

River Advisory Committee

November 16, 2017

1. Convene the Meeting

Chairman Richard Huber convened the meeting at 3:05 pm in the Nowak Room of the Exeter Town Office building. Other members present: Rod Bourdon, PEA representative Jill Robinson, Lionel Ingram, Atty. Terrie Harman, Virginia Raub and Selectmen representative Don Clement. Also present: Paul Vlasich, Town Engineer

2. Approval of Minutes

Mr. Bourdon stated he was present at the October meeting, but not named in minutes. Mr. Huber also had additional comments. With no other corrections or comments, Mr. Clement moved to approve the minutes with additions; seconded by Mr. Bourdon. Motion carried.

3. Update on Various River Related Items

Reporting on River issues, Mr. Vlasich stated:

- The updated flood analysis was submitted last month to FEMA for the Town to be issued a Letter of Map Revision (LOMR). Following receipt of material, FEMA has 90 days to comment. Mr. Vlasich thought perhaps the Town might hear something before the end of 2017. Later, responding to Mr. Clement's question, the public will not be allowed to comment on the new mapping until FEMA has responded.
- Three components of the cultural historic resource projects for the Section 106 portion of the original permit are underway but not completed:
 1. The outdoor interpretive sign to be placed in the area of the former dam site is ready to be ordered.
 2. Enlarged photos of the Dam are being prepared to be placed in the hallway of the library.
 3. Work is continuing on the etched glass panel to be installed in an anterior wall at the library allowing the viewer to "see" the Dam at various times in its history.
- Monitoring of the river bottom at former dam site is complete and Town is waiting for results but he did not anticipate any problems.

Again, all this work is being coordinated and completed by the consultant, VHB.

- Breach analysis for Pickpocket Dam
VHB has completed their survey work in verifying the elevations of certain structures downstream. Although he has not seen the adjusted report he felt some structures may be removed from the "threat list" which was good news. He did say more information will be forthcoming as the report is finalized.

Discussion followed on Mr. Clement's statement and inquiry on possible impact to the Exeter River in the upcoming State's Instream Flow Rules. It seems when a river level reaches a level below its mean high flow level, water is to be released from an upstream dam to "refresh" the downstream waters. Conversation followed on the physical state and operation of the sluice

gate at the Dam. As for the State's Instream Flow regulations, Mr. Vlasich added there are more details to come but it appears each river will have its own individual plan.

- Stormwater Management Plan for MS4 permit
Wright Pierce, consultant for the Town, continues to work on the requirements outlined in the MS4 permit. A presentation was made to the Board of Selectmen on what the new MS4 goals mean to the Town. Also, in a similar presentation to the Planning Board, changes were suggested to current ordinances to help obtain these goals.

The Administrative Order by Consent (AOC) obtained with the approval of the new wastewater treatment facility design agrees to certain nitrogen limits but the Town is still required to have a nitrogen control plan to submit to EPA by September 2018. Although the new treatment facility will remove much of the Town-generated nitrogen, there are other activities that residents can do to further reduce the nitrogen contribution i.e. stormwater management plans, use of fertilizers and street sweeping. The consultants are helping Public Works understand the components (of the nitrogen plan) so when it is time for policy making we will have a better understanding of the efficiencies of various nitrogen removal efforts.

- Rockingham Planning Commission (RPC) and Watershed Engineers continue their grant work on several stormwater projects.

With his update complete and no additional questions or comments from members, Mr. Vlasich was thanked for his report.

1. Update on Exeter Squamscott River Local Advisory Committee (ESRLAC)

Ms. Teresa Walker from RPC, coordinator for the ESRLAC, thanked the group for the invitation to speak. Before going into current activities she provided a brief background on the organization. In 1995 a group of Exeter citizens and some from outside the town but living along the river, recognized land conservation and river management were vital for the community and to the resiliency of the community. The core group nominated the fresh water portion of the River to be included in the NH Rivers Protection and Management Program. This program is a partnership that enables an ongoing conversation on river management issues between State and local communities. The State court ruled on the application and accepted the ½ mile portion of River as a designated river. Then Ms. Walker and RPC developed a river management plan that led to the formation of the Local Advisory Committee, a voluntary organization comprised of representatives from ten towns along the river corridor. The State statute that governs this program talks about the river corridor and designates ¼ mile on either side (of the river) and looks at land activity within this corridor. It has no regulatory authority and is not design to hinder development but to have an opportunity to talk about any such land use actions and how it might impact or dovetail with the management plan.

