

Upper Valley Subcommittee
of the Connecticut River Joint Commissions
September 21, 2020 Meeting Minutes
Video Conference Call

NH Members:	Present	Absent
Alice Creagh, Hanover, NH		X
Jim Kennedy, Chair, Hanover, NH	X	
Eric Agterberg, Lebanon, NH		X
Ruth Bleyler, Lebanon, NH		X
Bruce Garland, Lebanon, NH (alt)	X	
Bill Malcolm, Lyme, NH	X	
Vacancy, Lyme, NH		
Christine Bunten, Orford, NH		X
Carl Schmidt, Orford, NH	X	
Karyn Brown, Piermont, NH		X
Helga Mueller, Piermont, NH		X

VT Members:	Present	Absent
Vacancies, Bradford, VT		
Ben Dana, Fairlee, VT		X
Vacancy, Fairlee, VT		
Danielle Allen, Fairlee, VT (alt)		X
David Barrell, Hartford, VT		X
Lynn Bohi, Hartford, VT	X	
Tara Bamford, Thetford, VT	X	
Bill Bridge, Thetford, VT	X	
Linda Matteson, Thetford, VT (alt)	X	
Vacancies, Norwich, VT		

Olivia Uyizeye, Staff from UVLSRPC; Ted Cooley, CRJC Commissioner and Orford resident; Audra Klumb, A&D Klumb Environmental

Minutes

1. Welcome, Review Meeting Guidelines & Introductions

Chair Kennedy called the meeting, conducted via conference call, to order at 7:01 PM under the emergency provisions of RSA 91-A, New Hampshire’s Right-to-Know law, as allowed by Emergency Order 11 under Executive Order 2020-04 in light of the COVID-19 outbreak. Chair Kennedy conducted a roll call of LAC members, invited any guests to introduce themselves, and welcomed all present.

2. July Meeting Minutes

Kennedy opens up discussion on the May meeting minutes. Schmidt asked that edits be made to his comments on the CR Living LLC shoreland application to clarify that his observation of alluvial soil on site was “apparent” not definitive. Malcolm makes a motion to approve the minutes with edits. Bohi seconds the motion. The motion passes unanimous by roll call vote.

3. Permit Review

a. 120 Lyme Road Hanover – Dock Permit

Kennedy explains that detailed plan for location at the dock were provided and concerning mowing activities have stopped. Kennedy shares that the Hanover conservation commission suggested marking the dock in relation to existing trees for the benefit of a potential future landowner. Audra Klumb from A&D environmental clarifies that the dock sits 28ft into the river. Bohi comments that the river is about 500+ ft across at that point.

Schmidt makes a motion for Kennedy to sign the permit according to previous stated suggestions and conversations. Bohi seconds the motion. The motion passes by roll call vote with one “no” from Malcolm.

Malcolm expresses concern that it puts out too far into the river which may impede traffic as the navigable areas are not nearly as wide as the river itself. Also, Malcolm does express lack of clarity

around what the criteria are in our review of dock permits. Kennedy responds that we function in an advisory capacity by NHDES for all projected within $\frac{1}{4}$ of the river. Kennedy continues that on a lake or pond, a dock would be allowed to go 40 ft out and 6 ft wide. They much go parallel to the shore unless a specific need defined. Everyone with shoreland has a right to a dock to navigable waters.

Klumb notes that the dock method proposed is necessary to allow a boat to dock. Klumb describes measurements taken of the water depth from the shoreline out that support this need. Kennedy adds that docks width of 6ft wide by 40 ft long for lakes and ponds. You have to do parallel unless you have a need to get a boat in.

Malcolm rescinds his "no" vote and confirms the change of his vote in favor of the dock noting the allowance by NH law.

b. Quail Hollow Pathways – Wetlands Permit

Kennedy shares his initial comments on the application:

- There is currently a large amount of concrete and angular stone throughout the site. The applicant should consider a softening of this entire area, as suggested in our February letter.
- Why is a new culvert needed? There is a brand new 24" HDPE culvert to the west of the proposed 24", and the road was recently paved.
- The applicant states that the wetland is "PEM" or Palustrine Emergent (no subclass or water regime codes given). There is standing water at the end of the current rip-rap. This is obviously a Riverine situation, with a direct water connection to the Connecticut River, and should be treated as such with impacts to both the channel and the banks.

