

# Warner River

## LOCAL ADVISORY COMMITTEE

5 East Main St, PO Box 265, Warner, NH 03278

[warnerriverlac@gmail.com](mailto:warnerriverlac@gmail.com)

### **DRAFT Interim MEETING MINUTES**

7pm, Wednesday, January 31<sup>st</sup>, 2018

Pillsbury Free Library (lower level), 18 E Main St, Warner, NH 03278

#### **Appointed WRLAC Members:** ✓ donates present (Term End):

- |  |   |
|--|---|
| ✓ Chris Connors, At Large, Acting Chair (9-7-2021) | ✓ Laura Russell, Warner (11-26-2021)              |
| ✓ Bruce Edwards, Bradford (10-8-2021)              | ✓ Christopher Spannweitz, Warner (11-26-2021)     |
| ✓ Scott MacLean, Bradford (10-8-2021)              | ✓ Doug Giles, Hopkinton (11-26-2021)              |
| ✓ Carol Meise, Bradford (10-8-2021)                | Excused Linden Rayton, Hopkinton (11-26-2021)     |
| ✓ Susan Roman, Webster (10-12-2021)                | Excused J. Michael Norris, Hopkinton (11-26-2021) |
| ✓ Ken Milender, Warner (11-26-2021)                | ✓ David White, Hopkinton (11-26-2021)             |

The meeting called to order by Acting Chair Connors at 7:05pm.

**I. NHDES Complaint re: Non-permitted culvert replacement within vicinity of unstable meander along the Warner River in Hopkinton that may encourage risk to human health, property damage and water quality** – Ms. Connors thanked everyone for making the effort to attend the interim meeting on short notice to address this urgent matter. The reason Ms. Connors called this WRLAC interim meeting was to have the WRLAC review all circumstances of this case, view her research and vote upon whether or not to file a NHDES Land Resources Management Program complaint. She presented the forms and described the procedure and the serious sensitivities for all associated parties involved, encouraging the WRLAC seek a positive and supportive best possible outcome.

She explained that there have been many concerns expressed by Webster and Hopkinton residents over a two year period relative to residential development and cutting of trees along the river in the vicinity of the Webster-Hopkinton town line. In the course of consulting numerous Webster and Hopkinton town board meeting minutes and gaining clarification from town officials, she determined that a NHDES Shoreland permit governed shoreland vegetation removal within the protected shoreline for Webster Map 7, Lot 54-3 and an Intent to Cut permit was filed for logging that occurred in August(?) on Webster Map7, Lot 54-4/Hopkinton Map 224, Lot 33. Moving forward, given a recent lot line adjustment to both lots, she needed to consult NHDES and Forest & Lands to understand what laws and permits take jurisdiction moving forward. She was advised that the NHDES shoreland permit still takes jurisdiction over vegetation removal on the now enlarged Webster Map 7, Lot 54-3/(Hopkinton Map and Lot unknown), and Forestry laws and BMPs apply to tree/vegetation removal on Webster Map7, Lot 54-4/Hopkinton Map 224, Lot 33. Ms. Connors did not contact these landowners to request a site visit because while using NH GRANIT GIS layers and Google imagery to research these issues, Ms. Connors discovered naturally unstable conditions occurring along the meander (erosion/bank failure) and a seemingly unstable culvert repair/replacement along Deer Path Road in The Meadows development in Contoocook. The culvert is located within the path where the river may eventually avulse. Ms. Connors relayed that the current conditions of this meander is highly complex, likely would require a multi-discipline professional consultation, and beyond her expertise, however her concern is that if a culvert replacement was made and upsized to a larger concrete box culvert, the river may more frequently utilize the culvert in higher flows and given severe flood conditions, may abandon the meander altogether for a lesser path of resistance and avulse through the development. Given the high volume flows of the wet fall, this may actually be a very urgent matter.

Ms. Connors went on to explain that this community is noted to be vulnerable to high flood risk in Hopkinton's Hazard Mitigation Plan. When she could not find a wetlands permit associated with the culvert, she immediately contacted Hopkinton town officials to see if the culvert replacement was made by the town (as part of an emergency repair or FEMA-related claim, which would indicate that an engineer was involved in the process and a NHDES permit application filed by some other name/address/means). She learned that Deer Path Road is not a town road, but a private road. Given the potential for all the current activity in the vicinity of this meander to turn into an emergency during spring

flows, a concern also shared by Lee Wilder, Hopkinton Conservation Commission Chair, she contacted both Hopkinton's EMD and Town Administrator for further details and consultation. Town Administrator, Neal Cass, said he thought the WRLAC should file the NHDES complaint as it is more within WRLAC jurisdiction. Ms. Connors expressed concern about any potential retaliation and was reassured.

Ms. Connors then presented a series of NH GRANIT GIS maps and Google historic areal and street view imagery. She pointed out indications of the natural instability of this particular river meander, the historic meander scrolls upon the upstream river-left banks, the meander scars within the upstream and downstream wetlands, areas of bank erosion and failure, hydric soils and how the culvert replacement location seems to be most in the most likely path where the river will eventually avulse. She showed FEMA floodplain zones in context of the culvert location and the risk associated for The Meadows community well and potential risks for other downstream properties. **WRLAC members commented, asked questions and made statements throughout (need more of your comments here?).** Many concurred the potentially hazardous circumstances. All agreed that a culvert replacement seemed to have been made without a permit being filed. Ken Milender raised the possibility that the replacement may actually have been engineered, although if an engineer was involved, the 'big picture' fluvial geomorphologic considerations of the meander may not have been taken into consideration scenario (**typically outside of civil engineering scope**). Ms. Connors questioned whether or not the permitted Shoreland and Forestry activity within flood plain wetlands could complicate the naturally hazardous conditions and stated that this could only be determined by the examination by appropriate professionals. Carol Meise stated that the issue with respect to filing the NHDES complaint is that the culvert repair/replacement was done and confirmed by NHDES to have been done without a NHDES wetlands permit application filed.

**Susan Roman?** made a motion to file the NHDES formal complaint with Ms. Connors' documentation. Motion seconded **by Carol Meise?** Recommendations were made to use language confirming NHDES wetlands officials' validation that the culvert was within NHDES (and WRLAC) jurisdiction and that the WRLAC supports a positive solution moving forward. Nine of ten representatives voted in favor, with Laura Russell abstaining because she was uncertain if filing such a complaint was within the WRLAC's 'advisory capacity'. Ms. Connors thanked Ms. Russell for consideration and relayed she would ask Tracie Sales to comment about this.

All other agenda items were deferred to the next regular meeting.

The meeting was adjourned at 8:35.

Respectfully submitted,

Chris Connors, Acting Chair