

LMRLAC – March 22, 2012

LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE

MINUTES

March 22, 2012

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:

- Geoff Daly, corridor resident and potential member, Nashua
- Barbara Pressly, Nashua

The meeting was called to order at 7:05pm in the Music/Art/Media room of the Nashua Public Library by Chair Kath Nelson. Michael R. and Nelson had notified Kath that they would be unable to attend the meeting.

Agenda Update – Renaissance Downtowns

Kath mentioned that James Vayo had been invited to the March meeting to provide an update on the current plans for development at the Bridge Street site in Nashua. She had been contacted recently by Thomas Galligani, Nashua Economic Development Director, who informed Kath that the plans were changing due to coordination with the combined sewer overflow (CSO) in the area. Kath followed up with Mr. Vayo and he agreed that he will reschedule with LMRLAC when the plans are a little further along. Kath will follow up with Mr. Vayo to reschedule.

LAC Workshop at DES

Kath, Karen, and Michael C. all attended the LAC workshop held at DES on March 10. Kath started the discussion by stating the workshop was well attended by representatives from the currently active LACs in the state. Kath displayed a copy of the notebook handed out to attendees, which includes information on the LAC member appointment process, the enabling legislation, and the LAC's tax exempt status for accepting donations. She commented that the notebook is particularly useful for new members. Karen mentioned she had a copy of the notebook available to circulate if any members who did not attend wanted to look it over.

Kath reviewed the presentations at the workshop, starting with the summary of the Shoreland Water Quality Protection Act (SWQPA), which took effect in July 2011. She mentioned that she had served on the stakeholders committee which had worked on the previous Comprehensive Shoreland Protection Act, which took effect in 2008.

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Kath mentioned that one idea presented was to have separate shoreland standards for rivers and lakes, and briefly summarized her view on the pros and cons of having separate standards. She pointed out that lakes have more residential use along their shores, while rivers can have more commercial and industrial uses. However, separating the standards could lengthen the process of getting the standards approved.

Kath also stated that a Shoreland Advisory Committee (SAC) has been formed to review the legislation and comment on possible improvements. One suggestion made at the workshop was for LACs to consider sending letters to the DES Commissioner supporting the work of the SAC. Jim and Kath agreed that sending a letter was premature until LMRLAC has a better idea of what the SAC recommends. Kath mentioned that the LACs are not represented on the SAC. Jim asked whether the SAC could periodically report to the LACs about its progress.

Kath highlighted a few points from the SWQPA, focusing on changes within the 50-foot Waterfront Buffer. She pointed out that the points are more generous now – ground cover counts toward the 50 points in each 50x50 grid, and trees have higher point scores now than they did under the 2008 legislation. David asked what counts as ground cover, and Kath replied that it refers to shrubs. Kath pointed out that, since more trees can be removed within the 50-foot buffer while meeting the 50 point requirement, more trees can be cut without a permit.

David expressed a concern for riverfronts under the new legislation. He felt that this could cause the potential for erosion with too much cutting, and expressed his view that it might be beneficial to have different standards for lakes vs. rivers. Kath suggested that had the impression that some LACs may prefer to return to the 2008 CSPA standards for river shoreland buffers.

Kath pointed out that, while the shoreland rules have changed, the wetlands and Alteration of Terrain rules have not.

The discussion then turned to the workshop presentation on the DES and LAC permit review process. Kath held up a copy of the draft process for the shoreland program. This draft process requires the LAC to respond within 14 days of the application receipt on whether the LAC wishes to comment on the application, and requires the LAC submit comments on the permit application within 25 days. Kath also pointed out that DES is required to respond to a permit application within 30 days of receiving it.

Kath stated that she receives a weekly e-mail from DES which lists all the filed permit applications for the past week, by permit type (Alteration of Terrain, Shoreland, Wetlands) and Designated River affected, with the comment due date. Ideally, she will have received an application packet at the same time DES does. She recommended that she automatically respond that LMRLAC wishes to comment.

Members discussed the fact that there should be an alternate contact on the weekly e-mail, in case Kath is out of town. Members also expressed concerns about meeting the 25-day deadline for review and comment with the current monthly meeting schedule.

Members briefly discussed logistics of reviewing permit applications in preparation for a meeting. If the package is received electronically, it can be distributed that way. If the application packet is a physical package, Kath suggested she can pass it off to the lead reviewer for it, based on which town has the proposed work.

Jim suggested LMRLAC keep records of permit applications received in relation to meeting schedule to determine how often the deadline cannot be met with the current meeting schedule. Karen will put together a draft spreadsheet to collect this data.

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Members discussed whether to push back on the draft review and comment process. David suggested that this is going to create more paperwork, because the other LACs will come to the same conclusion and automatically respond that they intend to comment on any application.

Kath commented that the DES Web site has improved, making it more obvious to applicants what they have to do. Kath pointed out that DES will now include GIS review in the application review process, thereby catching applications which incorrectly identified they were not in a Designated River corridor.

