

**Members:**

- ✓ = present
  
- ✓ Bob Robbins (Chair) – Hudson
- ✓ Kathryn Nelson (Vice Chair) -- Nashua
- ✓ Karen Archambault (Secretary) -- Nashua
  - Jim Barnes (Treasurer) – Hudson
  - Glenn McKibben – Litchfield
- ✓ George May - Merrimack

**Associate Members:**

- ✓ Mildred Mugica – Nashua

**Also in attendance:**

Lucy St. John, planner, Nashua  
Scott McPhie, planner, Merrimack  
Paul Wiggins, corridor resident  
Geoff Daly, corridor resident, Nashua  
Phil and Sue Cassista  
Brian Pratt, engineer, True Engineering

The meeting was called to order at 7:05pm at Margaritas. Kath mentioned that Jim had sent e-mail indicating he would be unable to attend the meeting.

**New Business**

**GI Stone Suppliers, 55 Turbine Way, Merrimack**

Brian Pratt of True Engineering introduced himself, representing GI Stone Suppliers in Merrimack. GI Stone Suppliers has applied for an Alteration of Terrain permit to disturb 95,000 square feet to construct a new 2-story building within the corridor. Mr. Pratt explained that GI Stone has been at the location for 7-8 years, using the site basically for storage of granite products. The proposal includes constructing a new steel building of roughly 11,000 square feet, with about 9000 square feet on the first floor and about 2000 on the second floor. Access to the site is via Wright Avenue. The confluence of the Souhegan River is just to the north of the site.

Mr. Pratt explained that the new building will be, for the most part, located where the concrete pad of an old building is located. The location will not be exactly the same as the pad due to setback requirements. The total impervious surface on the site will be decreasing, from 75,540 square feet on the current site to a proposed 69,500 square feet. The site will include 7600 square feet of permeable pavers in the parking area.

The building will be used to cut granite blocks. The process is a closed system; all manufacturing will be inside the building, with dust and noise controls in place.

There is an existing Heritage Trail easement on the site, which will not be disturbed. The easement is granted for 15' from the 100-year flood plain. The easement is for a conservation

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and public access easement and was recorded in 1986. Scott McPhie indicated there are no plans for the town to construct a trail at this time; the eventual desire is to access a boat ramp.

Kath asked what the grade is relative to the easement. Mr. Pratt replied that the 100-year flood line is roughly 4 vertical feet below the top of bank. Paul suggested that the easement should be from the top of the bank.

Kath asked about access to the easement. Mr. Pratt replied that he is not aware what arrangements may exist with abutters. Kath asked whether the site could include a 10-foot access to the pedestrian easement. Mr. Pratt replied that he will check into it.

Kath asked about experience with permeable pavers. Mr. Pratt replied that the new Alteration of Terrain requirements drove the decision to use some on the site. Mr. Pratt described that the stormwater design on the site removes the need for any new pipes. The design would have otherwise needed a new culvert and they did not want to disturb the bank, which would have required additional permitting and could have an impact on endangered species. The design includes a collection swale and a treatment swale.

Kath asked about the level spreader. Mr. Pratt indicated that the level spreader controls the flow to the bank. Geoff asked whether geotexting would be useful on the site. Mr. Pratt replied that the site is flat, with roughly a 1% slope, and indicated geotexting is appropriate with a 3:1 slope.

Paul asked whether it makes sense to route the flow to the Souhegan. Mr. Pratt replied that the elevation to the Souhegan is higher. Mr. Pratt also indicated that a 10-25 year storm is what it would take for the flow to get to the swale by the river.

The discussion turned to soils on the site and drainage. Mr. Pratt indicated the site has sandy soils. He has two test pits on the site and found that the test pits are consistent with the Natural Resources Conservation Service (NRCS) maps for the site.

Kath asked about clogging. Mr. Pratt replied that there is a maintenance and inspection plan for the site. He further indicated that no salt or sand will be used on the site, as salts can eat the pavers. GI Stone sells the pavers, so they are aware of the requirements for installing and using the pavers.

Bob asked Mr. Pratt for project information, in particular on the paver performance, once the pavers are installed, with the intention of posting the information on the LMRLAC Facebook page. Kath asked about the possibility of tours to see the pavers. Mr. Pratt will look into the possibility of tours with his client. Mr. Pratt mentioned the UNH Stormwater Center as a resource for information on a variety of methods for stormwater treatment.

George brought up the existence of old pipes and screens at the confluence of the Souhegan and Merrimack. He indicated that they are dangerous for boaters and swimmers, and asked about the possibility of removing the materials. A discussion followed on the potential scope of the effort and equipment needed to remove the old pipes. Geoff asked whether the materials stop erosion. Paul and George agreed that the materials serve no purpose at this site. Kath will look into the possibility of funding from DES to remove the materials.

Phil Cassista asked what endangered species may be on the site. Mr. Pratt replied that the bald eagle is indicated along the river. The site has many trees in the 50' buffer along the river. Phil asked whether there were any turtles in the area, and whether the pipes provide any cover for turtles. Paul replied that the pipes do not serve such a purpose in this location.