In coming years, the group later felt that ½ mile designated river was limiting. A watershed management plan was then drafted that extended an invitation to neighboring towns to join even if they did not have river frontage but had flow into the designated river.

At the time when the application was being drafted, the Board of Selectmen were cautious in extending the designation from Chester past the river intake pipe that is on Academy land for fear the State may

sometime in the future place restrictions on the quantity of water taken for the municipal supply, so, they chose not to include that portion in the application.

But in 2011 several representatives approached the State and asked that the original program be amended to include tidal rivers so as to include Stratham and Newfields in the program. The legislature did expand the program allowing the Squamscott to be included in the designated river program. With the new addition came an updated management plan. In this plan, recognizing potential drought and flooding conditions, there is the inclusion of water quantity as well as water quality, recreational opportunities, cultural and historical resources and education and public outreach. The management plan is what guides the actions of the Local Advisory Committee

Now there are thirteen towns in the program and each may have up to three representatives. Exeter's representatives are Don Clement and Dave O'Hearn. Whenever there is activity along the river corridor, NH Department of Environmental Services (DES) is in contact with the group for comment. The Advisory groups are just advisory, no jurisdiction. They do work in conjunction with local Conservation Commissions on such applications i.e. Alteration of Terrain (AOT) applications and Wetland and Shoreland applications.

Ms. Walker spoke of a current local happening where a privately owned dam in Brentwood, with an impoundment that reaches up into Fremont, was issued a Letter of Deficiency by DES. Faced with repairs or removal, the owner offered ownership of dam to both Brentwood and Fremont. Both towns declined. In an attempt to reach some resolution, ESRLAC held a community information meeting in late summer for residents to learn more of the available choices for resolution. In this instance, not only are scenic issues involved but water quantity and quality are factors for the homeowners with wells on their riverfront homes. (Mr. Clement commented on this situation at previous meetings.) ESRLAC tries to be proactive to get the local communities and residents involved to make decisions that are both beneficial to the towns and the residents.

In closing, she commented on an information packet being compiled to re-introduce the towns in the watershed with what the Advisory Committee has for resources. It will be looking at the river from a watershed perspective as a resource for management and knowledge. Their web site is exeteriver.org for more information on the group and current happenings. She added Exeter can have another representative to the Committee and invited any interested individual with a willingness to participate to apply to the BOS for consideration.

Mr. Huber asked Mr. Clement what he perceives the difference to be in mission between this Committee and the ESRLAC group. Later he asked what determines where he, as a Selectman, goes for advice (on river matters).

Mr. Clement replied this River Advisory Committee is only local where ESRLAC is a watershed based committee that looks at all the towns from Chester to Great Bay. It has a bigger audience and tries to get the towns together on the same page for the sake of the River. As for the BOS, he is only a spokesperson for BOS and one representative to the Advisory Committee and will put the betterment of the River foremost.

Responding further to Mr. Huber's inquiry as to how can we (RAC) better cooperate and support the two organizations, Mr. Clement felt keeping the watershed as "a whole" by sharing information, allows a window for (towns upstream that aren't facing all the issues we have in Exeter) on to issues and how

they are being approached. But, at the same time, Exeter does not have the number of wells and septic systems as many of the towns upstream have that need to be addressed.

Mr. Bourdon asked if ESRLAC can be of any help in removing impediments in the River. She replied that they can't physically do so as they do not have resources but does have information the inquirer may find helpful in dealing with the obstacles.

