

**LMRLAC – April 28, 2016**

**LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE**

**MINUTES**

**April 28, 2016**

**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)
- Christine Dupree (Treasurer) – Hudson (current term expires 11/25/17)
- ✓ Michael Croteau – Litchfield (current term expires 08/12/17)
- ✓ Richard LeBourdais – Hudson (current term expires 11/06/17)
- ✓ Francis Murphy – Nashua (current term expires 02/18/19)

**Pending Renewal:**

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

**Associate Members:**

Mildred Mugica – Nashua

**Also in attendance:**

None

Meeting called to order at 7:11pm by Chairman Gene Porter in the Hunt Room of the Nashua Public Library, with a quorum present. Ms. Dupree had indicated that she was out of town on business and would not be able to attend.

**Minutes**

The minutes from the February 17, 2016 meeting were approved with corrections made as of March 23. The minutes from the March 24, 2016 meeting were approved as submitted. *(Note: post-meeting, a clerical edit was made to the March 24 minutes to correct the reference to minutes reviewed from January 28 to February 17.)*

**Old Business**

**Action Items from Previous Meeting**

Chairman Porter reviewed the action items from the March meeting, as follows:

- Chairman Porter stated distribution of the NED pipeline project response report was overtaken by events, since the project application has been withdrawn
- Chairman Porter stated he has not yet started on a presentation for the towns but plans to do so soon
- Mr. May indicated he had e-mailed the Nashua Garden Club about planters for the Bridge Street bridge, but has not yet received a response. He will reach out to the group again.

**Nashua: Beazer East Alteration of Terrain Application (File #20151231-200), Shoreland Application (File #2015-03425), Dredge and Fill Application (File #2015-03105); Application for Special Exception to Work in Merrimack River and Prime Wetland Buffer**

Chairman Porter stated that Beazer's applications at the State level have been approved. He explained that he attended a recent Nashua Zoning Board of Adjustment (ZBA) meeting at which the application for special exception to work in a prime wetland buffer was reviewed. At the meeting, Chairman Porter stated LMRLAC's request for trail easement language. He stated that the response from the board seemed to indicate they were not opposed to a trail, but the

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lack of specific easement language, plus the sense that it was more of a policy position and therefore a Planning Board issue (rather than a Zoning Board issue), led the board to remove the Nashua Conservation Commission stipulations for an easement.

Chairman Porter explained LMRLAC has an opportunity to request a rehearing and asked members their opinion on the matter. Members discussed the point that the easement was rejected in part due to the applicant's assertion that the stipulation would affect a contingent sale agreement in place for a portion of the parcel, although evidence of the agreement was not provided. Members also discussed

- whether there was any new information that could lead to a rehearing being granted
- whether filing the request with specific easement language could help facilitate getting the easement when a subdivision or site plan is filed in the future
- whether requesting a rehearing could result in a perception that LMRLAC is trying to obstruct the cleanup process

Mr. LeBourdais proposed LMRLAC submit a letter that it would not seek a request for a rehearing on the grounds that LMRLAC is in favor of the proposed remediation efforts on the site. Members agreed that this was the desired approach to take. Chairman Porter will draft such a letter to the Nashua ZBA.

### **Nashua: Residences at Riverfront Landing Shoreland Application (File #2016-00330), Alteration of Terrain Application (File #20160125-007)**

Chairman Porter stated that the project has received its permits from DES and is awaiting section 408 approval from the US Army Corps of Engineers (USACE). (The section 408 process was discussed with representatives from the USACE at the January 28, 2016 LMRLAC meeting.)

### **Merrimack: Flatley Mixed-Use Project Alteration of Terrain Application (File #20160201-010)**

Mr. Disco explained that the applicant has conditional approvals, but that the conditions have not been met yet. Members briefly discussed the project and the possible impact to it from the recent discovery of perfluorooctanoic acid (PFOA) contamination nearby. Mr. Disco stated that the project is less than a mile from the Saint-Gobain plant. He explained that most of the residences in that area would be on town water, rather than have individual wells.

