

## EXETER RIVER STUDY COMMITTEE MINUTES

March 18, 2010

### 1. Convene Meeting:

Chairman Lionel Ingram, Paul Vlasich-Town Engineer, Resident Rod Bourdon, Ginny Raub, Matt Quandt, Roger Wakeman-PEA Rep., Frank Patterson, Kristen Murphy-Planning and Mimi Becker were all in attendance. Guest speakers: Russell Dean – Town Manager; Brian Comeau – Fire Chief; Deb Loiselle and Sally Soule from NH DES; Theresa Walker – Rockingham Planning Commission (RPC). Lionel convened the meeting at 9:05 a.m.

### 2. Approve minutes of 2/18/10:

There was a motion to accept the minutes of February 18, 2010 as presented by Matt Quandt and seconded by Mimi Becker. Vote was unanimous.

### 3. Up-date on the Hazards Policy – Matt Quandt

Matt Quandt stated the Hazard Policy was presented to the Board of Selectmen (BOS) and they had a couple of concerns. 1) Appeal process. Would the resident have the ability to appeal a ruling if the town sends out a letter saying the resident has to remove a tree? An example for an appeal would be in a case of hardship. 2) Home owner's insurance coverage. Matt stated that in some home owner's insurance policies there is a clause that covers tree removal. Matt stated he called the Town's insurance company to inquire about tree removal but has not received a call back.

Lionel wrapped up the discussion stating Bill Campbell, BOS Chairman wanted to move the language regarding the state regulation (3.0 Definitions) and put it into the body of the Town's policy procedures section (5.0 Procedures). Lionel stated if verb age was put into the policy and if a resident has a hardship and does not agree with the Towns ruling they could appeal it through the BOS. Lionel asked Matt if these two changes were made would that satisfy the BOS's concerns. Matt replied, yes. Lionel asked if the board was willing to accept the two changes. The board replied yes and a motion was made. The motion was made by Frank Patterson to ensure once these two changes are complete the Hazard Removal Policy will be finalized; seconded by Matt Quandt.

### 4. Nomination of the Squamscott River to the NH Protection Program – Theresa Walker-RPC

Lionel Ingram introduced Theresa Walker from the Rockingham Planning Commission (RPC) to discuss the nomination of the Squamscott River to The New Hampshire Rivers Management and Protection Program (RMPP). Lionel stated Theresa would like the River Study Committee board to make a recommendation to the BOS. Theresa Walker thanked the committee for allowing her to speak to the committee. Theresa passed out an environmental fact sheet which addressed RMPP<sup>1</sup>. Theresa also passed out the December 2009 issue of the "State of the River"<sup>2</sup> newsletter from the Exeter River Local Advisory Committee (ERLAC); which had an article addressing the RMPP.

Theresa informed the committee that ERLAC has been working for the last several months on the nomination process of the Squamscott River to the RMPP. It is a state program that enables the citizens and community to nominate rivers to NH DES for inclusion to the RMPP. This enables the community and the people who live along the river to form a committee and establish an open working dialog with the State and Federal agencies on how a river is managed and what is happening along the river. Theresa gave a presentation explaining the past and future intent of the Squamscott River to the RMPP. For clarification purposes Theresa noted the Exeter River and the Squamscott River are one in the same, one watershed. The river begins in Chester and flows 32 miles to Great Dam until it hits the tidal area and becomes a tidal river.

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<sup>1</sup> The fact sheet was emailed to the committee members prior to the meeting for review.

<sup>2</sup> Extras have been placed at the Town Office for anyone to pick one up.

Theresa stated up until last June tidal rivers were not eligible to be included in the state program. Theresa updated the committee by stating in 1995 when the Exeter River was nominated it excluded a stretch of fresh water portion from Great Brook to Great Dam because NH DES was working on their in-stream flow rules which were rules on how water could be taken off a river. The Selectmen and some residents at the time were concerned if that section was enrolled it would somehow limit the Town's and the Academy's ability to draw off the river for municipal drinking water and other uses; so that section of the river was left out of the nomination.

