

**LMRLAC – June 28, 2018**

**LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE**

**MINUTES**

**June 28, 2018**

**Members:**

- ✓ = present

**Current:**

- ✓ Gene Porter (Chair) – Nashua (current term expires Dec 2019)
- ✓ Nelson Disco (Vice Chair) – Merrimack (current term expires 06/21/21)
- ✓ Chris Barrett – Nashua (current term expires 08/22/20)
- ✓ Michael Croteau – Litchfield (current term expires 11/08/20)
- ✓ George May – Merrimack (current term expires 06/14/20)
- Francis Murphy – Nashua (current term expires 02/18/19)

**Pending Renewal:**

- ✓ Karen Archambault (Secretary) – Nashua (current term expired 08/12/17)
- ✓ Christine Dupree (Treasurer) – Hudson (current term expired 11/25/17)

**Also in attendance:**

Geoff Daly, Nashua resident  
Chris Fokas, developer, Sparkling River LLC  
David Jordan, engineer, MHF Design  
Rusty Russell, executive director, Merrimack River Watershed Council

Meeting called to order at 7:02pm by Chairman Gene Porter in the Meeting Room at the Nashua Public Library, with a quorum present.

**Minutes**

Minutes of the May 29, 2018 meeting were approved as submitted. Mr. Croteau and Ms. Dupree abstained, having been absent from the meeting.

**Old Business**

**Merrimack/Litchfield: Pennichuck Water Expansion Project (Shoreland File #2017-00449, #2017-02197; Dredge and Fill #2017-00386, #2017-02305)**

Chairman Porter reminded attendees that the project entails running a water line under the Merrimack River from Merrimack to Litchfield to provide additional capability to distribute drinking water to homes with contaminated wells on the east side of the Merrimack River.

Chairman Porter explained he took a boat trip recently on the Merrimack River and observed that the project had complied with the restriction to wait for the shad run to complete before starting work in the river. He explained that the shad run end date has been established as June 25.

**Nashua: Beazer East**

Chairman Porter mentioned he has not visited the site recently. From the river, he has observed that the seawall, banks, and plantings look good. He encouraged interested parties to review Greeley Park sampling results available via the NH DES Web site.

Mr. May asked whether another tour of the site could be arranged this summer. Chairman Porter will look into the possibility of a joint site walk with the Nashua Conservation Commission.

## **LMRLAC – June 28, 2018**

### **Nashua: Greeley Park Boat Ramp**

Chairman Porter stated the project is in the design process. He explained the project is going to attempt to be ADA compliant, by including the capability for persons to transfer between a wheelchair and boat. He also explained that the City plans to implement the access road on a more direct route than the current access, and that the City plans to construct that separately from the boat launch project.

Chairman Porter asked attendees for input on the amount of parking needed. After a brief discussion, the members recommended that 10 spaces for boat trailers would be sufficient.

Chairman Porter also mentioned that he had noticed crushed rock had been deposited at the existing boat ramp and noted it was an improvement for ramp use. NH DES expressed concern to Chairman Porter that the rock had been deposited without a permit, but Chairman Porter explained to DES that the crushed rock improves the site.

### **New Business**

#### **Hudson: Sparkling River, LLC Shoreland Permit Application (File #2018-01684)**

Chairman Porter passed around copies of the deficiency letter issued in February by NH DES. The letter concerns work performed on the site after permits had expired and work performed without having permits in place. The letter calls for a Shoreland application, an Alteration of Terrain application, and a wetlands restoration plan.

Mr. Jordan summarized the background of the project. Sparkling River is a condominium complex, developed in multiple phases, going back several years. The shoreland permit application addresses construction of six residential structures and a community center building either partially or wholly within the 250-foot Protected Shoreland buffer. He further explained that the Alteration of Terrain permit application is planned to be submitted by July 13.

Chairman Porter informed the applicant that there is a spillway behind one of the existing units with runoff going directly to the Merrimack River. Mr. Jordan indicated he would look into that.

