

Upper Valley Subcommittee  
of the Connecticut River Joint Commissions  
Monday – October 23<sup>rd</sup>, 2017  
Lyme Town Office, Lyme, NH  
Meeting Minutes

Present:

Sue Mackenzie, Lyme  
John Mudge, Lyme  
Jim Kennedy, Hanover (Chair)  
Alice Creagh, Hanover  
Jason Houle, Hartford  
David Barrell, Hartford  
Carl Schmidt, Orford  
Christine Bunten, Orford  
Bartlett Leber, Norwich  
Melissa Horwitz, Norwich  
Bill Bridge, Thetford  
Barbara Robinson, CRVRC commissioner  
Alex Belenz, staff consultant

1. Chairman Kennedy opened the meeting at 7:03 and introductions were made. Alex Belenz will be serving as the Staff Consultant to the subcommittee going forward. All subcommittee communication should be funneled through Alex to be sent out to other subcommittee members. David Kotz and Katie Little have both announced their resignation from the subcommittee.
2. The minutes from June 19<sup>th</sup>, 2017 were approved by motion of Mudge/Horwitz with one correction – Bartlett and Melissa were added to the list of attendees. The minutes from August 21<sup>st</sup>, 2017 were approved by motion of Mudge/Horwitz with several corrections:
  - a. The second paragraph in item #3 was moved to item #5. Further detail was added to describe the status of the Girl Brook low bridge project. “Bridge replacement” was changed to “Girl Brook low bridge replacement,” and the following sentence was added: “Hanover Conservation Commission had submitted comments to NHDES, and NHDES had requested additional information.”
  - b. The numbering of items in the meeting minutes was changed to remove duplicate #5’s.
3. Jim provided an overview of the permit review process. A memo was developed and submitted to CRJC detailing the permit review process with NHDES. There have been challenges in the process of working with NHDES, which was the impetus for drafting a memo. Coordinating with other agency’s reviews, such as NH Fish and Game, would be an improvement. LAC’s are not currently able to review applicant’s responses to the comments that are submitted by the LAC. State law require LAC’s to comment on application, and the applicant’s responses are considered part of the application. LAC’s also need to continue to receive detailed studies and findings from NHDES to fully

understand all conditions surrounding a permit application. Barbara Robinson indicated that the memo was commented on during the last CRJC meeting, and that NHDES leadership appears committed to being more proactive in this realm. Jim requested an update on CRJC's thoughts and comments on the memo.

Members agreed that the entire subcommittee should be made aware of permit applications and associated comments, even if only two or three members do a site visit.

4. Jim opened up a discussion of an indirect discharge permit renewal application and associated public notice for a septic field at the Avery Inns property on Lake Fairlee. Members expressed some concern with the amount of information available, particularly in regards to the location of the site in related to the Connecticut River and its tributaries. Jim said this is somewhat typical of permits they receive from VTDEC. John asked if a representative from the state of Vermont could come and talk about the permit review process. For an indirect discharge permit, the permissible distance from the river depends primarily on the level of loading into the soil and the soil type. David expressed some comfort that this was a permit renewal, rather than an initial application, even though there is limited information. Bill indicated he would look into if the Town of Fairlee is aware of the permit renewal application, as well as what the public notice means, what the associated regulations are, and which agencies will be involved in the review.

Jim brought up a previous item regarding a landowner in Thetford who was planning to reinforce a Connecticut River riverbank with rip-rap. The landowner would need a permit per current streambank regulations. The state has to come look at the site and make recommendations before the application for the streambank alteration permit. Members were unable to recall the landowner's name.

Jim indicated that there are no current NH permits that require review or site visits. Sue indicated that there was an emergency streambank repair at Grant Brook in Lyme to limit erosion, consisting of 40 feet of severely eroded bank to be filled with rip-rap. Since it is an emergency repair, the project circumvented the normal permitting process; however, they are still required to comply with state regulations.

5. Jim indicated that CRJC should have simplified materials for the general public on the permitting process. NHDES, VTDEC, and USACE provide materials and information that could be condensed. These materials would be posted at all town halls. Alex said he would look into whether any other LACs had developed these materials. Jim said he would develop a list of items to be included in these materials and send to CRJC, when time permits.

NHDES is conducting a drive to bolster recruitment for LACs. The updated roster and contact list should be sent to NHDES. Alex will send along the updated roster and list to the subcommittee.

Jim has been working with Lebanon city council to recruit Lebanon representatives, and has made some progress.

Carl was connected with Danielle Allen and Benner Dana, owners of Root 5 Farm, which is located along the Connecticut River in Fairlee. The two are interested in jointly occupying one member spot on the LAC. Carl indicated that he would follow up with Danielle and Benner and the Fairlee selectboard.

Alex will follow up with Pat Crocker to see if there are any additional recruitment materials that are housed at CRJC or Upper Valley Lake Sunapee RPC. Barbara indicated that CRJC previously received funding for outreach through a Upper Connecticut River Mitigation and Enhancement Fund grant.

6. John said there has been no updates from FERC regarding Great River Hydro relicensing. There are still several studies that are outstanding, including an updated erosion study.

The Town of Lyme has been researching the original documentation for when River Road was rebuilt as part of the original project to update the dam. The town has asked for a copy of the original license, which no one can find. Several NH state senators are involved in the search for the license. Ownership of the dam has changed hands multiple times, which may explain why the license cannot be found.

Several members indicated that the Connecticut River has been observed to be very high all season. Sue Mackenzie indicated she saw several badly eroded, vertical banks out on the river several weeks ago.

John announced he was recently appointed to the Connecticut River Valley Resource Commission as a member-at-large.

7. Carl announced that several LAC members will be touring the Fisher property in Orford on Thursday, October 26<sup>th</sup>. They will be joined by members of the Orford Conservation Commission, as well as the project engineer. The project involves a major streambank stabilization using a newly developed technique with embankments pointed upstream. Carl provided copies of the basic plan. John indicated that a similar technique was used along the Mascoma River behind T.J. MAXX in West Lebanon. Sue expressed concern that the same technique was being used at the Fisher property, where Connecticut River functions more as a tidal lake above the dam, as opposed to a swift moving river such as the Mascoma.

Carl asked if any towns that had passed Warrant Articles regarding a Mitigation Fund had contacted FERC. Jim indicated Hanover had done so.

Alex alerted to members to documents containing changes to the NHDES Shoreland Program.

8. The next meeting will be held on December 18<sup>th</sup> at 7:00 PM in the Lyme Town Office. Jim made a motion to adjourn, Bartlett seconded. All members approved to adjourn at 8:20.

Minutes respectfully submitted by Alex Belenz.