

# Warner River Local Advisory Committee

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## **DRAFT Meeting Minutes**

Wednesday, June 26, 2019

Pillsbury Free Library (Lower Level)

18 E Main St, Warner, NH 03278

**Appointed WRLAC Representatives present** (Term Ends), those present in **bold**:

**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)

Linden Rayton, Hopkinton (11-26-2021)

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

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

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

**David White**, Hopkinton (11-26-2021)

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

**Robert Wright**, Sutton (05-22-2022)

**Invited Guests:** Ben Nugent (NH F&G), George Embley (Trout Unlimited)

Meeting called to order at 7:05.

Quorum was present.

### *New and Continuing Business*

1. May meeting minutes approved with two abstentions from members who were not present at the meeting.
  - a. Bob noted that he did not receive all the relevant documents for the meeting. The Secretary will attempt to send those documents to him via snail mail in the future.
- 2.
3. NH Fish & Game's 2019 Plans: Ben Nugent, George Embley – Request for WRLAC to support [Warner River Watershed Conservation Project](#).
  - a. [Ben and George reported on the 2019 plans for Warner River Watershed Conservation Project \(attached\)](#). Ben informed the Committee about ongoing and future plans for data collection, the use of the large amount of data on the watershed that has been gathered, public outreach events, restoration projects, and citizen involvement as related to the Warner River.
  - b. Ben and George emphasized that *because this project has focused on public engagement, the level of local interest has been unusually high, and they do not want this positive momentum to be lost (or as Ben noted "evaporate")*. However, with the model developed in this watershed, Fish & Game (mostly in the person of Ben) will soon need to turn their attention to other parts of the state, thus creating a gap in the support that F&G (Ben) can provide in some areas.

- i. Ben and George identified some possible specific tasks where the WRLAC could help: field sampling (which could be as simple as taking photos of locations of concern), coordinating the flow of information between Fish & Game and the WRLAC, website management, use of data that has been collected.
  - c. Ben asked if the WRLAC would be able to provide some support in the near future, particularly in the areas of WHAT to monitor, HOW to manage the monitoring, and WHO should or could be involved. George suggested that the WRLAC provide a liaison to the Watershed Project.
  - d. Ben recognized that that WRLAC is already tasked with important responsibilities.
  - e. Various members of the Committee emphasized that because the WRLAC is in its infancy, the Committee is trying to keep its scope small to start with. However, as Ken and Mike noted, the WRLAC's involvement in the watershed is certainly something reasonable that the Committee should consider in the long term. Bruce added that if our goal is to improve the quality of the water in the Warner River, then we would eventually want to consider expanding the river corridor management plan into a watershed management plan.
  - f. Susan asked whether the Instream Flow Study was part of the Watershed Project. Ben said that the Watershed Project has shared its data, but does not have an active role in the Instream Flow study. Ken mentioned that the [Instream Flow](#) Study would proceed whether or not F&G is included. (The Instream Flow study is under the auspices of DES's Rivers Management Protection Program.)
  - g. While recognizing that the first priority of the WRLAC is to learn its role and develop its priorities, the Committee also understood that the Warner River Watershed Conservation Project has an important role to play in the Warner River's long-term health and well-being. Susan and Bruce expressed interest in being liaisons to the Watershed Project. To that end, Bob motioned to have Susan be a liaison and Bruce be an alternate liaison to the Warner River Watershed Conservation Project (thus forming a subcommittee). The Committee voted unanimously in support of Bob's motion.
  - h. Ben reiterated that he would still be able to help us with work in the Corridor.
  - i. George reminded the Committee that the Trout Unlimited/Fish & Game booth at Newbury Old Home Day on July 13 would welcome any WRLAC members to represent our LAC.
- 4. Warner River Corridor Management Plan
  - a. Meeting of this subcommittee will take place June 27 with Joanne Cassulo in the CNHRPC's office in Concord to review the draft of the community survey.
- 5. 44 Dustin Road, Webster Shoreland Permit Application
  - a. Its status is unclear to the Committee. Ken will check with Craig Day (NH DES, Shoreland Protection) on its status.

6. Michie Application Review {Route 103, Bradford}. See under “Old Business,” below.
7. Fleury Application Review {Annis Loop, Warner}.
  - a. New construction; 22.4 acres including riverfront.
  - b. The Committee discussed its role in reviewing this application. (No state permits were required as the scope of the owner’s plans did not trigger any permits.)
  - c. Carol noted that there was a 13% grade from the leach field to the river.
  - d. Bob suggested that the Committee respond with a neutral tone since it does not appear that the Committee needs to opine. Perhaps our response would be something like “We accept...” Ken added that we could note “In our role, we don’t see any issues of concern...”
  - e. The Committee concluded that it did not have a specific reviewing role in this situation.
  - f. Ken will contact DES to make sure the Committee’s interpretation of its role is correct.
  - g. Ken will draft a letter thanking the landowners for their foresight and desire to share their plans with the Committee even though the Committee does not have a role to play in this situation.
  - h. Bruce asked are we now considered an abutter?
8. Discussion: VRAP in progress.
  - a. There have been equipment problems, so there is no June data.
  - b. Needs volunteers for July. Committee members should email potential volunteers to Ken.
9. DOT surplus land purchases (Warner). There is a 1.8 acre parcel that will be of particular interest to the Warner Conservation Committee and of particular use to the Concord Sunapee Rail Trail group.
  - a. This will become part of the Committee’s “long-term monitoring” list.
10. Meeting with Peter Ladd (Warner).
  - a. During the nomination process, Peter had been very concerned about the potential for the WRLAC to infringe on his rights as a riparian landowner who also owns some of the dams and flowage rights.
  - b. Recently, Ken reached out to Peter to keep him updated on the Committee’s work and goals to help him understand that the WRLAC has no intention of (and, in fact, has no power to) infringing on his rights as a landowner. Ken hopes this level of transparency was received by Peter as a gesture of neighborly good will.
11. Discussion: Route 127 (Davisville) Bridge.