Chairman Porter praised the applicant for the shoreline trail indicated on the plans. He pointed out that the trail easement was not specified in the deed, however. He also recommended re-routing a portion of the trail easement to higher ground, rather than partway up the steep bank.

Mr. Disco asked whether the trail easement aligns with trails along adjacent properties. Mr. Jordan indicated he would check into that.

Chairman Porter asked about the proposed boat launch on the plans. Mr. Fokas explained that the launch is an easement for the Town of Hudson Fire Department to have access to the river (e.g. for river rescues). Members noted that the emergency vehicle access to the boat launch area is along the trail easement.

Chairman Porter asked about the status of the restoration plan called for in the deficiency letter and requested that LMRLAC receive a copy of the plan when it's submitted. Mr. Jordan replied that the plan is still in work.

Mr. May asked about whether there was a plan for plantings along the river as part of the remediation. Mr. Jordan replied that there was no work immediately adjacent to the river.

Chairman Porter asked about snow removal and road treatment, and recommended the use of a Green SnowPro contractor. Mr. Fokas explained that he believes the condominium association uses the landscape company to provide plowing in the winter. He believes that salt

## **LMRLAC – June 28, 2018**

is not used on the site. Mr. Barrett asked about site grading, and whether there were designated snow storage areas. Mr. Jordan explained that grading in the community building area will be covered on the Alteration of Terrain permit.

Chairman Porter summarized LMRLAC's comments:

- LMRLAC requests the trail easement be recorded in the deed
- LMRLAC requests that the trail easement be re-routed at a higher elevation on the portion of the bank where it is too steep to place a trail
- LMRLAC requests a copy of the restoration plan when it is submitted to NH DES

Chairman Porter stated the Green SnowPro comment will be held for the Alteration of Terrain permit application.

Members also discussed the separate issue to encourage the Town of Hudson to acquire easements to extend the trail.

Chairman Porter encouraged members to become familiar with the site prior to the Alteration of Terrain permit application.

Mr. Daly commented that footprints indicate people have been walking down the bank at the site and suggested restricting bank access should be discussed when the Alteration of Terrain permit application is reviewed.

LMRLAC thanked Mr. Jordan and Mr. Fokas for attending the meeting and discussing the application.

### **Region: Pawtucket (a.k.a. Boott Hydropower) Dam**

Chairman Porter explained that the level of the Merrimack River within LMRLAC's jurisdiction is affected by this dam in Lowell. He explained that the owner is seeking its Federal Energy Regulatory Commission (FERC) license renewal.

Chairman Porter stated that there are two scoping sessions being conducted on July 17 in Lowell about the application. He said he would make a copy of the application for members who wished to review it. Mr. Barrett and Mr. Daly expressed interest. Later in the meeting, Chairman Porter indicated he could scan in the application and distribute it electronically to all members.

Mr. Daly stated that an updated flood map had been published earlier this year. He stated the map indicates more flood areas (for example, in the Thoreau's Landing complex) than had been previously indicated.

### **Region: Per- and Polyfluoroalkyl Substances (PFAS) Contamination**

Mr. Daly had attended the Environmental Protection Agency (EPA) PFAS Community Engagement event, held in Exeter on Monday and Tuesday, June 25 and 26, and briefed LMRLAC on the sessions. Mr. Daly indicated that representatives from EPA region 1 and NH DES were present at the meeting.

Mr. Daly handed out copies of a chart documenting PFAS levels measured in water at a storm drain outfall at the Saint-Gobain plant in June of 2017. Several of the levels exceed the current 70ppt (parts per trillion) groundwater quality standard set by NH DES for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), two kinds of PFAS.

Among the points Mr. Daly highlighted from the sessions were that

- PFAS are biocumulative

## **LMRLAC – June 28, 2018**

- Dumpling Brook, which runs through the adjacent parcel to the south of the Saint-Gobain site, is contaminated with PFAS
- Waste water from the Saint-Gobain site is routed to the Merrimack Waste Water Treatment Facility

Mr. Daly further stated that the Saint-Gobain site is generating airborne particulates.