Theresa informed the committee she is currently working on the nomination of the Squamscott River into the RMPP, which needs to be submitted in a couple of months. Theresa asked the committee if she should now capture that section from Great Brook to Great Dam and write one nomination that would include the small section of the fresh water or should she just do the tidal portion. Theresa looked to the committee for guidance. Theresa stated she has had this discussion with the BOS, the Planning Board and the Conservation Commission. Theresa stated that Wayne Ives from NH DES has spoken to the BOS and answered any of their questions. Wayne had informed the BOS that the in-stream flow rules do not impact the ability to use water for a drinking source. Wayne also stated the in-stream flow rules are not meant to limit the Towns ability to use the river; they're there for the big picture, to make sure the river will always be there to use. Wayne had also informed the BOS that he would work directly with DPW, the Town Engineer and Water and Sewer to make sure the Towns needs are met.

Theresa stated the next step would be to hold three public meetings; one in Exeter, one in Stratham and one in Newfields for people who live along the river to talk about the nomination as well as explaining the RMPP process to the public. Theresa turned it back to the board for questions or comments.

Matt Quandt explained the reason he was for omitting the fresh water area was that Ted Diers from NH DES had stated in a previous meeting that the rules are going to be changing on the ability to draw from surface water. Theresa replied those rules are going to change whether you're a designated river or not. Matt felt the reasons it was not included back in 1995 still apply until the Town is up and running with other ground water options. Matt recommended keeping that section of the river out of the program for at least a couple more years.

Mimi Becker respectfully disagreed with Matt Quandt. Mimi stated she cannot imagine coming into the 21<sup>st</sup> century pretending that you can lift a section of the water resource out of context and pretend it not part of the rest of the river. Mimi felt if the Town has a plan for managing the river and all its uses and put into whatever adapted plan that would occur and we manage the river as a system. Mimi doesn't see any legal barriers that would supersede the existing rights of withdrawal. The whole point of putting the river into protection is to improve it.

Theresa read an email between Don Clement, Chairman of the Conservation Commission and Wayne Ives, NH DES.

Don asked Wayne "Does this mean we will not be in danger of restricted in-stream flow rules if we placed the rest of the Exeter River in the in-stream protection program?"

Wayne replied, "You will not be in danger from restrictive conditions placed on you. Management of water resources however will be required to ensure your water supply and protection of fish and wildlife.

Conservation and water use conditions will be created for all affected water users on or upstream of a Designated River. The water users work with the Department to develop management conditions. These conditions must result in the water user meeting water quality standards. The Department will also be managing upstream dams to support water use needs and so that these standards are met.

The protected flows, when they are developed for the Designated River, will be the numerical water quality standards for flow. Water Quality Standards are already applicable to all water users in the state. Until a protected in-stream flow study has been conducted, water quality standards default to other more limiting conditions. In-stream flow rules require coordinated water use and management that supports public water supply, irrigation uses and fish and riverine species. This watershed-wide management to protect water supplies is generally not available without Designation.”

Lionel Ingram reminded the committee the Town does not own the river and the state regulates the river. Lionel stated with the in-stream study and the results of it, whenever it does happen, he feels we will be mandated from the state whether we are in the protected program or not. Lionel asked Theresa what difference it would make if we were to be in the protected program or not in terms of regulations. Theresa replied what you gain is having the ability to be at the table with NH DES when the in-stream rules and the pilot program becomes a program. Theresa said the strength comes from the community and group with a vested interest on how this river is used and managed. The Town would have a direct conduit with the State and to policy makers and funding that is attached to being in the RMPP. It also provides access to grant money that is not accessible to other rivers that are not in the program.

Lionel summed it up by saying, “We gain nothing by staying out but we might gain something by getting in.” Theresa agreed.

Frank Patterson stated he would like to be at the table with the State and with everyone upstream, on equal footing, and by doing so send a message to the people upstream that we’re excited about promoting the river and keeping it as a resource.

Roger Wakeman concurred with Lionel’s conclusion with there being nothing detrimental by joining the RMPP.

Theresa also mentioned the dam, whether it is there or not, does not have anything to do with the nomination to the RMPP.

Rod Bourdon asked if we were in the RMPP would it have any bearing on whether we want to lower the dam in preparation of a flood. Theresa replied no.

Paul Vlasich stated he was concerned about limiting the Towns ability to draw water or the discharge of the water. Theresa stated it will not have any effect on the drawing or discharging.

A motion was made to have the River Study Committee recommend to the BOS that both the Squamscott River and the remaining portion of the Exeter River be included in the RMPP by Mimi Becker and seconded by Frank Peterson. The motion was passed 6 votes with Matt Quandt abstaining.