- a. For some reason, DOT did not receive former Acting Chair Chris Connors's letter from the WRLAC, so Ken is working on a similar letter that will express our earlier concerns because the Committee's comments could have an impact on the DOT's plans.
  - b. It is still not clear if DOT will be repairing just the deck or replacing the bridge. This decision will be made soon, but will affect our issues of concern.
  - c. It appears that the work is scheduled for 2020-21, and that it's likely the bridge will be shut down, which would accelerate the work and limit the inconvenience to those who use the bridge.
  - d. This topic should be moved to "long-term monitoring".
12. Discussion led by Chair Ken: Hopkinton complaint update (#2019-00437, Jason Aube, DES inspector).
- a. DES was notified (in Feb) with a formal complaint about possible unauthorized culvert work on Deer Path in Hopkinton.
  - b. Wetlands Bureau inspected and produced a field report. The report stated that the culvert was replaced without the proper permits (DES has no record of wetlands or other permits).
  - c. DES notified the owners that by July 6 they should retain a wetlands scientist to submit an "after-the-fact wetlands permit"
  - d. (Sec's note: For reference, this is a link to [NH Wetlands FAQs](#), but I do not know if it defines "after-the-fact".)
  - e. Discussion
    - i. Dave – Could we ask Tracie Sales whether we should have more concern? What's expected of the Committee?
    - ii. Susan – My interpretation is that they (the owners/the development) will have to bring the culvert into compliance with wetlands permitting.
    - iii. Bob – Is a possible reply along the lines of "We have raised concerns in our advisory capacity. We have not yet received information about the status of this situation. If it has not been resolved, we will revert back our advisory status." And "This may be outside our purview, but we just want to alert you."
    - iv. Ken, adding to Bob's suggestion – "The WRLAC's opinion is that the more global effects on the river have not been adequately addressed."
    - v. Susan – How do we know who is working on this?
    - vi. Dave – We need to know what "after-the-fact permit" means because it will affect our continued response.
    - vii. Susan will call Jay Aube first to inquire about after-the-fact permitting.
    - viii. Ken will write a letter from WRLAC to follow up.
13. Instream Flow Study, Agreement approved by G&C.
- a. The Governor and Executive Council have approved funds for the Cold River and the Warner River instream flow studies.

- b. Ken asked the Committee read and familiarize ourselves with what an [instream flow study](#) is. See particularly the [video](#) for a quick overview of its purpose.

*Old business (leftovers from previous agendas)*

1. Permit application reviews, review of the latest weekly notices, introduce UMLAC review guidelines.
  - a. The Michie permit application may help the Committee devise an efficient way to review permit applications.
    - i. Note: This is a shoreland application. See link to [DES Shoreland Protection](#) info for overview and reference.
  - b. Owner is setting up a home and garden center. They would like to seed a meadow and cut some trees. Owner does not intend to place fill materials on the landscape.
  - c. Discussion
    - i. Bruce – Will fertilizer be stored? Is this a concern for us?
    - ii. Ken – We should look at the rules for designated rivers to see if there is anything about the safe storage of fertilizers.
    - iii. Carol – The Bradford Conservation Committee asked that fertilizer not be stored within the 100-year floodplain. It was determined (**By Bradford Con Comm?**) that the owner will be storing the fertilizer “out of harm’s way.”
    - iv. The Committee discussed that a letter should be sent to the owner encouraging them to focus on best management practices (BMP).
    - v. Motion was made **by Bob?** – that he submit a draft of a letter **about the Committee’s observations** for Chair’s review. Ken would then send the letter to DES.

Meeting adjourned at 9:00 PM

Next Meeting: Weds., 24 July 2019

Respectfully submitted,  
Laura Russell  
WRLAC Secretary

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

FEMA Risk MAP Contoocook Basin  
WVWD’s Wastewater Infiltration System  
Warner River Watershed Conservation  
Project  
DOT surplus land purchase (by Town of  
Warner)

Concord-Lake Sunapee Rail Trail  
Davisville Bridge repair

Attachments:

Ben Nugent, Fish and Game: Warner River Watershed Conservation Project 2019 Plans