

LMRLAC – December 15, 2015

LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE

MINUTES

December 15, 2015

Members:

- ✓ = present

Current:

- ✓ Gene Porter (Chair) – Nashua (current term expires 12/18/16)
- ✓ Nelson Disco (Vice Chair) – Merrimack (current term expires 08/28/17)
- ✓ Karen Archambault (Secretary) – Nashua (current term expires 08/12/17)
- ✓ Michael Croteau – Litchfield (current term expires 08/12/17)
- ✓ Christine Dupree – Hudson (current term expires 11/25/17)
- ✓ Richard LeBourdais – Hudson (current term expires 11/06/17)

Pending Renewal:

- ✓ George May – Merrimack (current term expired 01/07/14)

Associate Members:

Mildred Mugica – Nashua

Also in attendance:

Alden Beauchemin, Keyland Enterprises
Steve Belair
Peter Sawchuck, Key Environmental

Meeting called to order at 7pm by Chairman Gene Porter in the East Wing of the Nashua Public Library, with a quorum present. Chairman Porter stated that Mr. Disco is unable to attend because the meeting conflicts with a regularly scheduled meeting of the Merrimack Planning Board. He also stated that Mr. LeBourdais had indicated that he would attend.

Chairman Porter informed the rest of the committee that Mr. Redding has resigned from LMRLAC. Chairman Porter will inform DES.

Minutes

The minutes from the October 22, 2015 meeting were approved as written.

Old Business

Membership Status

Chairman Porter encouraged Mr. May to submit his membership renewal. Mr. May stated he has a potential candidate for LMRLAC from Merrimack to take Mr. Redding's place. Chairman Porter asked Mr. Croteau to look for additional Litchfield representation. Chairman Porter will look into getting an additional Nashua member.

Local Updates

Nashua – Renaissance Downtowns

Ms. Archambault explained that she attended the November 19 Nashua Planning Board meeting, at which the site plan was discussed. She explained that the plan indicates 5-story buildings, and the conceptual drawings displayed at the meeting gave the impression that the upper part of the buildings would be visible from the river. She also stated that Chairman Porter's letter requesting public access to the river was acknowledged; the response to it was that discussion of river access would have to involve the Army Corps of Engineers. Ms.

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Archambault stated she left the meeting before a decision was made; final minutes from the meeting have not yet been posted to Nashua's Web site.

Mr. May suggested that Renaissance Downtowns should be seeking public access to the river with LMRLAC's support. He also expressed concern about the building height and its impact on the view from the river.

Chairman Porter stated he has made contact with a representative from the Army Corps of Engineers and will invite him to the next LMRLAC meeting. He will also invite James Vayo to the next meeting to discuss public access to the river.

Secretary Archambault will pass along more information from the meeting minutes when they are approved and made public.

Merrimack: Anheuser-Busch Proposed Brewery Expansion; Alteration of Terrain Application #20150319-058

Chairman Porter explained that the expansion project application was approved and shoreline access for the public was not included.

Merrimack: Flatley Mixed-Use Project

Chairman Porter stated that this project is being discussed at tonight's (12/15/15) Merrimack Planning Board meeting. Mr. May expressed his concern with the view from the river and whether the project's buildings will be visible.

New Business

Nashua: Beazer East Dredge and Fill Application (File #2015-03105)

Chairman Porter briefly summarized that there have been previous attempts to contain creosote on the site which have not been fully successful. The proposed remediation project involves clearing the banks of vegetation, regrading the bank, putting in silt barriers, dredging existing contamination in the river bed, filling, and reconstruction of the river bank. The project also includes a forty foot deep barrier wall running roughly along the top of the bank. The bank restoration will include a reactive core mat and a riprap covering to protect the mat.

Current conditions include an existing sheet pile wall along the river's edge, monitoring wells, pumping and material recovery, and containment booms in the river.

Mr. Sawchuck introduced himself and explained that the purpose of the project is to stop the creosote from traveling. He has been involved with similar remediation efforts at other sites. He stated that Beazer intends to continue to monitor the site, and that recovery activities will continue as well.