## **5. Report on Article 22, Town Ballot – Lionel Ingram**

Lionel Ingram report Article 22, \$100,000.00 for the Dam Feasibility Study, passed so there is money to go forward with the feasibility study.

## **6. Report of the Sub Committee on the Feasibility Study-Mimi Becker and Deb Loiselle:**

Mimi Becker passed out the minutes to the March 9, 2010 meeting of the Exeter River Dam Study Working Group Meeting. Mimi stated that Deb Loiselle will be handling the Request for Proposal (RFP) process. Mimi stated at the March 9, 2010 meeting the committee had two primary agenda items. 1) Began working on the RFP; 2) Spent some time discussing the needs for public education and engagement. Mimi stated the committee had looked at four (4) different models for the RFP and has narrowed it down to one, which the Town of Milford has

used. Mimi stated the committee is proposing to have a public workshop on April 29, 2010 in the evening at the Town Hall with time TBA. If the River Study Committee approves that recommendation. There would be a neutral facilitator at this meeting. The purpose of the meeting will be to inform the public of the process of the RFP and what the certain contents of the RFP are at that point. Also, to solicit information from the public on what they know of issues of concern, as well to identify issues and questions they have or feel what needs to be addressed in the RFP. That information will be eventually compiled and addressed in the RFP. There were two options for the neutral facilitator; 1) to use the Theresa Walker from RPC or 2) Dr. Charlie French from UNH Coop Extension. The committee agreed on this date.

Deb Loiselle stated she agrees with the decision on using the Town of Milford's model for the RFP. Deb stated the committee has just started working on the tasks listed on the "blue"<sup>3</sup> tasks list to get into the RFP. Deb will have a first draft ready to be discussed at the next Dam River Working Group meeting. Deb reiterated this will only be a "draft" at that point. Deb stated the purpose of the public meeting will also be to go over this draft and make sure there is nothing that is missed or really important to the public that is not addressed in the RFP.

Lionel thanked the committee for their due diligence and rapid pace which they are working. A motion was made to have the RPC facilitate the April public meeting and have Mimi Becker be the contact person between the River Study Committee and RPC. Roger Wakeman made the recommendation and seconded by Rod Bourdon. Vote was unanimous.

**7. Status of the RPR to be sent to State Historic Resources – Paul Vlasich and Deb Loiselle**

Deb Loiselle stated she has been working on the draft RFPR and will have it ready for the April meeting. The intent is to have it completed and submitted by the end of April, beginning of May 2010,

**8. Other Business:**

Russ Dean along with Brian Comeau updated the committee on the rain storm event that hit our area and the local flooding. Court St and Powder Mill Road had a lot of flooding and there were several road closures which included the two mentioned. Russ stated the emergency response was very good for the Fire Department, Police Department as well as Public Works. Russ stated what helped in general was that electricity throughout the Town wasn't lost in as many areas or for as long like in the past and that gave the public the calming effect. Governor Lynch came and toured the Town and declared an emergency. The Town is currently waiting for FEMA to do their work in the Town in order to get a better estimate of the damages. Once that is complete information can be given out to residents on their next step to apply for assistance if that becomes an option.

Mimi Becker asked Chief Brian Comeau if there is anything that the community should be aware of in terms of being better prepared or respond to for storms. Brian responded that one of the key issues is if you know your house is prone to flooding to call the emergency responders early so they can get the people out by vehicle instead of boat. This will also help with moving their stuff and get them out a lot quicker.

Brian stated one other major problem was once a road is closed people just drove through the barriers. Brian will be recommending increasing the Town ordinances.

Lionel Ingram spoke to the committee on creating alternates for the River Study Committee. These positions would sit in when a committee member cannot make a meeting. Selectwoman Julie Gilman spoke and informed the committee the Selectmen have to create the alternate positions and appoint them. Lionel asked Julie if she would follow through on creating and adding three alternate positions to the River Study Committee. Julie stated yes she would.

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<sup>3</sup> The blue highlighted spreadsheet passed out by Deb Loiselle at the December 2009 meeting for the Dam Feasibility Study.

**9. Public Comment:**

None

**10. Adjourn the Meeting:**

The meeting was adjourned at 10:45 a.m. The next meeting was set for April 15, 2010 at 9:00 a.m. in the Nowak Room of the Town Office.

Respectfully Submitted,

Grace Rogers  
Public Works Office Manager