

LMRLAC – April 26, 2007

LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE

MINUTES

April 26, 2007

Members:

- ✓ = present

- ✓ Bob Robbins (Chair) – Hudson
- ✓ Kathryn Nelson (Vice Chair) -- Nashua
- ✓ Karen Archambault (Secretary) -- Nashua
- ✓ Glenn McKibben (Treasurer) – Litchfield
- Cynthia Ruonala (Public Relations) – Nashua
- ✓ George May - Merrimack
- ✓ Jim Barnes – Hudson
- Ray Peeples – Litchfield
- Stan Kazlouskas – Hudson

Also in attendance:

None

Vice Chair Kathryn Nelson called the meeting to order at 7:05 pm in the Merrimack Town Hall Conference Room.

Meeting Minutes

The minutes of the March 22, 2007 meeting were approved without changes.

Membership

Glenn indicated his appointment has been renewed.

Miscellaneous Business

Members briefly revisited the issue of daylighting piped tributaries to the Merrimack as discussed at the March meeting. Kath briefly reviewed the discussion from March that members present had requested putting a recommendation to 'daylight' (re-establish in a natural channel) tributaries when possible into the updated Corridor Management Plan.

George mentioned that it may be appropriate to ask for lighting in piped or culverted waterways to allow kayakers to see when boating the channel. He pointed out that kayakers will boat through a pipe when a portage across the roadway (under which the pipe runs) would be unsafe.

Members discussed whether to change the meeting location schedule to move all meetings back to Nashua instead of rotating among the member towns. Kath will investigate scheduling space at the Nashua library for the LAC to meet each month.

Members briefly discussed the article about Bob's driveway that ran recently in the Hudson-Litchfield News.

Corridor Management Plan Update

Members discussed the schedule and expressed concerns that chapter review is falling behind schedule. Kath will e-mail Minda to remind her that the LAC is looking forward to seeing the first draft of the next chapter on May 10. Minda had indicated earlier in the week that she would be unable to attend the meeting or submit a chapter for review, but expects to attend the May meeting.

Local Updates

Hudson Riverplace: Members discussed the status of the Riverplace application at the local and state level. Members expressed concern that state permitting will be in place before the town runs through its process. Kath indicated she would check the DES Web site to find the status of the application.

Bob summarized the status of the project before the Hudson Conservation Commission – that it had been postponed for two meetings thus far. Bob said he would contact the chair of the Hudson Conservation Commission to ask whether the LAC can be notified when the Riverplace discussions are part of the Conservation Commission’s agenda for upcoming meetings.

Jim arrived and provided more information on the status of the project. He passed around a copy of presentations given at the April 25 Hudson Planning Board meeting. Jim indicated that the Dredge and Fill has been accepted as complete by DES. DES would have been required to rule by August, but that deadline has been extended until sometime in the fall.

Jim stated he believes the Conservation Commission is waiting for a formal submission from the applicant. He also pointed out that the Department of Transportation has not approved the ramp layout yet. Members discussed the fact that the Dredge and Fill describes four iterations of road design, each of which has different wetlands impacts. Jim pointed out that traffic is currently the primary focus.

The discussion turned briefly to the quality of manmade wetlands vs. natural ones. Members noted the applicant is considering the manmade wetlands as jurisdictional. Members also discussed the fact that the LAC’s focus is on the riverfront and impacts to the river, while other boards have other areas of focus.

The discussion turned to requesting the applicant to come in to give a presentation to the LAC and perhaps to route that request through DES. Kath made a motion to put together a request to Laura Weit at DES, requesting that the applicant contact the LAC to schedule a presentation focusing on the shoreland and wetlands. George seconded and the motion passed. Kath will include Steve Couture of DES and Edward Vydra of W/S Development on the e-mail. George suggested that members of the Hudson Conservation Commission and the Merrimack River Watershed Council also be invited to the meeting at which the Riverplace presentation is scheduled.