The discussion turned to the response form included in the draft review process handout. Kath mentioned that the workshop emphasized that comments should be germane to the jurisdiction of the permit requested. DES also asks LACs to provide local knowledge and passed along the information that DES has no budget to attend local site walks.

Kath pointed out that LID is not specifically mentioned on the shoreland comment form. Jim mentioned that the form indicates that filling out a subset of the questions is helpful. Kath mentioned that the form also mentions tying comments to the LAC management plan.

A brief discussion then followed on the possible strategy of focusing more attention at the local level, to advocate on strengthening regulations locally, or to increase interaction with local boards and provide comments to them on projects within the corridor. This included discussing how LMRLAC could have access to private property for site visits. Jim pointed out that the application at the local level includes granting permission to town boards to access the site. If LMRLAC can join site walks conducted by town boards, the question of access is resolved.

Kath stated that the next Rivers Management Advisory Committee (RMAC) is March 30. As the LAC representative to the RMAC, she will present feedback from LMRLAC on these issues. She will also solicit input from the other LACs prior to the RMAC meeting. Kath would like to bring back to RMAC the level of comfort the LACs have with the permit application review process. She wants to know whether the LACs are inclined to accept the changes and adapt to them, or to attempt to push back.

Jim suggested expressing a concern with the review timeline since LMRLAC meets monthly. He suggested requesting a 45 day window for permit application review. Jim also recommended keeping the feedback positive.

Michael C. commented that, in order to push back, support is needed both within the LACs and outside the LACs. Kath said she will also let the LACs and the RMAC know that LMRLAC will keep a tally of how the review process affects LMRLAC's ability to comment, and that she will report back on the results.

Members then discussed how LMRLAC could interact with local boards. Kath pointed out that LMRLAC is in a good position because it has several members who wear multiple hats, serving on both LMRLAC and on town boards: Nelson, Jim, and Michael C. all serve on their respective Planning Boards, and Michael C. is also on the Litchfield Conservation Commission. She mentioned the annual Hudson work session meeting to which all boards are invited and that such a meeting would be a good forum for LMRLAC in each of the towns.

Kath mentioned that she had asked Jacquie Colburn to put together a letter of introduction which LMRLAC could take to the town boards. The letter would summarize the enabling legislation, providing the opening for the LAC to provide comment to local boards on projects in the corridor.

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Members then discussed what kinds of projects to seek opportunity to comment on, and decided that LMRLAC would initially like notification of any application within the corridor. Once LMRLAC gets a feel for the volume of projects, then it can decide if there are some kinds of projects for which LMRLAC doesn't need notification. The suggested process could be for the Planning Department to check the project location on a map. If the project is within the corridor, the planner could send an e-mail to Kath that there is a project application within the corridor. LMRLAC will work on opportunities to give presentations to the towns to remind them of the LAC's existence and to request notification about applications within the quarter-mile river corridor.

604(b) Grant for River Continuity Assessment

Kath has not heard from Jill yet about the culvert assessment training. Kath commented that this grant project provides an outreach opportunity for LMRLAC in potentially soliciting volunteers for some of the culvert assessment work.

Local Updates

Nashua

Geoff Daly commented that the stormwater structure behind the Shaw's in downtown Nashua needs cleaning; there is trash and debris being carried into Salmon Brook, and from there into the Merrimack River. He stated there is no screen on the outlet. Kath and Karen indicated they would drive by the area and check it out in the near future. Kath stated she would also e-mail Lucy St. John about the area.

Mr. Daly also mentioned that there are still buses dropping liquids into the parking lot on Burke Street and those fluids are draining into Salmon Brook. Jim suggested that inverts be installed to trap the oil but they must be periodically cleaned out. Kath stated she would check out that site as well.

Mr. Daly indicated that the Beazer site just north of Greeley Park is still leaking. He will take some pictures and forward them. Kath reminded members that LMRLAC had provided technical comments on the latest DES remediation plan for the site. Kath expressed concern about the time it's taking to remediate the site.

Ms. Pressly and Mr. Daly commented that there is a public hearing at City Hall in Nashua on Monday, March 26, regarding the potential purchase of Parcel F by the City.

Alan Manoian, in conjunction with James Vayo, will be leading an historic walk in downtown Nashua this Saturday, March 24.

Upcoming Meetings – Agenda Items

Likely agenda items for the April 26 meeting include continuing the discussion on topics from the LAC workshop, Kath's recap of the RMAC March 30 meeting, and James Vayo might attend to update LMRLAC on the Renaissance Downtowns project.

Meeting adjourned at 9:00 pm.

Next LMRLAC Meeting

The next LMRLAC meeting is currently scheduled for Thursday, April 26, 2012, at 7:00 pm at the Nashua Public Library.

Respectfully submitted,
Karen Archambault
secretary