

Minutes of the Special Selectboard Meeting of Tuesday, June 23, 2015 at 7:00 PM

Members present: Linda Cook, Chair; Christopher Ashley; Steve Flanders; Dan Goulet; Mary Layton, Vice-Chair; Neil Fulton, Town Manager and Jonathan Bynum.

Pool Dam Design Team: Jeff Tucker (President, Dubois & King); Chandler Engel (Water Resources Engineer, Dubois & King); Phil Downey (Aquatec Biological Sciences); Nate Stearns (Hershenson, Carter, Scott & McGee, PC).

There were about 35 people in the audience.

Also participating: Nancy Dean, Peter French, Milt Frye, Dana Ireland, Jill Kearney-Niles, Lizann Peyton, Kris Strobehn, Kate White

Cook opened the meeting at 7:01 pm.

1. Pool Dam Public Forum—Update on the status of the replacement of the Pool Dam.

Fulton related some of the history of the effort to rebuild the Norwich Pool Dam since it was destroyed by Hurricane Irene in August 2011. FEMA estimates \$567,000 for replacement of the structure, 95% of which would be paid with Federal and State funds. The primary hold-up has been the reluctance of the Vermont Agency of Natural Resources (ANR) to issue a permit for the new dam, in spite of efforts by Norwich Town government and our State legislators. Fulton then introduced the design team responsible for preparing a stream alteration permit application that would be satisfactory to ANR.

(a) Jeff Tucker introduced the proposed concept of a removable dam, erected from mid-June to mid-September, which would allow Charles Brown Brook to be free-flowing 42 weeks out of the year.

(b) Chandler Engel described the proposed dam, which would make use of a flood barrier-type product comprised of a series of removable aluminum stop-logs held in place by buttressed stanchions set into a concrete base. This structure would have a primary spillway to maintain the required minimum water flow, producing a pool similar in depth and surface area to the one that pre-existed Irene. The surviving section of the original dam will also be replaced as funds allow.

There were questions from the Selectboard and the audience about the effect of serious weather events like Irene on the proposed structure, and the procedure for erecting and removing the dam. Tucker and Engel said that the dam was designed to withstand a 0.2-percent annual exceedance probability (500 year return frequency) flood without any damage to the dam structure, but that it would be prudent to remove some or all of the stop-logs prior to such an event. Erecting and removing the dam is a relatively quick procedure. The pool would fill quickly in June, but would be drawn down slowly in September.

(c) Phil Downey related that Charles Brown Brook is primarily a brook trout fishery, a species that is very sensitive to habitat degradation. He said that the design of the pool dam and the surroundings were created to maintain the cool water temperatures that brook trout need by spilling unheated water from the bottom of the pool downstream and providing shading to minimize solar heating. Efforts would also be made to improve the existing channel habitat and to ensure that fish would not become stranded during pool emptying.

There were questions and comments pertaining to the fish census before and after the failure of the earlier dam, and potential safety issues with the residual and new structures. Christopher Ashley pointed out that there is some chance that ANR will reject the Town's permit application, but that all this preparatory work has been done so that the Town will be best positioned for successful litigation if necessary.

(d) Nate Stearns said that the test for ANR was whether the dam would cause "significant" damage to fish-life or wildlife, but that in general ANR wants no new dams to be built in Vermont. An appeal of a rejection of the permit application would be to Environmental Court. Fulton said that, since the old dam had washed away, the proposed dam was considered to be a new dam rather than a replacement, making the regulatory hurdles much higher. Stearns continued that, while the Town would love to collaborate with ANR, they were also prepared to let the Environmental Court decide what constitutes "significant" damage to fish-life.

There was then some discussion of the Fire District dam just upstream and possible costs of legislation.

Cook closed the meeting with the remark that the Selectboard had put \$25,000 into a fund for the Pool Dam permitting process.

Meeting adjourned at 8:33 pm.

Approved by the Selectboard on July 8, 2015.

Jonathan Bynum

Linda Cook
Selectboard Chair

Next Regular Meeting – June 24, 2015 at 6:30 PM

PLEASE NOTE THAT CATV RECORDS ALL REGULAR MEETINGS OF THE NORWICH SELECTBOARD.