Bob brought up the possibility of meeting with DES Commissioner Burack to discuss several areas of concern that the LAC has. Members approved that Bob approach Commissioner Burack to set up a meeting to discuss the following:

- feedback to the LAC on communications/recommendations that the LAC submits to DES. The LAC would like feedback on what recommendations are and are not accepted and why.
- education at the local level – the point being that while regulations are set at the state, it’s at the local level that decisions are made that generally have the most impact on the river
- better coordination between agencies

Glenn asked about the situation mentioned in the March minutes with the letter to NH Fish and Game about eagle habitat in the project area and whether there was feedback on that. Kath summarized the situation – that the Dredge and Fill referred to contact with US Fish and Wildlife, which had no concerns about the project as regards eagle habitat. Kath requested and received a copy of a letter from NH Fish and Game which did express concerns about the project and its potential impact on eagle habitat. Kath stated that the LAC’s comment letter on

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the project to DES pointed out that DES should take the NH Fish and Game letter into consideration.

Members briefly discussed whether or how much eagles use that area of the river. Glenn pointed out that eagles require an area of open water in the winter to fish. Glenn also mentioned that eagles would tend to roost on the west bank of the river (i.e. the Nashua side) to get morning light. They tend to favor large dead pine trees for roosting. Since the trees eventually fall over, the eagles have to periodically find new roost trees. Glenn also mentioned that Audubon was discussing the possibility of girdling some trees to give eagles possible roost sites.

Kath read from the NH Fish and Game letter and emphasized three points from the letter:

- request that the current wooded buffer along the river be retained
- pointed out that the current wooded buffer falls mostly in the existing jurisdictional area under the Shoreland Protection Act
- recommends the wooded buffer be placed in a conservation easement if possible

Nashua – no updates

Litchfield – no updates

Merrimack

Senior housing project near Horseshoe Pond: Jim mentioned that he understands the senior housing project at Horseshoe Pond is going back to the ZBA, because the plan exceeds the impervious surface requirement (20%) in the Merrimack Shoreland Protection Act. The plan thus is to use porous pavement.

Bob pointed out that the amount of perviousness of porous pavers depends on the quality of the materials underneath and maintenance of the area, either by periodically sweeping or vacuuming.

George indicated the LAC should get involved in the project again. Bob replied that the LAC is out of the loop at this point, having provided comments when the project first came before the committee. Jim pointed out that LAC members could attend as interested parties and George could attend as a Merrimack resident.

Discussion Items

Members discussed putting out another newsletter, and also discussed whether to include the newsletter mailing list on any LAC correspondence (for example, comment letters to DES on applications). It was decided that since letters often refer to plans that mailing list members would not in general have seen, that it makes more sense to summarize such matters in a newsletter.

Members also discussed putting copies of DES correspondence on the Web site and e-mailing the link to that to the newsletter e-mail list.

George will put together a newsletter with information on the flooding, comments on Riverplace and Nashua Landing (Dow Chemical redevelopment site in South Nashua), and asking for new members.

Bob pointed out that Portland, Oregon is forcing parking lots to be porous as part of its plan to 'go green'.

Kath mentioned Benjamin Grumbles, head of the EPA, touting green infrastructure.

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Members briefly discussed the April 17 flood event. Smaller streams, such as the Souhegan, seemed to have more volume than last year, while the larger rivers did not get as high as they had last May.

George mentioned that he has a meeting April 27 with a few people who may be able to lead or assist with the water monitoring process to see whether it can keep going.

The Volunteer Lakes Assessment Program (VLAP) and Volunteer Rivers Assessment Program (VRAP) were discussed. It was suggested that perhaps the Souhegan River Local Advisory Committee can pursue a grant again or send samples to the same place VLAP volunteers send theirs. George mentioned they have to buy their own supplies. Bob indicated for VLAP the supplies are provided by the state and annual training occurs. George mentioned that VRAP tests the Merrimack infrequently – roughly every 5 years. It was mentioned that water quality monitoring is also a topic that could be brought up with Commissioner Burack.

George mentioned that he submits the river sampling data in a particular format so DES can post to its Web site.

George brought up the Rivers Council e-mail asking LAC how it feels about situating landfills close to the river. George will respond stating the LAC supports keeping landfills further away from the river. George pointed out that the legislation applies only to rural segments of rivers (and thus not to LMRLAC's area). Bob mentioned that this could go in the next newsletter as well.

George handed out copies of the Merrimack River Watershed Council's brochure on canoe and kayak trips for this year for members to distribute wherever they could.

Meeting adjourned at 9:20pm. Next meeting will be held on Thursday, May 24 at the Nashua Public Library.

Respectfully submitted,
Karen Archambault
secretary