

# Warner River Local Advisory Committee

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## **DRAFT Meeting Minutes**

Wednesday, July 24, 2019

Pillsbury Free Library (Lower Level)

18 E Main St, Warner, NH 03278

Meeting called to order at 7:00 PM

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

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

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

Carol Meise, Bradford (10-8-2021)

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

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

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

**Christopher Spannweitz**, Warner (11-26-2021)

Doug Giles, Hopkinton (11-26-2021)

Linden Rayton, Hopkinton (11-26-2021)

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

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

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

**Introductions:** Welcome to Andy Jeffrey, who will be joining as a representative from Sutton.

**Invited Guests:** None this month

### *New and Continuing Business*

1. Meeting minutes (June, February is still in progress).
  - a. There was no quorum, so June's minutes could not be approved.
2. Warner River Corridor Management Plan Survey: Subcommittee progress report and discuss survey and possible venues for surveying.
  - a. On June 27, members the Warner River Corridor Management Plan subcommittee (Ken, Chris, and Laura; Linden was unavailable) met with Joanne Cassulo of CNHRPC to revise Joanne's first draft of survey questions. The survey questions will be used to learn about the public's interests and concerns about the Warner River. This information will then help guide the development of the state-mandated Warner River Corridor Management Plan.
  - b. The second draft of the survey was shared with the WRLAC (attached), and Chair Ken asked for the Committee's feedback. Discussion points are listed below.

- i. **Question** – Does the entire Committee need to vote on the final draft of the survey, or does the Committee leave the fine-tuning to the subcommittee?
- ii. **Range of coverage for the Corridor Management Plan** – While the width of the Corridor is expressly defined as a ¼ mile on both sides of the river, reps noted that the actions of towns and individuals that affect bodies of water and waterways upstream of the Corridor (for example, Blaisdell Lake and Lake Todd, as well as tributaries that are not within the Corridor) will have an impact on the river. The question was raised: should the Corridor Management Plan address those areas as well? The conclusion reached by the Committee was that the Plan should focus more narrowly on the Corridor itself, and not areas outside the corridor. It was also noted that many of the upstream lakes and ponds have their own protective associations, and some conduct water-quality monitoring (in similar fashion to our VRAP). With that in mind, the WRLAC could contact those associations for data and information outside the limits of the ¼-mile buffer. Bob suggested that at some point the WRLAC could let those associations know that the WRLAC is conducting a survey and preparing a corridor management plan, and as a downstream entity, we have a vested interest in their work. Ken noted that the data from those upstream associations might not be included in the Corridor Plan, but their work should at least be acknowledged and referenced. Ken also noted that our future plans should include WRAC reaching out to the various lake associations within the Warner River Watershed.
- iii. Bruce shared a contact who might be helpful to the Committee: Andrea Lamoreaux, VP of [NH Lakes Association](mailto:alamoreaux@nhlakes.org) ([alamoreaux@nhlakes.org](mailto:alamoreaux@nhlakes.org)).
- iv. **Compiling the survey results** – CNHRPC will be responsible for compiling the results of the survey.
- v. **The length and breadth of the survey** – Via email, Linden expressed concern that the survey's current length and detail could deter people from filling out the survey. Others agreed that filling out surveys are tedious. The informal opinion of several members indicated that surveys sent out by towns and other organizations rarely get as much return as they would like to provide solid data. It's often only those who have immediate concerns or long-term commitments who will take the time to complete surveys. Question: Could we ask Joanne for her opinion on how many responses would be an acceptable amount? While acknowledging this frustration, members of the Committee felt that the survey should be sent out in something close to its current form.
- vi. **Dissemination of the survey** – How will it be sent? The Committee brainstormed ideas for how to get the survey out, particularly in electronic form. Ideas included town websites (make a banner with a link), embed in newsletters of local businesses (Sweet Beet, Warner Public Market, Schoodacs), town Facebook pages or other town groups,

local publications, such as Bradford Bridge, News of the Town (Warner), postcards with the link to the survey that can be picked up at local businesses and events.

1. **Action Item: Chris volunteered to begin the process of listing potential venues/forums/publications.**
  - vii. **Disseminating the survey** – To whom will it be sent? Who is Joanne getting names from? (Probably towns will need to supply that information) And how long will the survey be open?
  - viii. It was suggested that the survey include a place for **responders to write in their town and/or ZIP code**, as this could help us gauge the locus of greatest interest.
  - ix. **Conclusion** – Ken asked if the Committee felt that the survey was adequate (pending the answers to the few questions we had for Joanne). The Committee said yes. (A vote could not be taken because there was not a quorum.)
  - x. **Further discussion** – Does question #A7 serve a strong purpose? What is its intent? Could it be deleted? Perhaps the question could be reworded to “How well do you feel each of these groups should play a role in protecting the river?” Ken will ask Joanne about the purpose of #A7. The committee seemed to be leaning towards deleting Question #A7.
  - xi. Question #5 could be very instructive in helping the WRLAC set priorities for the Corridor Plan. And should there be a question about the instream flow study (worded in a way that would be easy for a layperson to understand)? It was noted that there was no question about dams, and perhaps there should be.
  - xii. **ACTION ITEM for Committee members** – Ken asked the Committee to **take the survey themselves to “test” it for any more recommendations, which will be discussed at the August meeting.** In the meantime, the subcommittee will contact Joanne about the questions the Committee raised tonight. We will request more details about how to get the survey out and to whom.
3. Bean Application {44 Dustin Road, Webster} Shoreland Permit Application #2019-01336
  - a. (DES approval attached).
4. Michie Application Review {Route 103, Bradford}
  - a. (WRLAC and DES letters attached).
  - b. Application was approved.
5. Fleury Application Review {Annis Loop, Warner}
  - a. Jurisdictional clarification from DES – In addition to our role in advising the Commissioner of Environmental Services, it is also WRLAC’s charge to advise municipal agencies, such as selectboards, with the Committee’s opinion regarding proposed developments within the Warner River Corridor.

