

State of Rhode Island

County of Washington

In Hopkinton on the sixth day of December 2023 A.D. a Special Town Council Meeting with Westerly Town Manager, Shawn Lacey, and various other experts brought by Westerly was called to order at 6:00 P.M. in the Ashaway Elementary School cafeteria, 12A Hillside Avenue, Ashaway, RI.

PRESENT: Hopkinton Town Council members: Michael Geary, President, Scott Bill Hirst, Vice President, Sharon Davis, Robert Burns, Stephen Moffitt, Jr.; Town Manager Brian Rosso, Town Clerk Marita Murray. Also present were Westerly Town Manager Shawn Lacey, Assistant Town Manager Melissa Davy and various experts.

PRESENTATION – Potter Hill Mill Site – Update

Westerly Town Manager Shawn Lacey explained that this presentation would be a little different than the last meeting which was held at the Westerly Library. They were going to allow more time for residents to ask questions. He noted that the Potter Hill mill property had gone into receivership and Westerly now owns it, as well as the dam. Westerly has put a team together to determine their options and they are asking for residents' input; however, the decision was ultimately left with Westerly. He also wished to expressly state that should anyone's well be affected by whatever decision they make, new wells would be covered by the project. He also noted that he was aware of the Resolution that the Hopkinton Town Council passed earlier in the week.

Nils Wiberg of the Fuss & O'Neill Engineering Firm presented a slideshow presentation which included the project status and the next steps. He noted that the Westerly Town Council wished to select three alternatives to evaluate further, and thereafter determine which option they would choose. Mr. Wiberg discussed several options concerning what to do with the mill site property, including having upstream portage, a two-way entry road and making the site a park. He believed that a decision and action was needed because the dam would eventually fail. The dam and millrace gates remain a significant public safety hazard, there was no improvements to recreational boating/portage safety or recreational opportunities, no flood risk reductions or water quality improvements and the fish ladder currently performs poorly and is at or near the end of its life. If they did not take care of this with grant money, then the Westerly taxpayers would be responsible for

the repair and future maintenance of the dam. They believed the dam condition was poor and worsening, noting that a formal dam assessment was completed in 2022, which indicated that the dam was leaking and failing and had inoperable gate structures. If they were to repair the multiple deficiencies, including the condition of the concrete spillway, modification of the spillway to pass required flood flow, rehabilitation or replacement of the inoperable low-level outlet structure, and rehabilitation, repair or the formal abandoning of the sluiceway, it would cost between \$2.75 Million Dollars to \$8.75 Million Dollars. Thereafter, the presentation focused on the deteriorating millrace and low-level outlet gates. They noted that the leaks will worsen and increase over time and the gates will eventually fail. The leaking water deters fish from finding the fish ladder entrance and the flows over the dam spillways are a danger to boaters, swimmers and rescuers. They suggest that the Potter Hill dam is a “run-of-the-river” dam and provides negligible flood storage since its normal level is near the top of the dam. The Army Corps of Engineers determined that conversion of the dam/impoundment for flood control would not provide a measurable flood risk reduction benefit. The flood flows to the dam continue over the dam crest or abutments and will remain unchanged following dam removal. Also, hydraulic modeling shows the 100-year flood levels will remain unchanged downstream following dam removal. They also discussed the possibility of private wells being affected and noted that they would replace all affected wells. They discussed the eight different alternatives that they were considering, along with the possible width and depth changes of the river. The alternatives were: (A) 6.8’ lower headpond; (B) 6.0’ lower headpond; (C) 5’ lower headpond; (D) 4.25’ lower headpond; (E) 3.5’ lower headpond; (F) 2.75’ lower headpond; (G) 2’ lower headpond; and (H) 0.5’ lower headpond. A wetland assessment study was presented for the different alternatives. Lastly, they spoke about their post-project assessment and monitoring program where they planned to implement adaptive management measures as needed. They will complete three years of monitoring to assess plant community recovery, document conditions annually with information made available to the public, control invasive non-native plants where colonization may occur within the impoundment after lowering and install native seed and/or plantings to be competitive with invasive plants that may persist.