Mr. Sawchuck explained that the bank alteration is needed for dredging and for construction of the wall. He further explained that the project includes grouting the existing barrier wall. Another aspect of the project involves injecting a chemical (sodium permanganate) which encrusts the creosote. He stated that DES is requiring the excavation of the river bed to remove contaminants. The project includes remediation steps in the contaminated portion of Greeley Park as well.

Chairman Porter asked what the next steps would be if the creosote continues to seep into the Greeley Park area. Mr. Sawchuck responded that the wing wall proposed as part of the project is being put in to prevent that. He explained that there are monitoring wells in the park and daily surveys to check the site conditions. Chairman Porter asked how one would gain access to monitoring reports. Mr. Sawchuck replied that the surveys are available on the DES Web site.

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Chairman Porter asked when the fencing might be removed on the Greeley Park portion of the site area. Mr. Sawchuck replied that timing of the fence removal has not been discussed yet.

Chairman Porter asked about potential uses for the site. Mr. Sawchuck replied that he understands there is a sales agreement in place for the northern portion of the site, but he has no further details on it. When asked about any use restrictions on that part of the site, he indicated he is not familiar with the details. He did indicate that he expects an activity use restriction would be in place for the site for quite some time.

Chairman Porter asked how long the dredging portion of the project is expected to take. Mr. Sawchuck replied he expects it would take about two months.

Chairman Porter suggested that the applicant attempt to synchronize work with Boott Hydropower's schedule for river lowering for their Crest Gate installation project. Mr. Sawchuck replied that they are working on developing a contact with Boott Hydropower.

Chairman Porter asked about the proposed riprap wall and the impact of high flow or ice to it. Mr. Sawchuck replied that the riprap design is based on maximum velocity calculations. He agreed that there could be circumstances which would require maintenance work on the riprap wall, and reiterated that Beazer is committed to a continued presence in maintaining the site.

Ms. Dupree asked whether there were any longevity studies on the encasement. Mr. Sawchuck replied that he doesn't have details on that immediately available.

Mr. Croteau asked whether there was negative aquatic impact from the current conditions. Mr. Sawchuck explained that core samples were taken last year and that the worst areas were nearest the existing wall. He also explained that toxicity tests in the river indicated some upstream sites were more toxic than the site area itself. Chairman Porter pointed out that NH Fish and Game has not issued any warnings or advisories regarding fishing near the site.

Chairman Porter asked whether periodic access could be arranged. Ms. Dupree commented that she has training and equipment. Chairman Porter asked for Ms. Dupree to provide some wording on site access based on appropriate qualifications.

The discussion then turned to mitigation. Chairman Porter brought up the Heritage Trail, and suggested a conservation public access easement for the top of bank area. Chairman Porter further stated his desire to see the mitigation take place in Nashua, rather than a payment to the State's Aquatic Resource Mitigation (ARM) fund.

Mr. Croteau asked whether there are eagles on the site. Mr. Sawchuck replied that there are not, but that a bat study has been conducted. He also mentioned that there will be an archaeology study.

Chairman Porter thanked Mr. Sawchuck for coming in and discussing the project with LMRLAC.

Later in the meeting, the following comments were discussed and agreed upon:

- That there be a clear contingency plan if this plan is not effective and the creosote seepage into the river continues
- That there be a clear assurance of continued monitoring of the site
- That Greeley Park is specifically mentioned in the remediation plans
- LMRLAC requests a copy of the safety plan for the site
- LMRLAC requests occasional access to the site by suitably qualified people

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- Mitigation for the project should take into account not only compensation for the disturbance, but also account for the loss of use of the site and impact on public land (i.e. Greeley Park)

Mr. May suggested the mitigation be sufficient to put in a trail along the shore line, provide boat access, and public amenities.

Litchfield: 13 Naticook Avenue Shoreland Application (File #2015-03186)

Mr. Beauchemin and Mr. Belair introduced themselves. Mr. Belair is the builder for the site and Mr. Beauchemin is the engineer. The project proposes to construct a single-family house and septic on a currently vacant lot adjacent to the river. The site includes an existing conservation easement along the river.