### **Merrimack/Litchfield: PFOA Contamination**

The Flatley discussion led to a discussion on the PFOA contamination found in Merrimack and Litchfield, within a mile radius of the Saint-Gobain plant in north Merrimack. Chairman Porter stated that the EPA has not yet established a lifetime exposure guideline for the chemical, but that they have established short-term exposure guidelines.

Mr. May stated his understanding that the Merrimack River itself is not contaminated with PFOA. Chairman Porter expressed concern about the groundwater contamination. Mr. Croteau commented that there is variation in the measured PFOA levels in test results from wells near one another in a neighborhood in Litchfield. He also expressed concern that Litchfield's agricultural land is irrigated from both the river and from nearby wells. Mr. Disco pointed out that the contamination is in the soil as well.

Chairman Porter re-stated LMRLAC's position of watchful waiting on the matter.

DES has a Web page with information and resources about PFOA and the status of the investigation: <http://des.nh.gov/organization/commissioner/pfoa.htm>

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### **Rock Survey**

Chairman Porter explained that he had received notification from Enel North America that the Merrimack River level was being lowered to repair the flashboards on the Boott Hydropower Dam (a.k.a. Pawtucket Dam) in Lowell. He took his boat out on the river on Wednesday, April 27, with the Nashua Waterways Manager Madeleine Mineau, to visually survey for rocks in preparation for the arranged drone photo survey. He noted that the river level was down about two and a half feet, but, even so, he saw little evidence of rocks that would interfere with navigation. The only rocks he identified were three rocks near the Beazer East site. He stated that those rocks are about 18 inches below water when the river is at a 'typical' level. Chairman Porter canceled the drone photo survey.

Chairman Porter explained that the trip was a useful exercise because it gave him an opportunity to take Ms. Mineau on the river to discuss issues such as boat ramps and combined sewer overflows (CSOs).

Chairman Porter highlighted the fact that he has had good communication with Enel of late. He also stated that the Crest Gate bladder system installation will start this summer; he understands that project will not require a great deal of river level lowering.

Mr. Murphy asked about the status of salmon in the Merrimack River. Mr. May replied that there are few salmon in the river.

### **New Business**

#### **Hudson: Private Boat Ramp**

During the rock survey, Chairman Porter observed a property in Hudson across from Beazer East at which there appeared to be a recently constructed boat ramp. Chairman Porter sent pictures of the project to the Hudson town planner and is awaiting a response. He indicated his next step is to approach DES about the project.

This led to a brief discussion about the seasonal dock application process. The existing process applies to lakes, but the process to apply for a seasonal dock along a river is unclear.

#### **American Rivers Report on Ten Most Endangered Rivers**

A recently issued report from American Rivers lists the Merrimack River at number eight in its list of ten most endangered rivers. The Merrimack River is on the list, according to the report, because it is threatened by development and the loss of forested land. Chairman Porter expressed concern about some of the assertions in the report, and stated he is doing some research of his own on forested land and on population growth.

Chairman Porter had submitted a guest column to the Nashua Telegraph in response to the Telegraph's story on the report, the headline for which had used the phrase "dirty water" in reference to the Merrimack River.

Mr. Croteau suggested the Society for Protection of NH Forests may have some information and would be a good source of data for Chairman Porter's research.

#### **Aquatic Resource Mitigation (ARM) Fund Usage Suggestions**

Chairman Porter requested further suggestions in addition to those discussed at the March meeting.

The brief discussion about ARM funds led to a discussion of trails. Mr. LeBourdais asked whether LMRLAC had considered taking a more holistic approach to trails and easements, rather than requesting easements for trail segments as applications come before it, and asked how LMRLAC could be more proactive regarding a shoreline trail system. In response,

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Chairman Porter recommended members look for and point out inconsistencies, if found, between applications presented to Planning Boards and the town's Master Plans regarding trails. He also commented that discussion of trails in Master Plans is not sufficient in itself and must be backed up by funding available for purchasing easements in order to make a proposed trail system a reality.

