

# WARNER RIVER LOCAL ADVISORY COMMITTEE

## MEETING MINUTES – DRAFT

Wednesday, 25 September 2019

7:00 p.m.

Pillsbury Library, Main Street, Warner, N.H.

**Appointed WRLAC Representatives** present in **bold** (term ends):

**Bruce Edwards**, Bradford (10-8-2021)

**Linden Rayton**, Hopkinton (11-26-2021)

**Scott MacLean**, Bradford (10-8-2021)

**J. Michael Norris**, Hopkinton (11-26-2021)

**Carol Meise**, Bradford (10-8-2021)

David White, Hopkinton (11-26-2021)

**Susan Roman**, Webster (10-12-2021)

**Robert Wright**, Sutton (05-22-2021)

**Ken Milender**, Warner (11-26-2021)

**Andy Jeffrey**, Sutton (07-2021)

**Laura Russell**, Warner (11-26-2021)

**Peter Savickas**, Sutton (08-19-2021)

**Christopher Spannweitz**, Warner (11-26-2021) **Dan Moran**, Webster (?)

Doug Giles, Hopkinton (11-26-2021)

### *New and Continuing Business*

#### 1. Meeting minutes (August) – Approved

- a. Comments: Mike reminded the Committee that there will likely not be enough data for the Corridor Plan survey results to be scientifically valid, and it's important to keep this in mind as the Committee reviews and interprets the surveys.
- b. Chair Ken noted Mike's points and agreed that we will need to recognize the shortcomings of the survey and its results. The hope is that the results will at least give the Committee some ideas about what respondents think about the river.

#### 2. [NHDOT Project #40512](#) (I-89 Improvements) Wetlands Permit Approval.

- a. Chair noted that the final wetlands approval had been issued by DES, and construction has commenced. Discussion followed.
- b. Linden noted that she had seen new culvert designs that looked effective, and she hoped those designs would be considered for stream crossings where appropriate.
  - i. Chair's note: *Point taken!*

#### 3. Warner River Corridor Management Plan. Discussion focused on the survey now being finalized by CNHRPC. Revised Survey for Full Committee review and approval. (Approval will send the survey to CNHRPC for web-based roll-out.) Continuing discussion on venues and means for survey dissemination to the public. Warner Fall Foliage Festival survey roll-out and call for volunteers, collaboration with Trout Unlimited/NHF&G.

- a. Ken reminded the Committee that we had wanted to delete the Part B survey questions directed to riparian landowners, and he reported that Joanne and Mike from CNHRPC strongly encouraged us to keep those questions in a separate section, as the riparian landowners are significant stakeholders and an important group to work with as the Corridor Plan takes shape. As a result, the subcommittee worked to clarify those questions.
- b. More notes about other edits and corrections for the survey.
  - i. Part B #20 – there's no space to specify "other".

- ii. Should we pull the question in Part B about streams, ponds, and wetlands and put it in Part A?
    - iii. Andy had a question about the end of Part A and question #12, where the terms might not have been clear (riparian and riverfront property owners). Another observation he made was whether the explanation of a “riparian (riverfront) landowner” should also include specific parameters such as “upstream from...” and “downstream from...” to help survey takers determine if they are, indeed, riparian (riverfront) landowners.
    - iv. Take #15 out?
    - v. Should there be a question in Part B about how riparian landowners use the river (that information will be answered in Part A)?
  - c. Discussion about disseminating the survey
    - i. Blaisdell Lake Association – survey could be sent to homeowners there (as well as to the lake association groups at Lake Todd and Massasecum Lake).
    - ii. Survey will be launched electronically in time for the Warner Fall Foliage Festival. Chris has secured a spot for a table next to TU’s table and outside Bookends. Chris asked for volunteers to staff the table, and he will organize a rotation. Chris will have computer/iPad available for people to take the survey. Laura will bring an iPad. Mike suggested that a brochure could be made to have at the table. Maybe some kind of press package that would include a DES fact sheet. There will be a few visual aids very kindly supplied by Joanne and Ken. Bruce has a canopy and will bring it.
    - iii. Survey will be posted on towns’ websites; some paper copies will be available; the survey will be open for a few months. Other locations to drop off postcards (Linden would like them to be “hot pink”) will include town halls, libraries, and local merchants (Warner Public Market, Sweet Beet in Bradford).
    - iv. If the Hopkinton Historical Society’s program idea about the Warner River comes to fruition this winter, the survey could be opened again at those times to capture the feedback from program attendees.
    - v. Linden noted that a good way to get responses to the survey could be to have Committee members get on the agendas of select boards, conservation commissions, planning boards in our five riverfront towns, and have attendees fill out the survey, or at least hand out the postcards with the link to the survey.
    - vi. Linden suggested that we have “Swedish fish” (or other memorable foodstuffs) available at our WFFF table.
    - vii. Notice about the survey could be posted in Bradford Bridge
4. Permit Applications. [Hopkinton DES #2019-000437](#) (Deer Path).
- a. Ken provided the Committee with the After-the-Fact Wetlands Permit as well as a proposed letter to DES with the Committee’s comments; the reply needs to be submitted before the Committee’s next meeting, so he asked for the Committee’s feedback.
  - b. Ken provided the Committee with background information. On the private roadway to a residential development in Hopkinton, where the river makes a meander, a culvert, installed in the 1970s, failed in about 2014. Under this emergency condition, the development owners, The Meadows, replaced the metal culvert with a box culvert without permits or other input from DES. This culvert was noticed and a complaint was filed detailing its possible inadequacy and lack of permit. The culvert was inspected in

the summer of 2019 and the culvert was ruled as a violation because the culvert was installed without the necessary permits. DES sent a letter to The Meadows requesting that an after-the-fact wetlands permit application be submitted. The application was submitted and reviewed, resulting in the letter Chair has proposed for our submittal.

c. Discussion

- i. Why was a box culvert installed and not an open bottom culvert? Sometimes site constraints require a certain design of culvert being the best to fit a site.
- ii. Is the permit document The Meadows's rationale for justifying the installing the culvert and there were no real changes made? On p. 2, it does note some changes will be made (replacing riprap with river stone). That may be the only change. Chair's note: rip rap is an angular crushed stone material with all particles about 6 inches that lock together tightly to promote stability. River stone is the gravel fraction of a bank run gravel deposit that is not crushed, so the particles are rounded.
- iii. Ken noted that in the letter he asks why The Meadows did not look at the larger picture, including the fact that the culvert is at a riverbend meander, which is a particularly sensitive point of a river in a flooding situation.
- iv. Peter suggested that point #4 be moved to #1, as it seems to be the most important point (box culvert vs open-bottom culvert). Does the current solution potentially create more problems? Andy – the emergency is over; now it's time to get an engineer in.
- v. Bob: What is our responsibility, considering the violation occurred before the Committee was formed? Ken: Our duties are to comment on applications as they are submitted, and if the application had been submitted before our formation, we would not have had the opportunity to comment.
- vi. Bob: We should comment in one unified response (no majority-minority response).
- vii. Linden: Point #6 seems very clear about the rationale; if you (Ken) feel like you need to tone the letter down, perhaps you could delete the first clause of #6 and just keep the second portion.
- viii. Susan: Motion to approve Ken's letter with the suggestions discussed tonight. Scott second. Unanimous vote.
- ix. Chair notes that the letter requested that DES not approve of the permit application pending our review of the requested information.

5. WRLAC Review Guidelines part 1 (Sue/Ken).

- a. Susan reported that she and Ken looked at the Upper Merrimack River LAC's guidelines for reviewing permit applications. She also reported on conversations with Tracie Sales (NH DES Rivers Program) about the most efficient way for the Committee to review permits, especially when a permit cannot be reviewed by the Committee before the next meeting. The question is are there standardized procedures?
  - i. DES is still developing standard guidelines for LACs to review permits efficiently.
  - ii. The administrative rules allow contains provisions that will allow the Full Committee to appoint a subcommittee which could review permits when there is not sufficient time for the full Committee to review the permit application, provided the full Committee later approves the subcommittee's response at the next full committee meeting.

- iii. The administrative rules also allow for formation of subcommittees to review and comment on applications that could produce only *de minimus* impacts to the designated corridor and/or with commonly repeated committee positions (provided the committee has approved of standard responses).
    - iv. Tracie urged the Committee (or subcommittee) to call reviewers to find out what the “true deadline” is because there is often a lag time between when the permit is filed and when it is reviewed. If there is lag time, this might sometimes give the Full Committee the opportunity for a look at the application and still keep to the statutory deadlines.
    - v. The UMLAC does not have any guidelines for federal permits.
    - vi. Susan noted that the LAC statute says we can comment on any federal, state, or local permit applications within the watershed.
    - vii. Bruce noted that there is a lot of FEMA money coming in for repairs to infrastructure damaged during the severe rain storms and flooding that occurred on July 11/12 (due to Presidential Disaster Declaration). Ken: any money for LACs? Bruce: go right to FEMA; might be money for culverts. Bruce to forward the email to Chair for his review.
  - b. For the October agenda: discuss timing even if DES is not finished with its efforts to produce standardized guidelines.
6. Tabled due to lack of time – Website: Chair to request a volunteer to spearhead options for establishing a WRLAC website, resurrecting the Warner River Nomination page, hosts, costs, etc.
  7. Tabled due to lack of time – Request for Information: Town Master Plans, Conservation Plans, Hazard Mitigation Plans.
  8. Town Aquatic Resource Mitigation (ARM) Fund Priority Lists Reminder.
    - a. To qualify for ARM funds, towns need to have their ARM priority list ready to submit to DES when the towns are notified of upcoming proposed projects with potential wetlands impacts. We don’t want our towns to lose out on funding that we are possibly entitled to! The funds are calculated by DOT based on the value of the impacts of proposed developments on wetlands. The funds go to the town where the impact occurs (provided the towns have an ARM list, and the list was submitted in accordance with DES deadlines), or else the funds will be deposited into the ARM account for the watershed within which the impacts will be manifest (in the Warner River Watershed, the funds would go into the Contoocook River Basin Fund). Once the funds go into the Contoocook River Basin ARM Fund, all river management, restoration, and monitoring projects compete for the available funds. Because Warner was not prepared to submit their ARM Priority List to DES when DOT notified the town of the #40512 (I-89 improvements) Project, Warner lost those funds (an estimated \$186,000). Warner might receive a favored status during the 2020 ARM competitive distribution of funds, but that is uncertain at this time. That is why it’s important that the five Corridor towns have their lists prepared in advance (so their ARM Lists will be ready-to-go).
    - b. Ken noted that the Conservation Committee Chair of Webster is now aware of the need for their list and they are working on it. WRLAC is available to help prepare town mitigation priorities.
    - c. Other towns: Sutton is working on their list. Hopkinton – not at present. Bradford: yes
    - d. Bruce: The LAC treasurer would manage any ARM funds that would come to the LAC.

- e. Bob noted that as a Sutton selectboard member, he might have a conflict of interest related to this process. Should this be an agenda item? Ken said he would talk to Tracie and be able to clarify at the October meeting.

9. Tabled due to lack of time – Warner River VRAP.

10. Other Business:

- a. Discussion continued from previous meetings about whether the scope of the Corridor Management Plan should include the upstream portions of the watershed or simply acknowledge that addressing the watershed is a future goal for the Committee.
  - i. Ken asked the Committee to consider that while we can't ignore the watershed, our first priority, as a LAC, is to write the Corridor Management Plan, and that is strictly for the main stem of the river, within our designated corridor's statutory limits only. The remainder of the watershed could be the subject of a watershed management plan and subsequent restoration and protection efforts at some time in the future, after the Corridor Management Plan has been completed and adopted by our five riverfront towns.
- b. Other comments about corridor vs. watershed: Susan reminded the Committee that the corridor management plan's scope is driven by the statute that requires the plan to be created.
- c. Peter mentioned that he had spent the day with Ben Nugent electrofishing in South Newbury, and that Ben was very pleased with the "incredible fish" in that section.
- d. Peter asked if Newbury, as an upstream town in the watershed, had been invited to join the Committee, and Bruce said that Newbury had been invited when the full committee was being established. There was some interest in Newbury being represented at that time. Chair has decided that, because Newbury is not within the protected corridor, the Committee should focus on our duties until such time as the Corridor Management Plan has been completed and approved, and we will have more time available to meet with the (many) assorted partners (such as the lake associations and the other watershed towns).
- e. Bruce reminded the Committee that the [Warner River watershed](#) is being looked at in detail, particularly by Ben Nugent and his colleagues from Fish & Game.
- f. Ken distributed the Letter of Intent that he and CNHRPC submitted on 9/20/19 to apply for a 604(b) grant to complete the Corridor Plan. Deadline for submittal was 09/20/2019.

11. Linden has designed several versions of a possible WRLAC logo for the Committee to consider. The Committee had the chance to comment on the different designs, and with a tie vote between two versions, the Committee empowered Linden to choose the best design.

*Old business (leftovers from previous agendas)*

- 1. Representatives introductions/interrogations (continued).

*Long-Term Monitoring (all quiet, for now . . .)*

FEMA Risk MAP Contoocook Basin  
WVWD's Wastewater Infiltration System  
Warner River VRAP

Concord-Lake Sunapee Rail Trail  
Route 127 (Davisville) Bridge.  
Contoocook River (winter) Program

*New Business*

Topics of Future Interest?

Respectfully submitted,  
Laura Russell  
WRLAC Secretary

Next Meeting: Weds., 23 October 2019

Adjournment: 9:07 PM

Attachments: