

River Advisory Committee Meeting
Wednesday, November 29, 2023
3 PM
Town Offices, Nowak Room
Draft Minutes

1. Call Meeting to Order

Members present: Richard Huber (Chair), Lionel Ingram, Dan Jones, Rod Bourdon, Carl Wikstrom, Niko Papkonstantis, Select Board Rep, and Trevor Mattera, Conservation Commission Rep, were present at this meeting. Town Engineer and interim Public Works Director Paul Vlasich, Town Manager Russ Dean, and Assistant Town Manager Melissa Roy were also present.

Members Absent: Terrie Harman, PEA Rep Warren Biggins

The meeting was called to order by Mr. Huber at 3 PM.

1. Approval of Minutes

a. September 21, 2023

Corrections: Mr. Huber said on page 2, he would prefer for consistency that it say "We'd need to raise the second abutment 3.33 feet or climate change 5.76 feet", rather than *and*.

MOTION: Mr. Ingram moved to approve the minutes of September 21, 2023 as amended. Mr. Bourdon seconded. Mr. Jones and Mr. Papakonstantis abstained. The motion passed 5-0-2.

2. Update on River Issues

Mr. Vlasich said we had an opportunity to apply for a grant for enhancing fish passage, which would fund 100% of dam removal. It was a short turn-around so there was a lack of reaching out, but now there are a lot of people here who want to know what's going on.

Mr. Vlasich said he watched the Brentwood Select Board meeting and wrote down questions to answer, which he listed:

- The 91A request was mentioned, and the town has fully responded to that request.
- There were communication concerns, because the Brentwood Board, the Conservation Commission, and abutters in both Exeter and Brentwood weren't notified.
- The River Advisory Board agenda always says the same thing, so it keeps agenda items secretive.
- The study that was presented to the Exeter Select Board leaned towards dam removal, and the Board was misinformed of other options.
- There is funding through the grant for options not involving dam removal.
- Why not purchase the one house affected by dam removal?
- There is no evidence that dam removal will aid in fish passage.

- The normal water levels will be significantly affected.
- The cultural effects have not been studied.
- The recreational use of the river will be affected.
- There has been no mention of remediation funds for abutters to repair properties.
- Does Exeter have the authority to make this decision?

Mr. Vlasich asked for other topics to discuss. An attendee asked about the environmental impact, and said there are two mitigating factors to the dam, a drain gate and a fish ladder. Eric Turner of Brentwood asked Mr. Vlasich whether, in a full and open process in which this was done, it would have been possible for Brentwood to participate? Rebecca Dunham of the Brentwood Conservation Commission asked why there was no conversation about the 12 parcels along the river. Mr. Jones [of the River Advisory Committee] asked if there was legal notice of the River Advisory meeting on September 21, when the committee took the vote on the grant. An attendee asked if she still has to pay taxes on land that will erode away when the dam is removed. Mr. Vlasich said that is included in whether the town has any money for affected properties. An attendee asked what harm is the dam doing. An attendee asked what will happen to their property lines if the land changes.

Engineer Jacob San Antonio of VHB [Vanassee Hangen Brustlin, Inc.] gave an update on the feasibility study. The dam is 15 feet high and 230 feet long including the abutments, with a main spillway of 130 feet. There is a fish ladder and a lower training weir. At the start of this project, we worked to lower the impoundment for safety reasons. We found that the wooden supports were fully rotted and they broke at that time. The town was able to partially close the gates, but there is a leak now in the low-level gate. In March 2011, the NHDES [New Hampshire Department of Environmental Services] issued a letter of deficiency for Pickpocket Dam, which required a dam breach analysis. That work was done by VHB in 2016.

An attendee asked if there was another study done between 2011 and 2016 that found the dam was low risk. Mr. San Antonio said there was no other analysis done, but the dam was considered “low hazard” dam prior to VHB conducting the dam breach analysis. DES were suspicious that it wasn’t classed properly, so they issued the letter of deficiency. He added that a low hazard dam would be required to pass a 50-year event with one foot of freeboard with no manual operation.

Mr. San Antonio said they identified that with a 100-year dam breach, there would be one residential home where the water would be above the first floor elevation, as well as a few residential properties with foundation impacts. Also, Kingston Road would be overtopped. If the town were to buy the impacted property on Kingston Road, the dam would still be a “significant hazard.” The NH Dam Bureau changed the designation of the dam to high hazard and issued a revised letter of deficiency.

An attendee asked if the study was done only on properties below the dam, rather than anything above the dam. Mr. San Antonio said yes.

Mr. San Antonio said the final letter of deficiency was issued in July of 2019, which required an emergency action plan and submitting an application for how the dam would be brought into compliance. Those items were addressed, and a request was made to lengthen the time frame. The town got an extension to 2027 for reconstruction

or removal of the dam. The town submitted applications to the Clean Water State Revolving Fund grant and the Coastal Resilience grant, and authorized VHB to conduct the Feasibility Study in October 2022. In May of 2023, VHB gave an update, and in September 2023 gave a further update and talked about the NOAA [National Oceanic and Atmospheric Administration] "Restoring Fish Passage through Barrier Removal" Grant. VHB did a similar presentation to the Select Board in October 2023.

Mr. San Antonio described the tasks involved in the analysis. VHB are on track to have a draft feasibility study in January, and will have a public meeting through the River Advisory Committee in February. The data collection, survey, and sediment sampling are complete. The alternatives identification and conceptual design, hydrology and hydraulics analysis, cultural resources work, and impact analysis are still underway.

Regarding the sediment sampling, there were no concentrations of pesticides or PHBs detected. PAHs [Polycyclic Aromatic Hydrocarbons] were found; they are commonly associated with roadways. There was arsenic, but it was consistent with the naturally occurring levels. Mr. San Antonio discussed the levels of 100-year flood, 2.5X the 100 year flood, and 2.5x times 15%, which is taking into account climate change. We looked at whether Cross Road impacted the hydraulics of the dam. We took it out of the model, and it had no impact. The flow over the dam was what was primarily affecting water elevations.

An attendee asked what the fish ladder is for. Mr. San Antonio said it's for getting fish over the dam. The attendee said only eels go up there.

Mr. San Antonio said Alternative 1 was increasing the existing abutments. Alternative 1A would be raising the abutments and also removing a sediment island. In this case, we would have to raise the abutments 3.33 feet or with climate change 5.76 feet. We'd have to build soil tiebacks to get it to tie in to high ground. We'd have to raise the abutter's driveway.

Alternative 2 was to keep the abutments as-is, but add a second set of abutments. We'd need to raise the second abutment 3.24 feet or climate change 5.17 feet, but it also results in an increase in flooding. Alternative 2A would be adding a second abutment and also removing a sediment island. In this case, we would have to raise them 3.33 feet or with climate change 5.76 feet.

Alternative 3 would be dam removal. This results in a decrease in 100-year flood by almost 8 feet. With dam removal, under normal conditions, the water levels would drop by 10 feet just above the dam; 1,500 feet upstream the drop would be 5.7 feet; by Haigh Road, there's no change to the water level. An attendee asked if this slide was part of the Select Board decision making process, and Mr. San Antonio said no, this is a new slide. At the 100-year event, the drop with dam removal would be 5 feet just upstream of the dam, tapering to no change at Haigh Road. We're also looking at how dam removal would impact groundwater supply and wells.

Mr. San Antonio said the NOAA fisheries grant, "Restoring Fish Passage Through Barrier Removal," is focused on sea-run fish that spend part of their time in the ocean, such as Alewife and Blue-Backed Herring. The grant would be awarded in July 2024. The Select Board voted to move forward with submitting the grant for dam removal, and the application went in just before the deadline of October 16th. This grant

application also described our goals of improving water quality, increasing Exeter's flood resistance, and improving public safety.

Mr. Vlasich said he wanted to discuss why there wasn't a lot of communication around the grant application. He had a phone call from Eric Hutchings at NOAA asking how far along we were in the feasibility study because there was a grant coming out, with more money available than other years. At the end of July, the grant came out, and he [Mr. Vlasich] talked to VHB to see if we could take advantage of it. In early September, we talked about their progress, and it was looking like the preferred alternative would be dam removal. There was a September meeting of the River Advisory Committee the next week. The River Advisory Committee liked that idea of the opportunity for funding and sent it on to the Select Board. The timeline had to move quickly. Mr. Huber said the committee was unanimous in their vote, but three members were not present.

MOTION: Mr. Papakonstantis moved to allow non-Exeter residents to comment. Mr. Ingram seconded. The motion passed 7-0.

Eric Turer of Peabody Drive in Brentwood said he has been in touch with Mr. Vlasich since last Spring, and he was told this might be presented in September. On September 6th, he sent a message asking if there would be a presentation in September, and he was told no. On September 12, he was told the committee would be meeting to review a short turn-around grant. He didn't hear anything further until September 27, after the meeting had taken place, saying there was discussion of the dam at that meeting focused on dam removal. He was not aware that a presentation had been done or that a decision had been made.

Rebecca Dunham of Block Drive in Brentwood, the Chair of the Brentwood Conservation Commission, said she went back through conservation records to see if there was communication with Brentwood that dam removal was a possibility, and she could not find anything. There was no consideration in advance of the September 21 meeting that Brentwood would be affected.

Mr. San Antonio showed a project design for the dam removal. He said there's still a lot of permitting as this project moves forward. We think we may keep the retaining wall. We would set up a grade of 1% that is easily passable by the herring. An attendee said she's never seen a herring here. Mr. San Antonio said the bank width during normal flow would be around 70 feet.

Mr. San Antonio said we got 10 letters of support for our grant application, from the NHDES Dam Removal and River Restoration Program; the Town of Exeter Conservation Commission; the Coastal Program; the River Advisory Committee; the Nature Conservancy; the Exeter Select Board; and the Piscataqua Region Estuaries Partnership (PREP).

Assuming the feasibility process is completed and the town is awarded the grant, we would move into final engineering/design for about a year and a half. At the end of 2025, we would enter the bid phase, with construction starting in summer 2026 after the herring run is completed. We would monitor the first season's fish passage and have the

contractor make changes if necessary. We would do the standard 3-5 years of monitoring.

The next steps are to finalize the alternatives and the hydraulic analysis, complete the cultural resources survey and impact analysis, which are underway, and complete the draft feasibility and impact analysis report in January 2024. There would be a public meeting in early February. The final report would be due April 2024. The grant response is anticipated in February/March 2024, with the funding awarded in July 2024.

Mr. Ingram asked if there had been no involvement of the towns other than Exeter and no warrant article because this grant would cover all costs. Mr. San Antonio said yes, this grant would include all costs. Mr. Ingram asked if there were costs, if it would become a warrant article. Mr. Dean said yes, if there needed to be money raised and appropriated by Exeter to support the dam project, we would go to the town. Mr. San Antonio said even if that's the town's decision, there's still a lot of design and permitting to be done, and that's when the coordination between the towns and the notification would happen.

Mr. San Antonio discussed the impact analysis, which is still pending. For fish passage, the existing fish ladder doesn't function very well. The herring counts are higher at the former Great Dam. With the dam modifications, the current proposals have no changes to the fish ladder. With removal, fish passage would be improved, as there is no longer a barrier. We'll be looking at recreational usage, invasive species, river ice, and Exeter's intake of water supply below the dam. Any impoundment from a modified dam would draw down quickly and wouldn't provide much to the town. We're also looking at water quality and infrastructure with the modifications and dam removal option. Finally, we'll be putting together visual simulations of the various alternatives.

Mr. Huber asked for public comment.

Mike Edison of 6 Stony Water Road in Exeter said he lives along the river. He would like to know how the flow of water would impact the bank that his house is on if the dam is removed. He doesn't understand why they're not allowed to consider the operation of the gates in the dam. The gates could be fixed and automated to mitigate all of these concerns. He understands that the State is telling you not to include that, but it makes no sense. There's an additional climate change amount of water, is that a State limitation? Mr. San Antonio said yes, It's NH guidance on how to incorporate climate change into the analysis.

Mr. San Antonio said there's not much capacity in the lower gates. Our first analysis that we submitted to the State included opening that gate, but still found the dam was high hazard. The 4,000 cubic feet per second of a 100-year storm overwhelms its capacity.

3. Other Business

- a. There was no other business discussed at this meeting.

4. Public Comment

Catherine Edison of 12 Conney Road said without transparency or knowledge of steps to modify the dam and the cost, the September vote to remove the dam should be put on hold until all abutters are properly informed and all residents can discuss this matter. They should have a public meeting on whether to modify or remove the dam.

Mr. Huber said we did not vote to remove the dam, we voted to apply for a grant to make it possible. Mr. Wikstrom said this committee only voted to recommend to the Select Board that we apply for the grant. A decision has not been made, even by the Select Board, to remove this dam. Mr. Jones said the minutes made it quite clear that the application included that we were ready to go - "shovel ready." He doesn't think it was sufficient notice that this topic was going to be covered at that meeting.

Robert Span of Brentwood said in the minutes from September 21, the committee voted to recommend that the town apply for the grant and that the grant application include dam removal as the preferred alternative. What study, if any, had you done on upstream impacts and removal prior to September 21? Isn't it true that dam removal is not a requirement of this NOAA grant application? Mr. Vlasich said that's not true. Mr. Span said he got that information from NOAA directly. Regarding the rush described by Mr. Vlasich, he had time to get letters of support from NHDES, US Fish and Wildlife Service, PREP, and the Nature Conservancy.

Mr. Vlasich said he was looking for decisions from this committee and the Select Board on whether to apply for a grant. Those were given at the end of September. From there, it was turned over to the consultant to put a presentation together. The agencies were contacted by his Department to see if they would offer support letters. Regarding the upstream analysis of dam removal, no, this was the study. The first time the committee saw this was at the September 21 meeting, followed by the Select Board meeting on October 2nd. There may be some information in there for the cost analysis for the NOAA grant. Mr. San Antonio said regarding improving the fish ladder rather than removing the dam, he participated in a session run by NOAA and the grant is specifically for barrier removal. During the webinar, people asked if you could apply for fish passage enhancements but were told it wouldn't be worth their time because it wouldn't score well.

Russ Swasey of Haigh Road in Brentwood said he owns ½ mile of river frontage. From the Haigh Road Bridge the river was minimally affected. Did you do a wildlife study? Mr. San Antonio said that will be included in our feasibility study. Mr. Swasey said with climate change, we're getting heavy rains in the springtime. His 50 acres goes down to 25 acres because the rest is underwater. If this dam is removed, will that fluctuation change? Mr. San Antonio said there will still be fluctuation. By Haigh Road, he doesn't think it will change much. Closer to Pickpocket Dam, the water levels will be depressed by up to 10 feet.

Robert Span said he didn't understand Mr. Vlasich's answer about upstream impacts studied prior to September 21. Mr. San Antonio said what was evaluated prior to the September meeting was changes to the dam and water levels. The full analysis wasn't finished.

Jaye Garnett of 2 Stoney Water Road said she lives on a 50-foot cliff. If that water isn't holding up the hill, what is? Does her house slide into the river? Mr. San

Antonio said as part of the hydrologic analysis, we look at how the velocities in the river will change. As part of the sediment sampling, we looked at grain size. The velocities in the river will change slightly, so there won't be a huge mobile amount of sediment that will move. We're not expecting major erosion or undermining of the current riverbank. If the town decides on grant removal, part of the project will be stabilization of the parts currently underwater.

Mr. Vlasich said the sediment analysis is on the town website. This was funded by the Coastal Program. Every presentation given on Pickpocket Dam is on the website.

Moe Shore of 1 Runaway Road Exeter asked why Pickpocket is deemed a high hazard when one property will get its carpet wet during a once-in-a-hundred-year storm. By common sense and logic, that's not a "high hazard." Is it about the fish? On October 16, we heard about this grant, asking for almost \$2 Million. The application says "the dam's only current use is recreation, although public access is limited." He's one of those people that uses the river about the dam for recreation. We should apply for a grant to increase the public access to the recreation the river provides. Fish don't vote and they don't pay taxes. There's nothing in the feasibility study about the people who enjoy the dam. He's in favor of any means necessary to save the dam.

Rebecca Dunham of Block Drive in Brentwood said we were told by NOAA you would get extra points if it involved dam removal. When you read the grant narrative, Brentwood is mentioned a number of times, and you would infer that Brentwood has been part of this discussion all along, but we have not been. The grant should have taken into consideration the stakeholders, but Brentwood and Exeter residents were not included.

Eric Turer of Peabody Drive said he is one of Brentwood's representatives to ESRLAC [Exeter-Squamscott River Local Advisory Committee] and he leads the town paddle each fall down the Exeter River to the dam and back. He hopes the folks at the table recognize that this was a deeply flawed public notice process. Regardless of whether we met the letter of the law on notice, it didn't meet the spirit of the law. From the beginning, he's told people that there would be a process, but there was nothing in advance of the September 21 meeting that gave notice of this monumental decision. It was basically made in a closed room. This grant is available every year. There are higher levels of funding this year, so we bypassed involving Brentwood or having a complete study where we could look at all the facts and discuss them in a real deliberative process. If dam removal is for the good of the river, so be it, but Brentwood will have to do all the remediation upstream and there's no money for it.

5. Board Calendar

- a. Mr. Huber said the next meeting will be December 21. Mr. Vlasich said he has GeoSynTech coming in to talk about septic systems.

6. Adjournment

MOTION: Mr. Ingram moved to adjourn. Mr. Papakonstantis seconded. All were in favor and the meeting adjourned at 5 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary