

LMRLAC – February 17, 2016
LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE
MINUTES
February 17, 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 Music/Art/Media Room of the Nashua Public Library, without a quorum initially present. Ms. Dupree and Mr. Disco arrived at 7:45, making a quorum.

Minutes

The minutes from the January 28, 2016 meeting were approved with corrections circulated as of Monday, February 15.

Old Business

Nashua: Beazer East Alteration of Terrain Application (File #20151231-200) and Shoreland Application (File #2015-03425)

Alteration of Terrain area of disturbance: 548,085 square feet

Shoreland impact: 236,004 square feet

The Shoreland application permit has been granted, and the Alteration of Terrain application is still under review at DES. Chairman Porter explained that LMRLAC's concerns appear to be adequately addressed by the applicant.

Chairman Porter summarized LMRLAC's requested mitigation:

- An easement for a Heritage Trail segment along the river through the site
- Use of some of the mitigation funds to improve the Greeley Park boat ramp

Chairman Porter explained that the applicant's response to the first item was not encouraging, and that DES had rejected the second on the grounds that it did not meet its mitigation criteria.

Mr. May suggested commenting that LMRLAC would request a Heritage Trail easement when a subsequent owner pursues development and submits an application to LMRLAC for review.

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Chairman Porter explained that the City of Nashua is working on getting the Hills Ferry Road railroad crossing recognized as a public crossing. The City wants a clear recognition of the public status of the crossing prior to starting any work on improving the boat ramp.

Mr. May suggested that Greeley Park would benefit from having a committee to oversee its use. Mr. Murphy explained that he is a member of a “Friends of Greeley Park” group, and suggested that group might consider exploring expanding its charter. Chairman Porter commented that the City of Nashua is looking into developing a Master Plan for Greeley Park.

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

Alteration of Terrain area of disturbance: 880,000 square feet

Chairman Porter commented that the proposed project had been reviewed by LMRLAC last year, at which time LMRLAC focused primarily on the drainage on and off the site. He pointed out that there is a brook (Dumpling Brook) which runs through the site. He mentioned that the view of the buildings from the river was among LMRLAC’s concerns at the time. *(Note: At the time of LMRLAC’s review in April 2015, the application had not been submitted to DES yet.)*

Chairman Porter displayed a digital aerial image of the site. He explained that, between the tree cover and the distance of the buildings from the river, that he felt confident that the buildings would not be visible from the river. The proposed buildings would be 4 stories high.

Mr. May and Mr. Murphy both suggested requesting a recreation easement on the site, parallel to the railroad tracks. Mr. May also commented that the island near the site belongs to the Town of Merrimack. He pointed out the island has a sandy beach and explained that people walk, or swim, to the island to use its beach.

Chairman Porter proposed LMRLAC submit a comment asking that the site preserve public access via an easement.

Mr. May suggested a comment that LMRLAC ask for sight lines for the proposed buildings from the river.

Chairman Porter also suggested Merrimack pursue a public railroad crossing in the area to provide an access point to the river (and to the island).

When Mr. Disco arrived, he summarized his contact with the project’s engineer, explaining that LMRLAC’s comments from April 2015 were for the most part incorporated, except for providing sight lines from the river. Mr. Disco had asked the engineer to attend this evening’s meeting, but the engineer was not available. Mr. Disco also explained that the Merrimack Planning Board did not have a concern about sight lines from the river.

Chairman Porter encouraged Mr. Disco to invite the engineer to the March meeting, and to convey to him that LMRLAC is primarily interested in reviewing sight line data or at least discussing the topic of sight lines.

Nashua: Residences at Riverfront Landing Shoreland Application (File #2016-00330)

Shoreland area of disturbance: 108,507 square feet

This project is located at the easterly end of Bridge Street in Nashua, along the Merrimack River levee south of the confluence of the Nashua River. This phase of the project proposes to construct three 5-story residential buildings, plus a maintenance building and a building for retail/restaurant space.

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Chairman Porter displayed a digital aerial image of the site area, pointing out that existing tree cover will be cleared for the construction, and that vegetation between the levee and the river is expected to stay. He summarized a background of the project, explaining that the initial concept plan showed a different building orientation (with narrow building sides facing the river). He explained he would be attending the Nashua Planning Board meeting on February 18th at which he planned to discuss LMRLAC's concerns about the view from the river and request for sight lines from the river.