Chairman Porter indicated his two concerns are with the drainage and whether the septic could be located in the front yard, rather than between the house and the river. Mr. Beauchemin explained that the majority of the runoff on the lot will be toward the street, and that the site will be graded to minimize runoff toward the river. The project proposes a drip line infiltration trench to spread the hydraulic load. Mr. Beauchemin explained that with the required setbacks, and a drainage swale at the front of the property, that there isn't room for the leach field at the front of the house. He explained that Litchfield has a 100 foot setback requirement from the river for leach fields, which is more stringent than the State's 75 foot requirement. The proposed project meets that 100 foot setback.

Mr. May asked about drainage on the site. Mr. Beauchemin replied that the site has sandy soils and a deep water table.

Mr. May asked about granite markers for the conservation area. Mr. Belair replied that granite boundary markers are already in place. Chairman Porter asked about the nature of the easement. Mr. Croteau took an action to look into the easement. Mr. Beauchemin will research it as well.

Mr. Beauchemin asked about the process, indicating that the builder would like to start the project as long as the weather is favorable for it. Chairman Porter indicated LMRLAC's comments would be submitted to DES within a few days, and that Mr. Beauchemin will be cc'd.

Chairman Porter thanked Mr. Beauchemin and Mr. Belair for coming in.

After a brief discussion, it was decided that Chairman Porter will submit feedback to DES indicating that LMRLAC has no objections to the project as proposed.

Other Projects

Anheuser-Busch Waste Water Permit Renewal

Chairman Porter indicated the waste from the Anheuser-Busch plant flows to the Merrimack Waste Water Treatment Facility. Mr. May suggested LMRLAC submit a response, indicating LMRLAC has no objections to the permit.

Other Business

Membership – New Members

Chairman Porter reiterated that LMRLAC needs additional members from Litchfield, Merrimack, and Nashua.

Expanding Jurisdiction

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Chairman Porter stated he has discussed expanding LMRLAC's jurisdiction to include the Nashua River with Nashua Mayor-elect Donchess, and indicated Mr. Donchess appears to be amenable to the idea.

Mr. May commented that the downtown Nashua portion of the Nashua River is covered by a shoreland exemption.

Mr. Croteau asked about the health of the Nashua River. Chairman Porter praised the Nashua River Watershed Association as an agent for getting the river cleaned up.

Chairman Porter informed members that Nashua has hired a Waterways Manager, and that he will invite her to the next LMRLAC meeting.

Review of Public Water Access Advisory Board (PWAAB) River Access Map

Chairman Porter handed around copies of maps of the corridor with indicated boat access points. Members noted that the maps indicated Moore's Falls, Merrill Park, Depot St, Thornton's Ferry, and Greeley Park as boat access points. Mr. Croteau pointed out that there is also cartop boat access via the wildlife management area in Litchfield, across the river from the Thornton's Ferry site. Mr. May pointed out that there is a river access point north of LMRLAC's jurisdiction, just south of I-293, which was not indicated on the map. Chairman Porter made a note to check with the PWAAB to confirm they have that site on their maps.

Other Business

Mr. May asked about signage status. Chairman Porter indicated that the signs have been installed on the Taylor Falls and Veterans Memorial Bridges. He asked the committee whether there was still interest in getting signs on the Sagamore Bridge. Installing the signs there requires a waiver be granted because it is part of a limited access road. Mr. May expressed his desire that the signs be installed, and suggested they be larger than the standard sign size for visibility. Chairman Porter responded that he thinks it's unlikely we could get larger signs made; but he will pursue the waiver to install designated river signage on the Sagamore Bridge.

Meeting adjourned at 8:40pm.

Next LMRLAC Meeting

The next LMRLAC meeting is currently scheduled for Thursday, January 28, 2016, at 7:00 pm in either the Music/Art/Media room or the East Wing at the Nashua Public Library. Chairman Porter asked Secretary Archambault to look into switching to the East Wing.

Respectfully submitted,
Karen Archambault
Secretary