Kennedy explains that the city engineer has required an upgrade to the culvert. Bohi asks what the need is. Kennedy postulates that it may relate to the overflow of the nearby catch basin. Bamford remembers from the earlier site visit that system overflow would back up into quail hollow. Malcolm notes that the outlet of the new pipe is 10 ft higher than the output of the old pipe. Kennedy observes that the plan calls for use of 2 ft crushed rock and the amount appears excessive. Bamford asks if the rock is meant to slow the flow of the increased height. No clarity on this question. Kennedy adds that concern for aquatic connection is not primary on this corridor.

Kennedy feels NHDES has already seen LRS comments on this project, but the LRS could reiterate and stand by those. Kennedy would like to see topsoil and wood in the stream to protect the ecology of the system. Kennedy notes that there is now standing water in the system even though we are in a drought. Bohi remembers looking at the existing culvert and the bank erosion across from it, asking did we ask them to change the angle to be more in line with the river instead of the bank? Bamford and Matteson agreed that the previous letter covered it. Malcolm notes that the letter should note the change in length of the pipe and height of outlet. This could be stated in the context of previous comments about velocity. Malcolm would like to see/hear further explanation on the design and purpose. Kennedy notes this would require a discussion with the engineer and visiting the site again. Kennedy does not see the need for a new pipe but notes that this might be intended to mitigate erosion into another person's access road where it is possible they want to subdivide with a "for sale" sign up.

Bamford makes a motion to update the February letter. Malcolm seconds the motion. The motion passes unanimous by roll call vote, Bridge abstains. Kennedy will compose a letter. Bamford indicates she may take a look at the site and will provide additional context for the letter.

c. Shoreland Permit, Lyme – Convert barn and install septic

Kennedy shares his initial comments on the application:

- the silt fence needs repair and proper trenching

- the area for the septic system is a white pine grove, not shown on plans
- the requirement for a 50% undisturbed area between 50-150 feet of the reference line could be satisfied by not mowing the hillside to the east, and allowing it to revert to natural cover
- the applicant's frontage along the river on lot 24 is mowed to the top of bank - the applicant should consider maintaining a non-mowed riparian buffer along the river.

Kennedy asks if anyone else was able to visit the site. Malcolm shares that he did go by and that it is a small site, as shown in the drawing. Kennedy questions if NH Fish and Game has been involved due to the presence and potential loss of white pine habitat along the shoreline, prime for bald eagles. The application indicates that there is no undisturbed cover because they are mowing it, however this would be undisturbed if they stopped mowing. Kennedy explains that the owners are mowing both lots right up to the bank of the river. Kennedy suggest that the mowing be pulled back at least 25 ft. Bamford asks if this grass or haying lawn. Kennedy responds that is grass. Malcolm explains that this work was likely approved by the Town of Lyme zoning board. Kennedy notes that the application indicates that all local permits have been obtained – including expansion of barn and septic. Bohi agrees that circulating a letter before submission would be of interest.

Malcolm makes a motion to submit comments as expressed in the conversation. Bohi seconds the motion. The motion passes unanimous by roll call vote.

4. Other Updates & Business

a. Community Article – Upper Valley Highlights Discussion

Uyizeye asks members for any initial input on the Upper Valley public outreach letter to be developed this winter in preparation for a Spring distribution. Bamford encourages explaining the CRJC legal basis. Bohi encourages Uyizeye to make the letter inviting to the public.

b. Commissioners Update & LRS Summary Report

Bamford explains that the commissioners met earlier today. There is no new budget line in Vermont for CRJC and it does not look like there will be. Commissioners are working towards an online gathering to talk about the increase interest in property in the Connecticut River valley. This interest may be due to covid but planners also expect an increase in response to climate. There is possibility to get some help from an Antioch intern on data gathering. Kennedy indicates there was discussion about continued confusion about the LRS v. LAC name. Bamford plans to connect with Tracie Sales on the topic.

5. Adjourn

Bohi makes a motion to adjourn. Malcolm seconds the motion. The vote passes unanimous by roll call vote.

Respectfully Submitted by Olivia Uyizeye.