

**LMRLAC – January 26, 2012**

**LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE**

**MINUTES**

**January 26, 2012**

**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:**

- Geoff Daly, corridor resident and potential member, Nashua
- Tracie Sales, Water Resources Manager, Merrimack River Watershed Council

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

**Minutes**

The minutes of the November 17 meeting were accepted with a clerical edit as distributed prior to the meeting.

**Annual Report**

Kath mentioned that she had written the LMRLAC 2011 Annual Report from the 2011 meeting minutes and distributed it via e-mail. She asked for a contact person in Merrimack for the annual report and Nelson said he would send Kath an e-mail with contact information.

**LMRLAC Bank Account**

Kath showed a bank statement from 2008 which indicated LMRLAC had an account balance of about three thousand dollars at that time. Kath explained that much of that money was received from Bob Robbins' employer for his volunteer hours with LMRLAC. Kath also explained that Bob had spent money out of pocket to put together and distribute the survey mailing prior to the corridor management plan update and may not have been reimbursed for his expenses.

A brief discussion followed on the process to change the signature names on the account from Bob and Glenn to Kath and Jim. Kath asked Jim to coordinate with Bob to find out what reimbursement Bob is due and to set up a time at TD Bank to change the names on the account.

**Permit Notification- 70 Farmington Road, Nashua (File Number 2012-00038)**

Kath explained that, as LAC chair, she receives an e-mail weekly from DES which lists recent permit applications. The most recent e-mail she received was that a shoreland application had

## **LMRLAC – January 26, 2012**

been submitted by the homeowner at 70 Farmington Road in Nashua. The e-mail indicated the application had been received on January 6, 2012. LMRLAC has not yet received a copy of the application package.

Kath summarized the background on the site. Several years ago, the City of Nashua filed a permit application for CSO work which included work on that property. At the time, Normandeau Associates provided the engineering design.

Kath stated she contacted Lucy St. John at the City of Nashua Planning Department, who replied that there had been no sign of the application at City Hall as of yet. Kath contacted DES and received an electronic copy of the application. Kath said Lucy St. John found a record of the application on the DES OneStop Web page.

Kath read from the permit application, stating that the permit indicates all the grading is temporary and some impervious surface is being removed. David offered to find out more information about the proposed work.

George asked when comments were due; Kath replied they were due January 31. George suggested that LMRLAC ask for an extension; Kath replied that extensions do not exist any more. George then suggested a negative recommendation.

Members agreed that the LAC response at this time should be that there was nothing to review; therefore, LMRLAC recommends that the application be denied. George suggested the date of the next LMRLAC meeting (February 23) be included in the response, as the next opportunity LMRLAC would have to review application materials.

### **Rivers Management Advisory Committee Standard Operating Procedure (SOP) Updates**

Kath explained that the Rivers Management Advisory Committee (RMAC) has been holding meetings on changes to the LAC notification process. One significant change is that DES staff is under pressure to get permits approved quickly. Another change is that the LACs are now part of the technical review phase of the process, rather than the administrative review phase.

Discussing first the implications of the pressure to expedite permit approval, Kath stated that there may be a letter forthcoming from DES to LAC member towns about the enabling legislation allowing the LACs to provide advisory input at the local level. DES staff will have to rely more on information provided to them by those who have local knowledge of the site or application; they won't have time to attend site visits. Kath suggested LMRLAC members may need to attend more site visits locally. She also recommended the LAC think about what information would be most helpful to DES in its review of applications.

Kath further suggested that LMRLAC work on ways to increase interaction with the local Conservation Commissions. Kath asked members to think about how LMRLAC can show that it adds value to the permit application review at the local level, and how LMRLAC can become a resource to the Conservation Commissions, so that they will seek LMRLAC's input for projects within the corridor.

Kath also explained the change that the LAC review is now part of the technical review portion of the application process, rather than the administrative review portion. This means that the absence of plans at the LAC can no longer trigger a response that the application is "not administratively complete". Kath explained that the LACs have lost some clout this way.

Kath suggested members talk to people applying for permits to see how clear it was that the LAC should be notified. George commented that he has 'chased' applicants in the past to get

## **LMRLAC – January 26, 2012**

information about an application in order for it to be reviewed for the Souhegan River LAC. He stated that the comment he would often receive is that the application was sent to DES, implying it wasn't clear that a copy needs to be sent to the LAC. George also commented that it should not be the LAC's responsibility to chase applicants.

Kath stepped through the DES website as an applicant would to get a feel for how clear the application is about LAC notification, and found information at the bottom of the wetland application, which seemed to be clear that the LAC receive a copy of the application and materials for projects within a quarter-mile of a Designated River.

Kath said she will send out copies of the wetland, Alteration of Terrain, and shoreland applications, plus the expedited permit application, for members to review.

Based on the information on the wetland application, it implies that notifying the LAC is a requirement of the application process. Jim pointed out that the notification is the requirement, but that there does not appear to be any requirement about receiving a response from the LAC.

