC appreciates the response to previous comments; in particular, the use of Green SnowPro practices and stormwater treatment structures designed for the 100 year flood
- The project is inconsistent with NRPC and Litchfield Master Plans, which encourage retention of agricultural lands
- Encourage applicant to grant to Litchfield Conservation Commission an easement for public access along the river
- Encourage applicant to add to the maintenance plan to include visual inspection at height of major storms with a specific storm size to be determined by NH DES
- LMRALC notes that this is an industrial use in a commercial zone. Mr. Disco pointed out that the variance has already been granted.

Mr. Pratt stated that the Shoreland and Alteration of Terrain permit applications have been submitted. The wetland impacts are scheduled for discussion at the Litchfield Conservation Commission meeting on February 28, and he expects to submit the wetland application soon thereafter. The project is scheduled for the March 14 Zoning Board meeting for the wetlands special exception, and for the Litchfield Planning Board meetings on March 6 and 20.

Mr. May asked for the expected timing of construction. Mr. Pratt estimated a summer 2018 start.

Members thanked Mr. Pratt for coming and briefing LMRLAC on the proposed project.

Mr. May commented that the project appears to be well planned. Mr. Disco re-emphasized appreciation that the engineer was responsive to LMRLAC's comments on the previous applications.

Chairman Porter will prepare a set of comments to submit to DES and to Litchfield.

### **Outreach Opportunities**

Chairman Porter encouraged members to pay attention to such organizations as American Rivers, the Merrimack River Watershed Council, the Nashua River Watershed Association, and Rails to Trails. He highlighted Rails to Trails in particular and their advocacy for trails.

Chairman Porter also highlighted the upcoming Wild and Scenic Film Festival, scheduled for March 30 in Concord. Chairman Porter encouraged members to attend and to participate in such events as public outreach activities.

Chairman Porter asked members to think about LMRLAC's social media presence. In particular, he asked members to consider the merits of a Facebook page vs. a Web site. Mr. May commented that LMRLAC has two Facebook pages – the recent one created by Ms. Dupree, and an old one dating back to at least 2009. Mr. Croteau stated he is working on getting some pictures for Ms. Dupree to post on the page.

### **Bylaws Review**

Chairman Porter proposed a change to the quorum requirements in the bylaws, to change the quorum definition from "greater than 50% of the membership" to "at least 50% of the membership". Members briefly discussed that the change would only affect the quorum count when the membership is an even number. The motion passed, 6-1; Ms. Archambault was the sole dissenter.

Members then discussed membership requirements and the category of associate members. Mr. May explained his understanding that associate members can be voting members, and that

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non-residents could be appointed to represent a town if it was not otherwise represented. Other members disagreed. Chairman Porter asked Mr. May to research the RSA and to report back to LMRLAC.

Chairman Porter then recommended tabling the bylaws change pending the result of Mr. May's research into the RSA regarding associate members and other appointed members.

### **Membership**

Ms. Archambault stated she had not submitted membership renewal paperwork yet. Ms. Dupree and Mr. LeBourdais have lapsed appointments as well.

### **Old Business**

#### **Water Quality Issues**

Chairman Porter stated he had forwarded an e-mail from the Nashua Waterways Manager about available nutrient loading data in the region. He stated that the last good source of data was a USGS survey which ended in 2006. That survey had showed generally declining concentrations of sulfate and phosphorus. He contrasted that with the American Rivers report, which categorized the Merrimack River as among the top ten endangered rivers in 2016.

Chairman Porter informed members that Massachusetts has a law pending on reporting CSOs. He mentioned that Nashua has greatly reduced its CSO events since the wet weather treatment facility was constructed and put into use. In contrast he stated Manchester has more CSO events than Nashua.

Mr. May stated he believes that Derry discharges to the Merrimack River from its wastewater treatment plant. Chairman Porter asked Mr. May to research that issue and to inform members of the details.

### **Items from the Floor**

Mr. Croteau asked about the progress of the Pennichuck project. Chairman Porter stated he had seen an article in the Nashua Telegraph recently indicating that Pennichuck has connected to roughly 100 homes in Litchfield.

Mr. May mentioned that he had spoken with representatives of the Nashua Garden Club, who have a display table at the library this evening. He asked them about decorating the Bridge Street Bridge with flowers, and was told that the Garden Club ran into roadblocks about doing that on City property. Mr. May suggested LMRLAC approach the Mayor about the issue. Chairman Porter indicated the Downtown Riverfront Master Plan includes plans to replace the railings on that bridge.

Mr. May commented that he had followed a truck spreading salt on the roads this week. This led to a brief discussion on the merits of spreading brine rather than salt because brine has a lower salt content.

Meeting adjourned at 8:22pm.

### **Next LMRLAC Meeting**

The next LMRLAC meeting is currently scheduled for Thursday, March 22, 2018, at 7:00 pm at the Nashua Public Library.

Respectfully submitted,  
Karen Archambault  
Secretary