Ms. Dupree and Mr. Disco arrived at this point in the discussion. The discussion returned briefly to the Flatley project (see above) and then resumed with the Residences at Riverfront Landing.

Chairman Porter continued with his summary of the project, explaining that initially proposed vegetation between the buildings and the levee were removed from the plan because the area needs to be clear for an emergency access lane.

Chairman Porter displayed a digital image from the Hudson shoreline, showing the project site. He included horizontal lines on the image, marking the shoreline trees which will remain, the interior trees which will be removed, and the estimated roof height of the buildings. Based on his estimates, it appears as though the shoreline vegetation will mostly screen the buildings.

Chairman Porter explained balancing the natural, scenic, recreational and community values for Designated Rivers in the Community Rivers category – of which the Lower Merrimack is one. Chairman Porter referenced RSA 483:7-a I.(d)(3), which reads as follows:

(3) Management of community rivers and segments shall maintain and enhance the natural, scenic, recreational and community values of the river and shall consider, protect, and ensure the rights of riparian owners to use the river for such uses as agricultural, forest management, public water supply, residential, recreational, commercial, industrial, flood control and hydroelectric energy production purposes which are compatible with the instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

Chairman Porter proposed the following comments:

- That LMRLAC recognizes the effort to retain and treat stormwater on site, including the use of pervious pavers
- That LMRLAC looks at the balance between project goals and public values, including scenic vistas, and as such is disappointed that the applicant did not supply sight lines. LMRLAC requests DES consider requesting additional information on the visual impact of the project

Treasurer's Report

No report for this month.

Proposed Northeast Energy Direct (NED) Pipeline Project

Chairman Porter reminded attendees that LMRLAC has submitted comments on the proposed project and highlighted the request that best management practices be followed, boring under the river for a pipeline crossing rather than dredging. He informed attendees that FERC has come out with a safety bulletin which includes the points made in LMRLAC's submitted comments. Chairman Porter forwarded the FERC safety bulletin to NRPC. Chairman Porter reiterated that LMRLAC has taken no position on the pipeline itself and is focused on appropriate measures and precautions for the Merrimack River pipeline crossing.

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Membership

Members welcomed Mr. Murphy aboard as a newly appointed member of LMRLAC.

Mr. Disco will contact Mr. McWeeney to gauge his interest. Chairman Porter will reach out to him as well.

Corridor Management Plan Update

Chairman Porter indicated he has reached out to NRPC regarding a potential update to the Corridor Management Plan (CMP). He expressed concern that the current version of the CMP was not sufficiently used by the member towns, and asked members to think about how to encourage the towns to incorporate the CMP into their Master Plans.

Mr. Disco explained that the CMP had been presented to the Merrimack Planning Board as a finished document, and that the Planning Board had sent a response to LMRLAC listing some concerns with portions of the plan. Merrimack never heard a response back from LMRLAC about those concerns. Mr. Disco suggested greater involvement with the towns throughout the CMP update process.

Mr. May gave his view that the CMP is intended to look at the corridor from the river's point of view, while the towns' focus would be from the landward side.

Chairman Porter suggested the application process in each town include a check box for the applicant to explain how the plan meets with the CMP.

Chairman Porter requested members attend Conservation Commission and Planning Board meetings in their respective towns to cultivate relationships with those boards in order to encourage them to involve LMRLAC earlier in the process for projects within the corridor.

Items from the Floor

Mr. May asked whether LMRLAC's review comments get to the applicable Planning Board. Chairman Porter replied that he will confirm that they are consistently included on distribution.

Ms. Archambault commented that she plans to attend the Merrimack River Watershed Council annual meeting on Saturday, February 20. Chairman Porter stated he plans to attend as well.

Ms. Archambault will look up the project review checklist that LMRLAC had put together several years ago and will distribute it to members.

Meeting adjourned at 8:19pm.

Next LMRLAC Meeting

The next LMRLAC meeting is tentatively scheduled for Thursday, March 24, 2016, at 7:00 pm at the Nashua Public Library.

Respectfully submitted,
Karen Archambault
Secretary