Kath suggested the LAC have a member who periodically checks OneStop to monitor permit status. She also said that Jacquie Colburn is working on a way for LACs to have a way to find out the permit decision report, which gives the conditions and what was approved. Kath stated that Jacquie has also been working with program heads to make sure the LACs get notified for applications which apply to LACs. Kath reminded the LAC that Jacquie is the DES staff person for both lakes and rivers.

Kath mentioned that it would be good for LMRLAC to be mentioned on the review checklist for the Conservation Commissions as a way to document that the LAC is a resource at the local level to provide comment and add input. Members also discussed whether LMRLAC minutes and other communication included contacts for the Conservation Commissions. The minutes distribution list currently includes Conservation Commission contacts for some, but not all, of the member towns.

George brought up the possibility of having plans e-mailed rather than in paper form. Kath replied that this had been discussed in RMAC meetings but that there was some resistance to the idea.

### **LAC Workshop**

Kath reminded the LAC that there are plans for a LAC workshop at DES in the near future, rescheduled from its original date of January 28. Kath mentioned that the workshop may be a good opportunity to clarify the new SOP.

### **Upcoming Meetings – Speakers**

David mentioned that he had attended a forum at which a PSNH public relations representative spoke about the cooling tower at the Bow power plant, who had stated during the presentation that PSNH could achieve the same result for less money than the cooling tower. David contacted PSNH, suggesting LMRLAC would like to hear more information about this alternative. LMRLAC plans to have a PSNH representative at its February 23 meeting, pending confirmation from PSNH.

A brief discussion followed on whether to issue a press release to actively invite the public to the next meeting. Nelson suggested broaching the subject with PSNH before doing so. Kath suggested LMRLAC could take the same approach as it did with Enel and the Boott Hydropower Dam. Initially, LMRLAC heard a presentation from Enel at one of its regular meetings. For a subsequent meeting, LMRLAC more actively publicized the meeting and several members of the public attended.

## **LMRLAC – January 26, 2012**

David mentioned he also had contact recently with representatives from Renaissance Downtowns; they are interested in meeting with LMRLAC again, stating the plans have been evolving since the last discussion with LMRLAC. Kath said she would contact James Vayo about attending the March LMRLAC meeting if PSNH is confirmed for February.

Kath asked members to pass along any ideas for speakers or agenda items for upcoming meetings.

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

Kath stated LMRLAC has not yet heard for certain about the grant award. LMRLAC has not received information about the amount of the final grant award or when Jill Longval will be starting work on the project.

Geoff mentioned that Allan Fuller (former chair of the Pennichuck Brook Watershed Council) had given his opinion that if the Pennichuck springs are cold enough it could be a nursery for brook trout. Kath asked Geoff to work to facilitate contact between Jill and Allan.

### **LAC Checklist**

Kath had sent a copy of LMRLAC's checklist to DES. She suggested members take a look at the checklist and make suggestions about changes or improvements. For example, Kath pointed out that Bob's contact information is currently still on the checklist. The checklist is available at the NRPC Web site.

### **Merrimack River Watershed Council Update**

Ms. Sales informed the LAC that the Merrimack River Watershed Council (MRWC) is looking for an Executive Director. Information about the position is available on the MRWC Web site; [www.merrimack.org](http://www.merrimack.org).

Ms. Sales also stated that the MRWC had received a grant from the NH Charitable Foundation to coordinate water monitoring efforts with the Souhegan Watershed Association.

Kath asked whether this could include monitoring more sites, or monitoring more frequently. Ms. Sales responded that was a possibility. Ms. Sales also commented that the MRWC has equipment, but not volunteers. She said MRWC has 5 fully functioning YSI meters and that the MRWC is also getting HOBO meters to measure conductivity and temperature.

Ms. Sales explained that one reason for the data collection is to get baseline data for climate change; another reason is to get conductivity information to determine chloride levels in the water. The intention is to create closer partnerships to start working together with another organization, with a look forward in the future to working with additional organizations; for example, the Nashua River Watershed Association.

Ms. Sales also said the MRWC got approval this week for EPA to do bacterial analysis.

Members also briefly discussed the state Volunteer River Assessment Program (VRAP). George stated that the program still exists, but Kath mentioned that the person at DES who used to collect the data is now gone.

### **Boott Hydropower Headpond Notification**

Geoff commented that the river is still low, later than expected based on the Enel notification, which had originally estimated flashboard repairs to be complete around January 22.

### **Boott Hydropower Dam – Crest Gate Bladder Project Status**

**LMRLAC – January 26, 2012**

Ms. Sales commented that the application is still working through the process. Kath asked for Ms. Sales to pass along information as it comes up. Kath will also pass along information from Enel when she receives it.

**Local Updates****Litchfield**

Kath mentioned that Steve Wagner is no longer with NRPC. Michael C. stated that the NRPC circuit rider for Litchfield now is Jen Czysz.

**Nashua**

Geoff commented that Nashua's acquisition of Pennichuck Water is complete. He stated that Parcel F had been sold prior to the acquisition.

Meeting adjourned at 9:00 pm.

**Upcoming Meetings**

Next meeting is currently scheduled for Thursday, February 23, 2012, at 7:00 pm at the Nashua Public Library.

Respectfully submitted,  
Karen Archambault  
secretary