

Town of Pelham, NH
Pelham Conservation Commission
6 Village Green
Pelham, NH 03076-3723

MEETING OF 03/10/21

Members Present: In-Person

Karen Mackay, Paul Gagnon,
Lisa Loosigian, Al Steward (alt)

Members Present: On Zoom

Ken Stanvick, Louise Delehanty,
Mike Gendreau

APPROVED 04/14/21

Members Absent:

Kara Kubit (alt), Dennis Hogan (alt),
Brandie Shydo

Paul Gagnon brought the meeting to order at 7:04 p. m. This meeting is being conducted both in-person and on Zoom. Four members attended the meeting in-person and 3 members attended the meeting on Zoom. Ms. Dena Hoffman, the presenter, attended in-person. Mr. Gagnon began by reading a lengthy introduction into the record which described how to conduct meetings according to the Covid-19 pandemic emergency. The emergency procedures have been authorized by Governor Sununu. See attachment # 1 for a copy of the meeting rules for right to know compliance during the pandemic. All votes during this meeting will be roll call votes. The members on Zoom are alone in the room in which they are participating in this meeting.

PRESENTATION:

Presentation regarding the new regulations for Municipal Separate Storm Sewer Systems permit (MS4) – Presentation by Dena Hoffman, Environmental Regulation Compliance Specialist for Pelham

The Municipal Separate Storm Sewer Systems permit (MS4) deals mostly with non-point source pollutants which are pollutants that cannot be traced back to a specific source. MS4 areas are urban areas that are determined by the U.S. census and the program is mandated by the Environmental Protection Agency (EPA). MS4 creates guidelines for reducing pollutants entering our waters during storms. These pollutants are called non-point source pollutants. An example would be a neighborhood of houses that fertilize their yards and the fertilizers run off into a water body. It is hard to determine the exact source of the pollution. A small amount of contaminants coming from multiple sources can make a big impact. Point source pollutants can be traced back to a specific source. An example would be a pipe that releases waste into a lake at one single point.

More urbanized areas of town fall under the MS4 regulations. The west side of town, that is largely rural, is not an MS4 area. The EPA issued the 2017 NH small MS4 permit on January 18,

2017. The permit became effective July 1, 2018. The first Pelham Stormwater Management Plan (SWMP) was established June 28, 2019. The SWMP is a living document that is the main guide to reduce pollutants entering our waters. The SWMP must be updated each year to reflect changing conditions on the ground and emerging priorities. The Selectmen are responsible for administering the SWMP. The Selectmen may delegate this job to the Planning Director and Code Enforcement Officer. The framework for the SWMP is 6 Minimum Control Measures (MCM) which are designed to reduce pollution.

MCM1 is Public Education and Outreach. The objective is to educate the public, increase awareness of pollutants and change behaviors that pollute our waters. Pelham has 4 target audiences: residents, businesses, industry and developers. Some of the focus can be pet waste management, fertilizers, and run off.

MCM2 is Public Involvement and Participation. The goals are to create opportunities for people to be involved such as encouraging volunteers in water quality improvement projects and clean-up days. The public should be included in the review of the SWMP and should be invited to public stakeholder meetings.

MCM3 is Illicit Discharge Detection and Elimination Program (IDDEP). An illicit discharge is when a material or liquid that is not entirely composed of stormwater discharges into a storm water system. The objective of MCM3 is to find and eliminate sources of non stormwater discharges and to implement procedures to prevent illicit discharges.

MCM4 is Construction Site Stormwater Run-off Control. The objective is to minimize or eliminate soil erosion from construction sites, minimize surface water run-off and protect surrounding ground water, surface waters and wetlands. MCM4 has regulatory mechanisms requiring erosion and sediment controls at construction sites, controlling construction waste and procedures for inspection and enforcement.

MCM5 is Post Construction Stormwater Management in New Development and Redevelopment. The goals are to reduce water quality impacts due to stormwater run-off from redevelopment or new development. This requires Low Impact Development (LID) strategies for construction. Developers must submit maintenance plans for stormwater treatment structures. Examples of LID strategies are rain gardens, 'green' rooftops, and rain barrels. LID promotes better water infiltration to reduce run-off.

MCM6 is Good Housekeeping and Pollution Prevention for Permittee Owned Operations. The goal of this step is to have operational procedures for municipal facilities to prevent pollution. MCM6 creates standard operation procedures for things like street sweeping or open space maintenance. Staff training in procedures and development of Stormwater Pollution Prevention Plans (SWPPP).