- b. Related discussion – Scott: Is a permit (or lack thereof) for building a dock and steps into Lake Todd within this Committee’s purview? Ken: Probably not within this Committee’s purview. If the landowners had made an application, and it WAS within this Committee’s purview, Ken would have received a notice. It all depends on where the steps and dock are. Chair’s reminder: The Corridor begins at the confluence of West Branch Warner River and Andrew Brook, which is the outlet stream of Lake Todd (the brook below the dam, I think, is officially an extension of Andrew Brook, which is the chief tributary into Lake Todd). Lake Todd north of Route 103 is outside our jurisdiction. Andrew Brook downstream of the dam (Main Street, Bradford) is within our jurisdiction. That little dogleg of Lake Todd south of Route 103 is split, with over half outside our corridor and less than half inside our corridor. So, it all depends on where. The bigger question is probably “does the work performed (building a dock and steps) require a DES shoreland permit?”
6. Hopkinton complaint update (#2019-00437, Jason Aube, DES inspector), attachments.
- a. Susan contacted the Jason Aube of DES to inquire into the status of the complaint. DES granted the landowners a 60-day extension for submitting their “After the Fact” permit application. Original deadline for submitting was July 6<sup>th</sup>. The extension will put that out to about September 6<sup>th</sup>. The landowner has hired Mr. Joshua Brien, a certified wetlands scientist with Keach-Nordstrom Engineering. Mr. Aube determined that this complaint will be handled under the wetlands rules, and not shoreland. He has determined (somehow) that the box culvert itself is probably acceptable to DES, but he will want some restoration (he feels the culvert was installed with too much riprap that is unstable). He also has concerns about AOP (aquatic organism passage, Committee will be hearing this phrase more often). The “After-the-Fact” permit does not automatically indicate that DES will approve the culvert. WRLAC will still have an opportunity to comment on the permit application, even though the culvert is already installed. Ken noted that the Committee will wait for the application to come through the regular chain-of-communication so that we can discuss and comment. One question was raised: Is there actually any penalty for this culvert installation without proper permitting? There does not seem to be a real penalty, other than DES requiring the landowner to retain a wetlands scientist to submit the require paperwork. Susan reported that DES did conduct a field inspection, and we did receive it (attached). Ken reminded the committee that WRLAC cannot access private property without the landowner’s permission. The Committee can, as any citizen can, file a complaint to DES. In other words, all questions and complaints must be channeled through DES.
  - b. In the discussion, it was noted that the newer members of the Committee would like to review the larger context of the WRLAC’s role and the history of the Warner River’s nomination. Please see these websites: [The Warner River Nomination webpage](#) and [The Warner River Nomination document linked DES’s](#)

[website](#). For further information about river protection: [Rivers Management and Protection Program](#) (DES).

7. WRLAC permit application review process. We reviewed the weekly permit application notices that Chair Ken receives from DES. Chair Ken introduced the UMLAC review guidelines as a possible guide for us to adopt.
  - a. Question: do we need to empanel a new subcommittee to develop WRLAC guidelines? Discussion: Clearly, the Committee does not have the time to review every permit in our monthly meetings, as permits typically have to be reviewed and commented on in less than 30 days, which is often before our monthly meetings. We may need to do some permit reviews electronically or through a subcommittee (or an ad hoc committee) to ensure we are following New Hampshire's Right to Know Laws.
  - b. The [Upper Merrimack River LAC](#) has guidelines for reviewing permits. Ken provided paper copies of the DES permit application process as well as the UMLAC's review guidelines to the full committee for their review and feedback.
  - c. Ken asked for volunteers for a permit review subcommittee.
    - i. Ken and Susan will lead the process, and Scott and Andy will provide support as needed. David noted that the Chair can also create an ad hoc committee to handle permits that need immediate attention.
  - d. **ACTION ITEM for Committee members – For September the Committee should review the Upper Merrimack River LAC's application process to see how the WRLAC can use their guidelines to develop our own process.** Here is a link to the [UMLAC's website of reference documents](#) which has links to reviews they have conducted (scroll down to the document *UMLAC permit application review guidance.pdf*.)

#### 8. Quorum

- a. The Committee discussed the recent attendance problems, which have prevented us from having a quorum at some of our monthly meetings (April and June). Committee agreed that we should discuss further at the August meeting. The full committee is composed of 13 representatives (with a 14<sup>th</sup> possibly in the works). Our bylaws (attached) currently call for a  $\frac{3}{4}$ 's majority ( $\frac{3}{4}$  of 13 or 14 is 10). David noted that we may need to revise the quorum for voting. Bob proposed a simple majority (which would be 8) rather than the  $\frac{3}{4}$ . Committee agreed to table further discussion to the August meeting.
- b. **ACTION ITEM for Committee members – For the August meeting, please review the WRLAC Bylaws.**

**Next Meeting:** Weds., 28 August 2019, 7 PM, Pillsbury Library, Warner, NH

**Adjourn:** 8:45 PM

Respectfully submitted,

Laura Russell, Secretary

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

FEMA Risk MAP Contoocook Basin  
WVWD's Wastewater Infiltration System

Concord-Lake Sunapee Rail Trail  
Route 127 (Davisville) Bridge.