The workshop was then opened for questions from the audience members.

A speaker named Shawn noted that they had indicated that it would cost approximately \$8.75 Million Dollars to repair the dam, but what would the low-end cost be? Mr. Turek noted that the \$8.75 Million Dollars would be if they were to address all of the deficiencies with the dam and the lower end cost would only address some of the deficiencies. He thought the cost just to bring the dam into compliance would be \$2.7 Million Dollars.

Thomas Buck of Church Street noted that the Westerly Town Council was the body who would be voting on this matter. He asked how many of the seven Westerly Town Councilor members were present and it was noted that two Councilors were present.

Tim Ward of River Road advised that Mr. Wiberg had stated that there was no funding for dam repair available. He asked if anyone associated with the project team for the Town of Westerly could outline all of the efforts that have been made thus far to secure funding to repair the dam. Mr. Lacey stated that he has not seen any funding options come forward for repairing the dam. There may be funding options to repair the fish ladder, but they have not seen anything for repairing the dam. Mr. Wiberg added that a low hazard dam will not receive much money compared to high hazard dams.

A woman who lived on River Road indicated that what really bothered her was being referred to as liars. Someone had put a letter in the newspaper suggesting that no wells would be affected; though now it seemed that they have identified sixty to one hundred homes that may be affected. Harvey Perry claimed that they were taking people to the Bradford dam site as an example of the future of the Potter Hill dam, yet none of the options include one in which the river is left the same. The river has been designated as a wild and scenic river in its present state. The dam has been there since the mid-1780's and it is hard to imagine that experts knew what it looked like prior to that. Current literature on dam removal in New England shows that there are many concerns expressed by ecologists and other local communities about the negative psychological and social impacts of dam removal; how dam removal would potentially facilitate the spread of invasive plants, provide a conservation concern, allow other pollutants to float freely and degrade downstream habitat. She felt this was a very one-sided presentation. She ended by thanking the Hopkinton Town Council for passing their Resolution.

Peter Ogle asked Mr. Wiberg to pull up the before and after 100-year flood slides. He felt the amount of change in the areas that really matter is flooding on Route 91, maybe a

half foot drop. The studies do not show any change in the flooding downstream in Ashaway and it doesn't change flooding in downtown Westerly or on Route 91. This presentation does not show that dropping the river level would improve flood resiliency. Mr. Ogle then spoke about recreation on the river, noting that a reduction in the river level would not allow kayaks or canoes over certain areas of the river. He also noted that there would be a waterfall in one area. In 1903 the wood and stone dam blew out and there was no personal injury or property damage because the river is long and narrow and really doesn't hold that much water. Mr. Ogle did not believe this concrete dam would ever fail and was not much of a risk. He believed there would be no boats getting through the waterfall and the river's use will dramatically drop. Mr. Arruda responded that they did not dispute the low flows and noted that their alternatives showed the depth in the low areas. They will be required to do some other type of river improvements at those locations. Lastly, he noted that the Bradford dam project was designed to have a six-inch drop.

Denise Doughty of River Road thanked the presenters for their presentation. Her concerns were for the wetlands which need to be protected. She was also concerned about wells and radon gases if they should have to drill into the bedrock.

Dr. Tom Boving, a professor at URI, noted that radon was very typical in New England. Radon can be tested very easily and there are easy fixes to get rid of this gas. His main concern was with shallow wells for these will be the wells impacted. People should take advantage of this opportunity to receive a free well.

Suzanne Patton of the U.S. Fish & Wildlife Service shared the concerns about the wetlands, noting that she works to protect rare species. This is why they funded the initial study, to understand what will happen for each of the different alternatives. All of the species of wildlife that live near the river feed on fish and they are trying to figure out a way to get hundreds of thousands of fish back up the river so they can spawn. There are lots of turtles, mussels and amphibians that are at risk on those wetlands. They are hoping that if they come up with the right alternative, they can get better oxygenated water into the river and allow for the migratory fish to get back up river to restore the ecology.

An expert reiterated that if the river was drawn down, if there was a steep wall with a forest on top, that would stay the same; however, if there was not a steep wall then some

of the existing wetlands would dry up. He did not envision that there would be lot of changes in the plant communities that will cause a significant amount of change in the wildlife species. There may be more riverine species if the flow of the river increases.

Diane from River Road had concerns about mud flats which will eventually be taken over by vegetative growth; however, in the meantime the river sludge will be exposed to the sun which will introduce insects which can cause disease. She asked how they planned on controlling this. Mr. Wiberg noted that very quickly, within a year, the mud-flat areas will have plants growing, which will support the insects. Birds and other animals will then eat these insects.

Bill Barber of Hiscox Road asked if Westerly had obtained a grant and if so, wondered when it was applied for and how much it was for. Usually there is a problem statement used to apply for grants. He felt that things had been done backwards here. They have obtained a grant and are now looking for ways to spend the money. He wished there to be transparency on the grant and asked if this was the same grant that the previous Westerly Town Council had obtained. Someone responded that the original grant money that the town had obtained went away. Mr. Lacey advised that Westerly currently did not have any of the funding in place to do any of the alternatives that they have proposed. Depending on the alternative that is chosen, that will provide them with opportunities to apply for different grants. They anticipate applying for several grants to help fund whatever project is chosen so that there will be no cost to the taxpayers.

Mr. Barber asked who would be paying the homeowner for new wells and dock extensions and Mr. Lacey suggested that this would be funded through grant monies.

Mr. Wiberg wished to clarify that the 2021 grant was used to pay for this phase of study and the Nature Conservancy had matched funding. He noted that millions of dollars have been invested in this river for fish passage and this was the one remaining area that needed to be fixed. He also noted that there had been a 2020 flood resiliency study prepared and the community noted that this area was a concern.

Westerly's grant writer, Dale Faulkner, was present to talk about any grant opportunities that he was researching. Mr. Faulkner noted that they have applied for two significant grants, both to NOAA, and both for approximately \$16.7 Million Dollars. These applications were based in part on how many wells may need to be replaced. These applications also envision monitoring for invasive species. They are also seeking \$1 to

\$2 Million Dollars from the U.S. Fish & Wildlife which would be supplemental funds. Mr. Lacey noted that the allocation of those funds would depend on what option was chosen.

Councilor Davis explained that she had attended a meeting for a PL566 grant introduction for flood resiliency. She felt that repairing the dam would help with flood resiliency and they were not looking at taking the dam out; they were looking at alternatives. She felt that this grant could be used to repair the dam. Mr. Lacey assumed that the flood resiliency had to do with the head pond height. Mr. Wiberg noted that they were aware of the PL566 grant and Chris Fox was present from the Wood Pawcatuck Watershed Association which was working with the Southern Rhode Island Conservation District. He understood that it was a three-year study period, and they were to come up with many different recommendations. Mr. Fox noted that the National Resource Conservation Service was currently conducting a watershed-wide study for flood resiliency. This study is very similar to a study conducted in 2015. It is being redone in order to update the information from 2015 and also to fit the specific guidelines that the National Resources Conservation Service has to work within. One of the options that they will be looking at is a full removal of the dam and restoring the river back to its original state and there also will be different options, such as they were seeing tonight. They may only offer two options. The difference is that now there is a collaborative effort with a project team that is trying to collect the residents' input and account for it and make it part of the project. The NRCS team is a very narrow program within the federal government, that includes a cost benefit analysis. If they cannot see the economic benefit in any one of these options than it will not be an option for the public to speak to. He lastly stated that both the towns of Westerly and Hopkinton had comprehensive plans which specifically state to remove the Potter Hill Mill dam.

Councilor Geary questioned why there was such a rush to remove the dam if there is still research and studies that have not been completed. Ms. Fox explained that the study that Councilor Geary was referring to was a study of the entire watershed. The study that they were seeing tonight from Fuss & O'Neill was more specific to the area and was a better, more responsible site-specific study. Councilor Davis stated that this was not the way that it had been presented. Mr. Lacey advised that no one was trying to rush, there would be no decision tonight. Councilor Hirst felt that they needed to look at the public

health issue and if the water level is reduced there will be more breeding grounds for mosquitos, and he felt this would adversely affect property values. Lastly, he noted that the fire department was against this for it will impact rescue efforts.

A gentleman from the audience asked about river herring and if their numbers were increasing or decreasing. The Chief from RIDEM Fish & Wildlife Section, noted that in Southern New England the runs are down but for Potter Hill in years 2023/2022 the count was between 50,000 and 60,000 and in years 2022/2021 they were over 100,000. It was asked if this could be attributable to seven-year cycles, and he noted that the Southern New England numbers are down. Someone suggested that this could be due to water quality. There was discussion about soil sampling and the fish ladder. It was asked why the mill, and the dam were not two separate projects.

Carl Rosen noted that people had different interpretations of the same information. He felt that Ms. Patton was correct when she said that there would be a two percent change in the wetlands on the entire river; however, per the URI 2021 study, the percentage of acreage that would no longer meet EPA hydraulic wetland criteria of one foot between Potter Hill and Route 3 is 60% and between Polly Coon and Route 3 is 30%. The problem is that there are miles of river which have moderate to no change, so it averages out to be two percent. There is more impact going on then meets the eye. He believed that Option H was the only option that accomplishes improved fish passage, and it provides some resiliency from flooding because there will be a wider opening which will increase the flow. They would be saving millions of dollars by using Option H. Per the 2017 Fuss & O'Neill study, dam removal does not provide a measurable flood risk reduction benefit per the Army Corps of Engineers. Changing the water level, changing the resiliency is a minor impact because a 100-year flood is still a 100-year flood. If you allow more water to get out, you improve flood resiliency and that has been proven by the two upstream dams that were replaced in Bradford and Kenyon. He spoke about the elephant in the room - why isn't the mill rehabilitation and dam removal two separate projects. If the mill was mitigated and made into a recreational area or park, then the dangerous raceways would have to be eliminated. If they were to eliminate the dangerous raceways they would also have to deal with the gate. If this was done than at that point the dam would not be dangerous. The 1903 concrete of that dam is strong and according to the PARE study there is no area underneath it that is being scourged out and

there are only minor cracks and fissures that could be repaired. The dam can be repaired if the gate and sluiceways were mitigated. Let's do no harm to the river.

Ms. Patton explained that the terms of wetland loss would depend on what option was chosen.

Brian Patrick Kennedy stated that he has been involved with this since the very first study was brought forth. His biggest concern had to do with wells. He was happy to see that this time more of an effort was being made to reach out to the individual property owners. He hoped that the water level would be kept as close to what it is now. There was a disconnect and they have been hearing the word conversion and creating new wetlands. Suddenly everyone's access to the river will be very different. If they are going to reduce the river by twenty-five or thirty feet, they will definitely be taking away a lot of what that river currently is to the people around here. Instead of creating new wetlands, they will also be seeing a lot of these invasive species. Then a lot of these property owners are going to have to figure out how they are going to address the fact that they still want to get to the water and yet DEM might have something else to say about that. This will also affect property values in Hopkinton and Westerly. Everyone sees the value of this river for recreational opportunities, but why would we be looking to lower the river and reduce the number of recreational opportunities. They should be looking to do what was best for the people who live on the river and who access the river on a regular basis.

Mr. Wiberg clarified that the reference to the water depth being eighteen inches was at one specific location and for one particular option. Mr. Lacey noted that they were there tonight to provide all of the information and discuss all of the options.

Someone stated that when they worked on the White Rock dam project, the residents were told that there would be no significant depth change above White Rock dam. That is not the case and in July and August, on a dry summer, you cannot kayak from Potter Hill to downtown Westerly without walking a good portion above the White Rock dam because it is too shallow. These issues have never been addressed.

Someone from 18 Chase Hill Road suggested that at a meeting held at the Chariho Middle School, the river was addressed noting that from Sterling all the way to Pawcatuck there was to be a river clean-up. The last five meetings that they have attended have only been about the Potter Hill dam, taking down the dam and the

alternatives for the dam. What happened to the restoration project; they have heard nothing further about that. Someone noted that this was the PL566 program which was mentioned earlier. This was a different study and a different project. Someone questioned the distance of the upstream ripple to the bridge. The total length was said to be about six hundred ten to seven hundred feet, but it could vary. To the bridge he guessed it was about two hundred fifty feet. The gentleman noted that he was the nearest landowner to those ripples upstream of the bridge. He was concerned about the rate of flow that these ripples would create in front of his property, hoping that it did not interfere with them putting kayaks in the river. Mr. Wiberg noted that they would communicate with him and work to address his concerns. Dr. Catie Alves, from Save the Bay, thanked the Town of Westerly for hosting this meeting and for including Hopkinton. She noted that she had a PhD in Ecology which meant that she had been formally trained to analyze and interpret data and to do that in an unbiased way. She explained that she grew up in South County, Rhode Island and was familiar with the Pawcatuck River. Some of the things that have been said tonight were factually not true from her scientific expertise and her background. She reviewed Westerly and Hopkinton's comprehensive plans as well as their hazard mitigation plans. Both of those documents call for the removal of the Potter Hill dam, which Save the Bay supported. She also recognized that Westerly and Hopkinton had participated in Rhode Island's municipal resilience program where they have held workshops with a variety of stakeholders, experts and residents and those members in that workshop have identified the importance and the risk of containing flooding and hazardous forms in the future due to climate change. The river level drop will be made worse by climate change. Councilor Geary asked Dr. Alves to explain how climate change had anything to do with the dam. Dr. Alves stated that climate change is already increasing the frequency and intensity of storms. The dam is an impoundment that if not removed can increase the risk of flooding to the nearby waterways due to increased precipitation. By removing the dam and restoring the riparian wetlands and flood plains, we can increase the resiliency of these communities to handle increased precipitation. Councilor Davis thought they should add to their presentation, if there was to be a five-inch drop of the water level, how narrow would the river become. For each of their alternatives, she wished to know how narrow the river would become. Someone pulled up one of the slides and explained the reduction that they believed would occur.

Mr. Ogle indicated that they were told that the PL566 program was a more elaborate and complete study of the river for flooding conditions. It was a two-dimensional model of the river. If you really want to see how the flood plains interact with the river then you need to use a more elaborate two-dimensional model. The model that Fuss & O'Neill is using is good for fishways and fairly controlled narrow passageways for modeling river flow. These days, with the modifications already made to the river, flood water seems to drain more quickly, which may be good for people up near Potter Hill but it is not good for people who live downstream.

Alan Hazard from the Narragansett Nation noted that the waterways have always been here long before all of us. They have survived no matter what was done to them. There were no dams in the past. The water will take care of itself, and the fish will take care of themselves.

A woman stated that there were three homes on Boy Scout Drive that had wells and there have been no well assessments done. She also wished that the Westerly Town Council, who has the ultimate control, would consider their neighbor, Hopkinton, and what they may desire. She would like to see the statistics from 1993 to 2023 regarding how much the dam has degraded. There is no grant to fix the dam because it is a low-hazard dam. She wondered why they were really pursuing the removal of the dam.

Ms. Lacey thanked everyone for coming and noted that no decisions will be made tonight.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADJOURN AT 9:03 P.M.

Marita D. Murray

Town Clerk