Pelham has 3 impaired water bodies, Beaver Brook, Tony's Brook, and Long Pond, in the MS4 area. Impaired means the water body is not able to support its designated use or is threatened. Beaver Brook and Tony's Brook have E. coli. Bacteria. Long Pond has a problem with

cyanobacteria which is directly related to excess phosphorus in the environment. These impairments can close down the town beach.

The MS4 permit year runs from July 1 – June 30. We are in permit year 3. A public comment period is required every year on the SWMP. The comment period this year opened on Monday, March 8, 2021 and will run until April 16, 2021. These public comments are reviewed and may be added to the SWMP to improve the document. Not all suggestions will be added to the document. More information is available on the stormwater page on the Planning website. MS4 documents are available on this site. Ms. Hoffman can be reached by email or visited in Planning during normal business hours.

Ms. Loosigian thanked Ms. Hoffman for presenting to us tonight. Ms. Loosigian said that the program seems straight forward, but when you start to dig in it seems like requirements could be challenging to meet. She asked about the challenges and steps being worked on currently. Ms. Hoffman said we are a part of the NH Lower Merrimack Valley Stormwater Coalition. This is a group of southern NH towns that collaborate on solving regional problems. The Coalition is managed by NH Department of Environmental Services (NHDES) and Nashua Regional Planning Commission (NRPC).

Ms. Hoffman is working on creating and catching up on educational materials which have been lacking in the past. She is trying to make one outreach per month to residents or businesses. These outreaches are a requirement as part of the MS4. The minimum amount of outreach is 4 materials per year per community. Every impaired water body requires more outreach under the MS4 regulations. We have a phosphorous problem in Long Pond which is an impairment that requires more outreach. Ms. Hoffman is working on a septic informational brochure for the industrial community. The brochure talks in a manner that focuses on how bacterial run-off could be harmful to employees and residential neighbors. The information in this brochure and any future brochures is targeted on the specific audience she is trying to inform.

Ms. Hoffman is in the process of writing Standard Operating Procedures (SOP). She has been working on an SOP for Parks and Open Space with Brian Johnson, the Parks and Recreation Director. They are collecting figures and data and are writing up specifications for how and when to do certain maintenance activities such as lawn mowing, fertilizing, and how to handle grass clippings. She has also been working on an SOP which will define how public comments on the SWMP will be handled and recorded.

Mr. Stanvick asked about the MCM5 New Construction stormwater plans and if SOP's were being written. Ms. Hoffman said Mr. Jeff Gowan will be talking to the Planning Board about how to handle stormwater plans. This is a year 3 requirement in the MS4 so it must be completed by June. She will pass information to us as soon as she can. Mr. Stanvick asked Ms. Hoffman to come back to us to teach us about best practices. Mr. Gagnon agreed and suggested Ms. Hoffman come back in about 3 months to give us an update on how the stormwater plans are progressing. He said Mr. Gowan was welcome to attend also if he had something to contribute.

Mr. Steward asked if we need to target the impaired water bodies in town. He asked if these waters were tested to determine the impairment and how long ago they were tested. Ms.

Hoffman said the waters were tested and NHDES told us about the impairment. The phosphorus problem in Long Pond is probably not naturally occurring because phosphorus is limited in the environment and does not naturally occur in large quantities. Starting this year, outfalls, such as culverts, treatment swales and detention pond outlets, must be tested. The town of Pelham has about 400 outfalls; 40 will be scheduled for testing each year. They will be inventoried and monitored and will have required maintenance. Ms. Hoffman will be working with the highway department on maintenance, inspection and clearing of catch basins. These activities will be recorded.

Mr. Stanvick asked if there was a plan to determine the source of E. coli in Tony's Brook and Beaver Brook. Ms. Hoffman said E. coli could come from a lot of small things that add up to problems. The bacteria could come from failed septic systems, dog waste or other types of waste. Tony's Brook, Beaver Brook and Long Pond are top priorities. All the outfalls related to these water bodies are considered first priority. MS4 outlines over the next 7 years, up to year 10, the testing and sampling at outfalls looking for contaminants and tracing the source of contaminants. Ms. Hoffman is working on a written plan for this testing. The full written plan is due by year 10. Mr. Stanvick wanted to know when the plan would be done and thought 10 years was much too long. Ms. Hoffman said this will take the full remaining 7 years and that they would still be working on this program in year 10. We are in year 3 now. Sampling must start this year by June 30, 2021. The priority 1 areas, the 3 impaired water bodies, will be the first to be sampled. The town is working with GeoInsight, an environmental consulting company, to decide what tools we will use for sampling and recording and the time frame for the work.