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The discussion returned to the Heritage Trail easement on site, and the consensus of members was that the easement should ideally be along the top of the bank. Access to the easement should tie in to Watson Park, upriver on the Souhegan.

Kath indicated that LMRLAC will submit a letter to DES with comments on the plan. Members discussed the comments and came up with the following list:

- request pedestrian access through the site to access the existing pedestrian easement
- modify/add to the existing easement to grant a 15' pedestrian easement from the top of the bank
- congratulate the applicant for using permeable pavers on the site
- request the owner consider providing education (tours, for example) for the pavers
- request removal of the debris pipes

Mr. Pratt mentioned that the site includes a B&M easement over a corner of the site. Paul pointed out this same area of the site would be good for canoeing access. Mr. Pratt will check with his client about access in that area but will have to clear that with B&M also.

Kath took a copy of the reports on the site to look over. Mr. Pratt indicated there was information included from NH Fish and Game that would be of interest. George took a copy of the plans.

Members thanked Mr. Pratt for his presentation. Motion passed to submit a letter to DES on the plan with comments as indicated during the discussion.

### **Interaction with Planning Staff**

Members welcomed Lucy St. John from Nashua and Scott McPhie from Merrimack, and started by discussing the interaction between planning staff and LMRLAC on plans submitted within the corridor. Bob indicated how he had heard directly from Mr. Pratt to schedule the presentation for this evening's meeting. Kath indicated that under the Alteration of Terrain permit process the applicant is required to submit the application to LMRLAC. This came about in part due to Kath's involvement on the RMAC and the lack of interaction between LMRLAC and the applicant on the Nashua Landing project.

Kath also mentioned that ideally LMRLAC would want to hear of any projects within the quarter-mile corridor, including those that do not trigger permits. This requires more communication between planning staff in the member towns and LMRLAC. Kath mentioned the enabling language that gives the LACs the authority to comment on projects within the corridor.

Scott McPhie indicated he would hand out information if LMRLAC provides it. Lucy indicated that Nashua requests the applicant contact LMRLAC but the contact may or may not happen. Kath will send the enabling language to Scott and Lucy for them to provide to their respective Planning Boards.

The planners indicated, especially in light of the current economy, the perception among some applicants is that the process is already slow and another body would slow it further. Kath pointed out that the purpose of the LAC is not to slow down the process, but to review and comment. Kath also explained that LMRLAC will catch what the applicant has to explain for the Planning Board anyway.

Members briefly discussed marking the quarter mile corridor line on plans within towns as an additional indicator. Checking the proposed project against the quarter-mile corridor line could

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also be an item on the development review checklist. If a proposed project is within the corridor there can be one of two outcomes:

- 1 – The planner identifies that a plan falls within the corridor and lets the applicant know. The applicant in turn contacts LMRLAC to schedule a presentation.
- 2 – The planner gives LMRLAC the contact information for the application, and Bob calls the applicant to request a presentation.

The first outcome is the preferred one from LMRLAC's point of view.

### **Corridor Management Plan**

Kath mentioned Hudson's comments and highlighted the requested annual visit that LMRLAC will make to the Hudson Planning Board. Scott indicated that he is not involved with the Merrimack Master Plan process, and thus does not know where things stand with Merrimack's review of the Corridor Management Plan and incorporating its recommendations into the Master Plan. Bob asked if the LAC should come to a follow up meeting with Merrimack and Scott will check on that.

Lucy commented that updating the Master Plan and other long-range planning projects are not currently a high priority in Nashua due to staffing, but when Nashua looks again at updating the Master Plan, the Corridor Management Plan recommendations can be considered at that time.

There was a brief discussion on the kinds of things LMRLAC is interested in and focused on, those things being easements, trails, and recreation. The discussion briefly compared that to items the Conservation Commissions focus on. Conservation Commissions in general tend to be more focused on wetlands and land acquisition/conservation easements.

Scott pointed out that the Merrimack Conservation Commission is quite active. He also pointed out that much of the land along the river in Merrimack is owned by industry and thus it might be easier to get trail easements than in a town where most of the land is in residential ownership.

Attendees briefly discussed the Alteration of Terrain and stormwater regulations at the state level versus at the local level. Phil pointed out an example in Chester where local regulations were in conflict with the state, indicating the need in towns for continuing education on regulations.

### **SB 134 and SB 139**

Kath mentioned two bills in the NH Senate proposing changes to the Comprehensive Shoreland Protection Act. One bill, SB 134, was initially proposed by DES to modify the CSPA to incorporate more flexibility for accessory structures. Kath explained that DES was willing to relax the rules a little bit, but that a group has since come along, modifying the bill further, essentially gutting the initial proposal. Kath indicated that support for SB 134 would indicate support for DES's position.

The second bill, SB 139, proposes a moratorium on administration and enforcement of the CSPA.

