

**LMRLAC – February 28, 2013**

**LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE**

**MINUTES**

**February 28, 2013**

**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:**

- Shane Duval, Brighter Horizons Environmental
- Attorney Gregory Michael, Bernstein, Shur, Sawyer and Nelson, P.A.
- Rich Niles, AMEC
- Jason Squeglia, Brighter Horizons Environmental

The meeting was called to order at 7pm in the Music/Art/Media room of the Nashua Public Library by Chair Kath Nelson.

**New Business**

**Proposed Longa Gravel site restoration project, Merrimack**

Kath summarized LMRLAC's background and focus for the guests in attendance to discuss the project. She explained that LMRLAC is interested in trails and connectivity, in stormwater management, and in the buffer to the river.

Attorney Michael explained that the proposed restoration project would have no impact on the river. He explained that the reclamation area, outlined in yellow on a map presented at the meeting, encompasses approximately 10-10.5 acres. He stated there were no jurisdictional wetlands in the reclamation area. He pointed out that the railroad corridor lies between the site and the river.

Attorney Michael further described that the plan for the site is to bring in fill and level it, bringing the grade of the site to about 2 feet below the elevation of the railroad tracks. Once the site is filled and level, it will be seeded. He further explained that the Merrimack Conservation Commission expressed concern that the seeding not introduce non-native species.

Attorney Michael pointed out that there have been monitoring wells on the portion of the site which had been used as a town dump. He explained that the wells had been in place for many years and have not revealed any issues.

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Attorney Michael stated the purpose of the project is to fill the indicated area. Any further site improvements, or potential trail designation or construction, would occur when the site development occurs.

Kath asked what the zoning is for the site, and was informed that part of the site is residential, and part is commercial/industrial. Nelson commented that the Merrimack Planning Board would likely be looking for a mixed-use development for the site.

Kath asked whether any existing vegetation would be removed to place the fill. Mr. Niles replied that there is some scrub, but that the site has already been excavated. Mr. Niles pointed out that there is a sewer interceptor which runs through a portion of the site. Mr. Niles also pointed out the spur track and stated the land on that part of the site is in current use. He suggested they would be looking for the reclaimed area to look similar to that.

Michael R. asked what type of seeding or plantings would be used. Attorney Michael replied that there were no specifics as yet.

George asked whether there were plans for the spur piece and was told there are no plans at this time for that portion of the parcel.

George asked where the fill comes from. Attorney Michael indicated it comes from off-site and stated Brighter Horizons Environmental (BHE) will be bringing fill to the site. He explained that BHE excavates at construction projects and lines up sites for permanent placement of that excavated material.

Nelson asked about the volume of materials which will be brought to the site. Mr. Niles replied that it hasn't been calculated yet, but estimates it will be on the order of 250,000-500,000 cubic yards of material. George asked for the project timeline, and was told two years. Nelson asked whether there will be enough excavated material over two years to fill the site. Mr. Duval replied that it depends on the economy.

Michael R. asked what Brighter Horizon Environmental's core business is. Mr. Duval replied that the company performs earthworks; they excavate, haul and dispose, and remediate.

Kath asked about the possibility of a sale of the site for conservation purposes. Attorney Michael suggested that such a conversation would be premature. Kath replied that a sale prior to the reclamation would save the owner money by not having to outlay funds for reclamation.

Mr. Niles commented that there are some development constraints to the site; that there are portions not suited to recreation. Kath asked whether that was due to contamination; Mr. Niles replied that it is due to zoning constraints, not due to contamination. Mr. Niles stated that 2002 was the last time the monitoring wells on the dump portion of the site had been sampled and there were no issues at that time.

Kath asked about the type of seed mix proposed for the site and potential bird habitat. She commented that the Nashua Airport has an area which is left natural until the end of bird breeding season and is then mowed. Mr. Niles replied that a conservation mix had been suggested, and stated the intent is to provide adequate stabilization for the site and to control invasives. Kath asked whether there would be a maintenance plan and Mr. Niles replied that the focus is not on providing habitat.

Michael C. asked how far the reclamation site is from the river. Attorney Michael and Mr. Niles replied that it's about 125 feet away at the closest point. Kath asked how far the site is from the top of the bank and Mr. Niles replied that it is roughly 50-75 feet from the railroad bed. Kath

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asked about the width of the railroad right of way. Attorney Michael replied that it varies, but that it appears to be about 50 feet wide on average.

George suggested the area along the Souhegan River, by the railroad spur, would make a good park. Attorney Michael replied that such plans are not within the scope of the current project.

Kath asked about the composition of the fill being brought to the site. Attorney Michael replied that it is residential quality fill, that is, fill that one can build on and not be subject to activity use restrictions. Mr. Niles stated the material will then be covered with a layer of loam. He estimated the loam cover will be perhaps 4 inches deep, and stated there is likely sufficient loam on site that can be used for that purpose. Nelson commented that this cover is likely temporary.

Kath asked about standards for grading. Mr. Niles replied that the statute's (RSA 155-E; Local Regulation Excavations) guidelines are vague, stating that the town has the authority to approve a restoration "to pre-existing grade".

Michael C. asked about aquifers, and Mr. Niles replied that there is not one within the reclamation area itself, but that most of Merrimack is within an aquifer district.