Ms. Delehanty asked if the impairment of these water bodies has caused any documented harm to wildlife, amphibians and/or fish and their habitats. Ms. Hoffman said there were no studies of that kind that she knew of in Pelham. There have been some studies in Great Bay. Ms. Hoffman has also read more general studies on algal blooms. The algae grows out of control because of nutrients in the water. The algae forms large mats of bacteria that use all the oxygen in the water. Fish then die because there is no dissolved oxygen in the water. Ms. Delehanty asked about endangered or threatened shellfish in Long Pond. Ms. Hoffman said there were no known studies regarding endangered or threatened shellfish in Long Pond. She said they were mostly focused on human health.

Mr. Stanvick is concerned about the E. coli in waters of the town. We now know it is there and we should be trying to fix the problem. He thought that pets might swim in the water or drink the water and become sick. Ms. Mackay asked the level of impairment of these water bodies. E. coli is a common bacteria. She asked if there was a certain concentration of the bacteria in the water such as a parts per million or some other type of measure to determine the level of impairment of a water body. Ms. Hoffman pulled up a document from DES that records the impaired waters of NH. The list is the NHDES 303 (d) List. NHDES recorded our last test in 2018 that said we have impaired water bodies. Ms. Hoffman told the Commission an illicit discharge hotline was established in January which can be used to report illicit activity.

Ms. Hoffman said she would send us a cheat-sheet of terminology and tell us websites to visit to learn more about the MS4. She told us to go to the Planning site to find the stormwater page that will give us and town residents information on MS4 and SWMP reports.

Mr. Gendreau left the meeting at 8:00 p.m. as he had discussed with Mr. Gagnon. He thanked Ms. Hoffman for presenting.

MINUTES:

Motion: (Loosigian/Stanvick) to approve the minutes of January 16, 2021.

Vote: 4-0 in favor. Roll call vote.

Mr. Gagnon appointed Mr. Steward to a voting member.

Motion: (Steward/Delehanty) to approve the minutes of February 10, 2021.

Vote: 6-0 in favor. Roll call vote.

A short discussion took place about adjustments to the minutes. Ms. Loosigian asked if a table in the minutes is allowed because that is not the way Mr. Gagnon presented the information. Members discussed this and decided that the format of the information is not important. If the information is discussed in the meeting, it can be presented in any manner as long as it accurately accounts the proceedings of the meeting. Ms. Loosigian agreed and voted on the minutes.

WALK-IN ITEMS:

Mr. Gagnon thanked the members for promoting the Open Space Subdivision ordinance to the town residents. Town residents overwhelmingly voted to adopt the ordinance by a vote of 2,436 to 678.

Ms. Mackay received a brochure from the NH Timber Owners Association that advertised workshops for this spring. The town will cover the cost of education workshops for members of town boards. Ms. Mackay will send the brochure electronically to the members.

NON-PUBLIC SESSION:

Motion: (Mackay/Loosigian) to go into non-public session to discuss land acquisitions in accordance with RSA 91-A:3; seal the minutes of non-public; and adjourn after non-public.

Vote: 6-0 in favor. Roll call vote.

Respectfully submitted,
Karen Mackay,
Recording Secretary

Attachment #1

3/10/2021 Conservation Commission Meeting

As Chair of the Conservation Commission, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency

Executive Order 2020-04, this public body is authorized to meet electronically. Please note that the meeting will be held in Sherburne Hall should anyone choose to attend in person. However, participants may also participate remotely which was authorized pursuant to the Governor's Emergency Order. In accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Zoom for this electronic meeting.¹ All members of the Commission have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and participate in this meeting by dialing the following phone number:

646-876-9923

or by entering this website address: www.zoom.us selecting **Join Meeting** and entering the meeting ID and password listed below

Meeting ID# 847 0068 0460 Passcode 992165

Please provide your first and last name to the attendant.

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the Town website: www.pelhamweb.com on the Conservation Commission page.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem, please call 603-508-3089 or email at: jgreenwood@pelhamweb.com.

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

¹ Many public bodies are utilizing video conferencing technology, such as Zoom, to ensure the electronic meeting comply with the Right-to-Know law and any applicable due process requirements. In certain circumstances, a regular business meeting of a public body may be conducted utilizing audio-only technology. If you have any questions about the appropriateness of the technology utilized to conduct your meeting, please consult your agency counsel or the Attorney General's Office.