Ms. Raub asked if ESRLAC shares any ongoing activities of the member towns with the other communities i.e. Exeter's fertilizer ordinance. She replied in the affirmative and noted often when reviewing applications specific recommendations are provided the developer/property owner on what would be advisable often based on what the other towns are doing. Mr. Clement added the representatives are taking these conversations back to their Planning Boards and Conservation Commissions; fostering further education and action.

Mr. Ingram commented on the critical role of the group and being in constant contact with DES on issues occurring at the local level. She agreed and noted when an agency i.e. FEMA, NOAA has funds for a study they often come to ESRLAC knowing "they can hit twelve towns in one night" for a presentation of their project and get the support and active participation too!

Addressing Ms. Walker, Mr. Huber commented he found her talk very informative. He offered the support of the River Advisory Committee if at any time she felt we could be of help. She answered at any time we had information we wished to share to have the Exeter representatives bring to the meeting. She felt there was a shared concern for preserving the River for future generations to enjoy.

Mr. Clement noted Ms. Walker has been with the group since its inception in 1995 and the group is most fortunate for all her work over the years and what she continues to do for the ESRLAC group; she makes it all work.

Before Ms. Walker departed, Mr. Huber inquired about the Lamprey River Advisory group and wondered if we should reach out and see if there are common issues. Mr. Clement noted a small corner in the northwest corner of Town makes Exeter eligible to be in the Lamprey River Advisory group and to have representation. There is no Exeter representative at this time.

2. Other Business

At the September and October meetings of this committee, SB 185 had been a topic of discussion. Julie LaBranche spoke on the bill and helped clarify some elements of the recently passed RSA. In the language of the bill there was reference to Town officials' ability to implement a "water control easement" and Ms. Robinson asked then for more specifics on this provision.

Ms. LaBranche contacted Sen Dave Watters for additional information and he responded in an email to Ms. LaBranche. His response was read by the Chairman.

Sen. Watters basically said the language was meant to provide municipalities with flexibility on creating easements to deal with properties that flood repeatedly or may need to be included in plans for flood control, or to help property owners whose historic properties may be threatened. This language was decided upon after earlier draft language talked of eminent domain proceedings to deal with sea level rise etc. The committee felt this language was broad enough to enable Exeter to use it to develop a local

plan. He added if there needs to be further legislation to clarify or expand this please be in contact with him

Mr. Huber reported he attended the Right-To-Know Law workshop held in October. One takeaway was that meeting minutes are public record forever and stressed accuracy of content and composition. Also emails when used for discussion constitute a public meeting without proper posting. A general rule: avoid the use of emails. But on the issue of transparency and public documents he asked if the Chair of this committee should have a Town email address so any conversations would be documented. Mr. Clement suggested it be posed to the IT department.

Mr. Huber reference two published articles; Dover addressing climate change in their Master Plan and a re-issuing of an article by the Union of Concerned Scientists on the dangers of climate change. The article may be viewed on the Concerned Scientists web site.

Mr. Clement spoke of the upcoming Piscataqua Region Estuaries Partnership (PREP) conference coming on December 8 from 8:00 am – 4:00 pm at the Portsmouth Event and Conference Center on Deer Street in Portsmouth. This a conference held every 5 years and PREP presents its “report card” on the health of and activities occurring in the coastal watershed. Exeter’s Natural Resource Planner, Kristen Murphy, will be a presenter.

Mr. Clement reported a recently passed House Bill created a commission to study the long term goals and requirements for drinking water in the seacoast. It is deemed the Seacoast Drinking Water Commission and Exeter was invited to participate. The BOS appointed Bob Kelly who also serves on the Water/Sewer Advisory Committee, to be the Town’s representative.

Mr. Huber also spoke of a newly formed Town committee, The Exeter Energy Committee.

3. Public Comment

There was no public comment at this time

The next meeting is set for January 18, 2018 at 3:00 pm

With no further business, meeting was adjourned at 4:05 pm.

Respectfully submitted,

Virginia Raub
Recording secretary