Kath commented that LMRLAC will advocate for a trail on site down the road. She asked whether the restored grade would be suitable for a trail. Mr. Niles stated that the site currently has an 18- 20 foot hole with a steep embankment. They propose to bring the grade close to the railroad grade. Mr. Niles stated the yellow line on the map, which outlines the reclamation area, follows elevation 118 to 120. He stated the intent to grade in such a way that all stormwater stays on site. Michael R. asked whether there was flow on to the site and Mr. Niles replied that there is not. George asked about the possibility of an easement 50 feet from the track. Attorney Michael replied that there should be room for a trail within the shoreland buffer. George pointed out that the trail should be within view of the river.

Kath explained that LMRLAC is an advisory body and will probably be providing comment on the project to the town. Mr. Niles explained the project has to go back before the Planning Board.

Nelson asked about additional reclamation on site. Mr. Squeglia replied that further reclamation will probably occur during the development phase. Nelson also asked whether the site compaction would be sufficient for a roadbed. Mr. Duval implied that it would be, as there will be truck traffic on the site, bringing the fill material.

Attorney Michael summarized that the scope of the project is filling, grading, and seeding; trails or easements are not within that scope. Kath asked again about considering conservation options, and Attorney Michael stated he would ask his clients about that.

Members thanked Attorney Michael, Mr. Niles, Mr. Duval and Mr. Squeglia for attending.

Members then discussed what comments to submit and to whom, and decided to send the comments to Nancy Larson and Tim Thompson in Merrimack, and to c.c. Attorney Michael.

Kath reminded members that, in addition to providing comment to DES on relevant applications, LMRLAC does have jurisdiction to provide comment to member towns on projects within the quarter mile corridor.

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Members discussed grading on site and expressed concerns about the future developer having to deal with stormwater issues on the site, depending on the fill material used and its infiltration characteristics.

George suggested a comment that LMRLAC is in general in favor of the reclamation effort. Nelson suggested a comment that encourages reclamation for the rest of the site as well. Kath countered with the comment that gravel pits do provide habitat for certain kinds of birds. Kath further commented that the fill will likely raise the water table on the site.

George commented that he is interested in the view from the river, that he feels many stretches along the river have a rural feel to them. He commented that the site is in an attractive area of the river, and that it lies between two existing parks, Twin Bridges Park and Watson Park.

Michael R. commented that there is a sewer interceptor on the site that runs along the railroad tracks. Members discussed providing more stability to the sewer line, with the added benefit that this could be the potential location for a future trail on the site.

Members decided on submitting the following comments:

- Consideration for future trails and/or park land to be included in the project as it develops
- Restore to elevation 118 consistent throughout the site, with residential standard fill
- Consider raising the grade to support the sewer line to elevation 120 with a 25-foot offset from the sewer line center to provide more protection for the sewer line

Kath will draft a letter and circulate for comment and will submit the comments to Merrimack.

## **Nashua – CSO Screening and Disinfection Facility – CS-330158-26**

Members had received distribution of an environmental review for NH DES Clean Water State Revolving Loan Funds (SRF project number CS-330158-26) for construction of the proposed screening and disinfection facility project in Nashua, near the mouth of the Nashua River. George commented that the project would improve water quality in the Merrimack River, and recommended LMRLAC send a letter of support. Kath will write a letter to that effect.

## **Minutes**

The minutes from the meeting of January 24, 2013 were approved.

## **General Discussion**

### **604(b) Grant for River Continuity Assessment**

Kath received a copy of the culvert data from NRPC and gave it to Michael R. to review.

### **Corridor Layer on GIS Maps**

Members briefly discussed the possibility of getting a copy of the corridor shape file from NRPC and providing it to each member town, to be used to flag projects which LMRLAC could then provide comment on. The intent would be for each town to have the quarter-mile corridor information available at the parcel level.

Kath stated she will contact Nashua about incorporating the NRPC shape file. If LMRLAC is able to get the corridor incorporated into Nashua's GIS data, then LMRLAC can approach the other member towns with the shape file.

Michael R. suggested LMRLAC ask to be added to each town's review checklist. Kath commented she believes Hudson has done that.

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Members then discussed what kind of projects LMRLAC would want to see at the local level. Members suggested that the conservation commissions are looking at the same issues that LMRLAC would look at. Michael R. suggested LMRLAC might want to focus on projects proposing a land use change. Kath commented that the conservation commissions might not be as focused on recreational interests.

### **Brochure**

Kath stated that Mr. Daly had received a quote from Ace Printing. Mr. Daly was not in attendance so review of the quote was deferred to a future meeting.

### **2013 LAC Workshop**

Kath reminded members that the LAC workshop is scheduled for Saturday, April 27 at DES offices in Concord. She stated she is unable to attend but hopes that other members will be able to. She suggested that LMRLAC could reimburse members for the \$10.00 registration fee and for mileage.

Meeting adjourned at 8:55 pm.

### **Next LMRLAC Meeting**

The next LMRLAC meeting is currently scheduled for Thursday, March 28, at 7:00 pm at the Nashua Public Library.

Respectfully submitted,  
Karen Archambault  
secretary