Mr. Daly explained that there is a follow-up meeting scheduled for July in Boston.

Chairman Porter commented that the way to stop the contamination is to stop the generation of particulates. Mr. Daly stated the oxidizers keep failing. Mr. Daly stated that NH DES representatives have sought access to the Saint-Gobain property to measure PFAS in the air but have thus far been denied access.

Mr. Daly stated there is legislation before the governor which would grant NH DES more authority. (The legislation, HB 1101-FN/SB 309-FN, would, in part, enable NH DES to hire a toxicologist and human health risk assessor, to define ground water and surface water quality standards, and to regulate devices emitting pollutants that may harm soil and water.)

Mr. Daly expressed concern that PFAS from the site could be entering the Pennichuck water supply system. Mr. Daly stated that Pennichuck Water has measured contaminant levels of 9ppt in Harris Pond, near where the intake from the Merrimack River feeds into the Pennichuck ponds system.

Mr. May stated emergency remediation should take place to address the point pollution discharge. Mr. Barrett added that the discharge is not solely as a result of stormwater discharge, but also occurs during dry weather.

Chairman Porter suggested one mitigation step could be to divert Dumpling Brook to a settling basin.

Mr. Russell suggested LMRLAC invite a representative from Pennichuck to the next meeting to discuss what's being done to address the potential threat to the drinking water supply. Chairman Porter replied that he would reach out to Pennichuck and/or the Mayor of Nashua.

Mr. Disco asked how to obtain a copy of the report discussed at the meetings. Mr. Daly indicated the information is available through the ATSDR Web site (Agency for Toxic Substances and Disease Registry, a division of Health and Human Services).

The draft report can be accessed at:

<https://www.regulations.gov/document?D=ATSDR-2015-0004-0009>

The comment period for the draft report closes on July 23.

Other online resources/links associated with the topic:

1. The NH DES Hazardous Waste project site number is 199712055, project number 36430.

2. Link to NH DES page with documents related to the site:

<https://www4.des.state.nh.us/DESONestop/SiteDocuments.aspx?SiteNumber=199712055>

3. A copy of the Stormwater and Surface Water Investigation Summary Report on the site, submitted to DES by Saint-Gobain earlier this year, can be viewed at:

<https://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4696682> (vol I)

<https://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4696530> (vol II)

## **LMRLAC – June 28, 2018**

4. Recent press releases from NH DES about the ATSDR draft report and the Exeter EPA meeting can be accessed at:

<https://www.des.nh.gov/media/pr/2018/20180621-atsdr-pfas-report.htm>

<https://www.des.nh.gov/media/pr/2018/20180628-drinking-water.htm>

### **Membership**

Mr. Disco has received his reappointment letter from the DES commissioner.

### **Items from the Floor**

#### **Water Quality Testing**

Mr. May explained that water testing took place on Tuesday, June 26. Levels for e.coli were expected to be elevated due to the testing occurring after recent rains. He explained the levels were up, as expected, but spiked over tenfold below the confluence of the Nashua River, compared to upriver. He asked if LMRLAC could inquire whether Nashua had any CSO discharges as a result of the weekend rains. Chairman Porter stated he would contact the City to find out. (Chairman Porter received confirmation the next day that Nashua did not have any CSO discharges.)

Mr. Russell brought up the topic of Municipal Separate Storm Sewer System (MS4) regulations, due to change as of July 1 in New Hampshire and Massachusetts. He stated that there is mediation underway, at which several parties had asked the court to stay the application of the MS4 permit. Mr. Russell stated that the EPA has said it will oppose granting a stay.

#### **Merrimack River Canoe/Kayak Trip**

Mr. May is leading a canoe/kayak trip this Saturday, June 30, on the Merrimack River. The trip starts at Amoskeag Fishways in Manchester at 9:00 am.

Meeting adjourned at 9:00pm.

### **Next LMRLAC Meeting**

The next LMRLAC meeting is currently scheduled for Thursday, July 26, 2018, at 7:00 pm at the Nashua Public Library.

Respectfully submitted,  
Karen Archambault  
Secretary