Mr. Disco pointed out that such a trail system has challenges such as coordination between municipalities and having to cross rivers. He pointed out that such challenges need to be identified and solved in order for the public to get behind such a project. He also pointed out that access to the west bank (i.e. Merrimack and Nashua) has the challenge of crossing the railroad right-of-way to access the river.

Chairman Porter showed a graphic he had put together for the Nashua ZBA meeting, which showed existing and potential easements along the Nashua and Merrimack Rivers in Nashua. Mr. LeBourdais asked Chairman Porter to scan it and to e-mail it to the rest of LMRLAC.

Mr. Murphy asked whether the graphic was accurate or more of a conceptual representation. Chairman Porter replied that it was accurate, but at a rough scale.

Mr. Croteau commented that Litchfield is currently working on an update to its Master Plan and he has suggested it include a section on the Merrimack River.

Mr. May referenced a story in the April 28 Telegraph about Nashua's plans to improve trails along the Nashua River using funds from Clocktower Place. He suggested LMRLAC send a letter of support on the proposed project. Members agreed, and Chairman Porter will draft such a letter.

Mr. May suggested that existing trail sections along the Nashua River could benefit from improvement. Chairman Porter pointed out that a walking trail between the Residences at Riverfront Landing and downtown Nashua ties directly in to Nashua River walking trail improvements.

Chairman Porter asked members to research the Master Plan in their respective towns, looking for language on trails, especially shoreline trails, and to be prepared to discuss their findings at the next meeting.

### **Public Outreach**

Chairman Porter will be speaking to the Nashua Rotary Club in August about LMRLAC. He asked Mr. LeBourdais if he would be willing to speak to the Hudson Rotary Club, and Mr. LeBourdais agreed to do so.

### **Proposed Northeast Energy Direct (NED) Pipeline Project**

As of April 20, Kinder Morgan has withdrawn its application for the proposed NED pipeline.

### **Membership**

Chairman Porter contacted the Town of Litchfield for another member and has not yet received a response. He contacted Mr. McWeeney, who responded that he will not be applying to join LMRLAC at this time.

### **Other Business**

Chairman Porter commented that he had attended the NH Water Resources Management Conference on April 20 in Manchester. He stated that most of the NH DES senior staff were present at the conference. He highlighted some discussion items from the conference, including

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- DES' intent to streamline the permitting process
- The overall quality of New Hampshire water is good
- NH is getting funds to address MTBE contamination as the result of a lawsuit
- Improvements in predicting floods and in flood risk communication
- Several discussions at the workshop led to a discussion of the current PFOA contamination issue around the Saint-Gobain facility in Merrimack

Mr. Murphy asked about the reference to rail expansion in the March minutes and whether LMRLAC was taking a position on rail. Chairman Porter replied that LMRLAC is taking no position at this time, but that he does have a concern that enthusiasm for passenger rail could make access to the river more difficult.

Chairman Porter reminded attendees that the Nashua Waterways Manager is working on improving public access to the Nashua River boat launch site in the Millyard.

Chairman Porter encouraged members to attend Planning Board and Conservation Commission meetings to continue to develop a relationship between those boards and LMRLAC.

### **Upcoming Meetings**

Ms. Archambault stated she would not be available for a June meeting on June 17 or 24. Chairman Porter asked members to notify him as soon as they become aware of upcoming projects, so he can determine the timing of upcoming meetings.

Meeting adjourned at 8:29pm.

### **Next LMRLAC Meeting**

The next LMRLAC meeting is currently scheduled for Thursday, May 26, 2016, at 7:00 pm at the Nashua Public Library.

Respectfully submitted,  
Karen Archambault  
Secretary