Bob indicated he was against either proposal. The CSPA has just been put into place and it is too soon to be making changes and watering it down. Kath cautioned that a small change to the rules would be preferable to a complete moratorium or removal of the act.

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Kath indicated that LAC members should contact the senators on the Energy and Environment Committee, which she will list in an e-mail, as individuals, indicating reaction to proposed bills. She indicated telephone contact is preferable to e-mail.

After further discussion, LMRLAC voted to recommend to senators to oppose SB 134 and SB 139 on the grounds that the long term view of protecting the river is best served by the CSPA as currently adopted.

Kath summarized a desire for a regional meeting for CSPA training. Lucy pointed out that NRPC did conduct one such meeting already. Members agreed that an additional meeting would be beneficial to continue to educate the public on the CSPA. Kath solicited feedback on a good location, and suggested the Nashua Public Library as one possibility.

### **Membership**

Members pointed out that the requirement is that a member be a resident of one of the four member towns: Merrimack, Nashua, Hudson, Litchfield. Current representation includes two members each from Nashua and Hudson, and one each from Merrimack and Litchfield.

Geoff and Paul expressed some interest in possible membership and Kath indicated she could provide them with membership information and applications.

### **Paul Wiggins**

Paul introduced himself. He has been on the Merrimack since 1975 and is on the river nearly daily. He indicated that, as a long time friend and user of the river, there are several issues of particular interest to him, in particular the Heritage Trail, the Boott Hydro Dam in Lowell, and camping along the river.

### **Heritage Trail**

Paul indicated that he is able to travel along the river from the Massachusetts state line all the way to Bedford, NH, walking through neighborhoods, along existing ATV trails, etc. He is very interested in pursuing implementation of the Heritage Trail.

### **Boating Access**

Paul also discussed boating access along the river. He indicated that he and Betsy Hahn, when she was with NRPC, had surveyed the Hudson side of the river in detail looking for appropriate places for a boat ramp. He mentioned the boat ramp that is planned as part of the Sparkling River development and that it has been approved and permitted, just waiting for construction.

### **Boott Hydro**

Paul spoke at length about the Boott Hydro Dam in Lowell. He described how the dam repairs have an impact on the river level for several miles upriver – that the river up to Thornton's Ferry in Merrimack is essentially an impoundment. He expressed concern that the raising and lowering of the river's level has an impact on erosion on the river banks. He explained that the fluctuating river level contributes to the exposure of materials (e.g. trash) in the bank as well. He expressed frustration with the use of 18<sup>th</sup> century technology to control the river and expressed a desire to pursue use of current technology to control the river. He gave an example of a proposal to use neoprene covered in wood, so the appearance would still be wood, but that the proposal was turned down. He indicated the Lowell Historical Society, with the backing of the National Park Service, was standing in opposition to such an approach.

Paul described two culverts in Hudson that were installed without riprap below them that get undercut with every heavy rain event. Paul has pictures that he will share with the group.

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Paul indicated that he is raising the issue and hopes to continue to educate the public on this issue to eventually change how the dam operates and how the river level is managed.

Bob mentioned that the LAC can bring this issue up so the area communities can discuss it.

Geoff mentioned Marine Patrol speed buoys that used to exist along the river, but don't exist now. He understands they cost about \$2000 each. He pointed out that activities such as water skiing on the river, during low water levels in particular, are at speeds that contribute to bank erosion.

### **Camping Along the River**

Paul next brought up the issue of boating and camping on the river. He indicated the existence of a Federal law that states any navigable waterway is public to the high water mark. He has been in contact with several state agencies to determine how one would get a permit to light a campfire along the river and could find no agency with the authority to grant such a permit in New Hampshire. He contrasted that with Maine, where Paul stated one can apply for a permit for a campfire along the Saco River.

Kath mentioned that there are deeds in New Hampshire that indicate private ownership to the center line of a river. Paul indicated that such deeds are illegal.

Geoff pointed out how deeds for Thoreau's Landing in Nashua are for land that has eroded since the 1970s.

Paul stated his intent behind this issue is to start socializing the concept. He wants to spread the idea of being able to camp and light a campfire along the river.

### **Miscellaneous**

Members discussed whether a quieter venue would be more appropriate for meetings with a larger attendance or with formal presentations. Kath indicated that she had had a concern that a last-minute change of meeting location would lead to confusion. Attendees suggested other possible locations for meeting sites, such as the Nashua Country Club, the Senior Center, or a meeting room at another restaurant. The tentative plan is to hold the March meeting at the Nashua Public Library.

Geoff showed a picture he had taken of a bald eagle on Thursday from his residence at Thoreau's Landing in Nashua.

Geoff mentioned the Merrimack Wetlands Restoration Fund meeting in Manchester on February 17. Karen gave her copy of the meeting materials to Kath to look over.

### **Minutes**

The minutes of the January 22, 2009 meeting were accepted as written.

Meeting adjourned 9:20pm.

Next meeting will be held Thursday, March 26, at 7pm, tentatively at the Nashua Public Library.

Respectfully submitted,

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Karen Archambault

secretary