

**Central NH Regional Planning Commission**

28 Commercial Street, Suite #3

Concord, NH, 03301

Tel: (603) 226-6020

Fax: (603) 226-6023

[www.cnhrpc.org](http://www.cnhrpc.org)



**Warner River Nomination Committee Meeting**

Wednesday, October 19, 2016

Warner Town Hall, 5 East Main St, Warner NH 03278

7:00 P.M.

**Minutes:**

Attendees	
Chris Connors, Trout Unlimited	Sue Hemingway, Town of Warner
Scott MacLean, Town of Bradford	Nancy Martin, Town of Warner
Michael Simon, Town of Warner	

**Members of the Public:** Allan Wagner, Bill Balsam

**Commission Staff:** Sam Durfee

The meeting began at 7:04 P.M, convened by Nancy Martin.

**Review of Minutes from Previous Meetings**

Nancy Martin asked the members of the committee to review the minutes from the September 21<sup>st</sup> meeting. There was brief discussion regarding small spelling errors. The minutes were passed with revision.

*M/S/Passed Chris Connors/Scott MacLean*

**Event Updates**

Chris Connors provided the committee with an update on the recent Fall Foliage Festival. She explained the Warner River Nomination Committee had a display in conjunction with NH Fish & Game. George Embley had accompanied her and they met with landowners and discussed the nomination effort. Ms. Connors reported that overall, the people they talked to seemed very supportive of the project.

Nancy Martin provided an update on the recent meetings with Boards of Selectmen (BOS). She appeared before the Webster BOS with George Embley and they provided the Board with an update on the progress of the project and the committee's intention to hold a public information session in the town. The update was well received by the BOS and they signed a letter of support for the nomination.

Ms. Martin and Scott MacLean appeared before the Bradford BOS on Monday, 10/17. They explained they had provided an update similar to that given to the Webster BOS and that it was well received. The Bradford BOS also signed a letter of support.

Ms. Martin added that it had been very useful to provide information on the nomination project to the BOS ahead of time and she felt that it is a practice that should be continued when meeting other Select Boards to discuss the project. Ms. Connors stated that she would assist Jack Noon in putting together information packets for the Sutton BOS. The packets will include the press release (executive summary), the River Management and Protection Program DES fact sheet, the Instream Flow fact sheet, the Classification fact sheet, an FAQ sheet, a copy of the nomination document and the classification Map for the Warner River.

Sam Durfee provided the committee with an update regarding a Tuesday (10/18) morning meeting with Nancy Martin and Clyde Carson (Warner Selectman). Mr. Carson had reached out to Mr. Durfee to set up a meeting to discuss the project as he had heard various concerns from the Warner Energy Committee. Mr. Durfee and Ms. Martin talked with Mr. Carson at length about the progress of the nomination project and addressed the various concerns over perceived additional regulation and infringements on landowner rights related to designation. Mr. Durfee explained that the meeting was very productive and seemed to alleviate many concerns Mr. Carson had heard.

### **Public Information Sessions**

Mr. MacLean raised a question about the potential for the nomination committee to have a presence at polling location on election day. Ms. Martin explained that she had spoken with Warner's Town Moderator and that he expects there to be a large turnout and therefore, any presence would need to be outside of the polling location. This raised questions about weather dependency. Ms. Connors asked what sort of materials should be displayed if the committee is to have a presence on election day. She suggested handouts with a link to the website and the date of the public information session. Mr. MacLean said there would not be volunteers for a Bradford presence and he thought a poster would be more suitable. On the poster, he thought it would be appropriate to display a link to the website, the classification map, various pictures of the river and the Bradford public information session meeting date and time. Mr. Durfee volunteered to print numerous 11x17 copies of the classification map and Ms. Connors volunteered to laminate several copies.

Ms. Martin explained that all but one public information sessions have been scheduled:

<b>Town</b>	<b>Date &amp; Time</b>	<b>Location</b>
Bradford	November 17 <sup>th</sup> at 7:00 PM	Bradford Community Center
Warner	November 16 <sup>th</sup> at 7:00 PM	Warner Town Hall, Downstairs meeting room
Sutton	November 21 <sup>st</sup> at 6:00 PM	Sutton Town Hall
Webster	November 29 <sup>th</sup> at 7:00 PM	Webster Town Hall
Hopkinton	TBD	TBD

Ms. Martin suggested that all members of the committee should attend if they are able to show that this is truly a five town effort. Mr. Durfee offered to bring CNHRPC's projector to the information sessions in order to display the PowerPoint.

Ms. Martin identified a conflict with the Warner and Sutton BOS meetings. She will be presenting before the Sutton BOS on 10/24 just before she is scheduled to present before the Warner BOS. She stated that she would try to get the presentation pushed back on the Warner agenda. Mr. Durfee offered that he would be able to begin the presentation if Ms. Martin is running late.

Sue Hemingway raised a question about informing the public of the information session by mail. Mr. Durfee explained that, as discussed at the September meeting, a letter would be sent out to all riparian landowners as first class mail with the date, time and location for their respective Town's information session. Ms. Martin passed around a draft of the letter that would be sent out. Mr. MacLean stated that the Bradford Conservation Commission has offered to pay for the mailings in the town of Bradford.

Mr. Durfee began a discussion over the formation of the public information session. He asked if the intention was to have a similar format as the first session held in Warner on 4/20/2016 where there were multiple presenters, each talking on their area of expertise. Mr. MacLean suggested that there should be only one or two presenters, that way a level of continuity is maintained and all members of the committee would not be required to attend all five sessions as a schedule conflict is inevitable. Ms. Martin added that she would provide introductions of the committee members and the presentation and then open the floor to Mr. Durfee to give the presentation. Ms. Connors stated that she would create backup slides to add to the presentation to be shown while the Q&A session takes place. These slides would contain information and links to resources the audience could read during the Q&A.

### **Other Business**

There was discussion regarding the inclusion of three Bradford dams on the classification map. As Ms. Connors and Mr. Durfee explained, these dams are within the ¼ mile river corridor, but are not on the river segment up for nomination. While they may raise questions and potential confusion if on the maps, the committee thought it would be best to show them in the spirit of transparency.

Ms. Hemingway asked, relative to Instream Flow, if during times of serious drought, would the Town of Warner still be able to draw from the river to meet the water needs of the Town. Ms. Connors replied by stating the Warner Village Water District has and will maintain the ability to essentially do what they need to do in order to meeting water demand.

Mr. Durfee passed a revised classification map around, explaining that a community section was added around the Davisville Dam as a result of concerns raised at the September meeting. He added that he would be making an addition edit after speaking with Tracie Sales which would create a community section beginning at the Davisville Dam that would continue to the Webster border and then the remainder of the river would remain rural to the confluence of the Contoocook, the section of which, at the confluence, is rural.

Ms. Connors shared with the committee some recent research she had done on the history of the Davisville Dam's FERC license. She spoke with the NH Dam Bureau as well as FERC and discovered that there was no record of a Hydro-electric license for the dam found more than thirty years back in the records.

### **Public Comment**

Allan Wagner posed a question to the committee regarding the DES record of only two dams at the Waterloo Village District, while he states that he owns three dams in the area. Mr. Durfee explained that it is possible DES lumped the three dams into two given the proximity, but nonetheless, the language in the classifications states that the community section of the river begins immediately upstream of the first dam structure. This means that regardless of the number of dams in that location, they would all still fall under community classification, protecting Mr. Wagner's right to develop them in the future.

Ms. Connors also brought up an important point regarding one's ability to redevelop breached or ruined dams on rural section of the river. She pulled up the RSA on the projector and read aloud a paragraph following the description of the limitation of the rural and rural-community classifications, the paragraph read:

Notwithstanding paragraph I, the department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river or segment above or below the existing dam for a significant distance; and

(c) The height of the impoundment is constant and is not raised above the maximum historic level of impoundment at that site.

Bill Balsam suggested that during the public information sessions, more time should be allotted for explaining in detail the effect of designation on riparian landowners. The committee agreed.

#### **Next Meeting Date**

The next Warner River Nomination Committee meeting falls on the same date and time as the Warner public information session so the November meeting will be pushed into December and a meeting date will be decided at the public information session.

Meeting was adjourned at 8:17 P.M.