

Clark Sawmill Dam Workgroup
Draft Meeting Minutes
January 23, 2023

In attendance: Workgroup members -Michele Braun, Keith Cubbon, Gary Gulka, Jennifer Miner
Public: Roman Kokodyniak, Brian Wagner

Introductions

Committee members and members of the public introduced themselves:

Gary Gulka – member of Cabot Conservation Committee. In favor of removing the dam if it can be done in a safe way to improve river habitat, fish passage, and public access.

Jennifer Miner – Cabot Emergency Management Director, Chair of Planning Commission. Owns properties adjacent to the Winooski River. Interest in assuring safety and meeting property owners' needs.

Michele Braun - Executive Director of Friends of the Winooski River (FWR). Interest is restoring natural river corridor. Dam removal is not a simple process. Need to look at entire area, upstream and downstream, and work with property owners. FWR has experience overseeing dam removal at Camp Wihakowi in Northfield on Bull Run, a tributary of the Dog River. Also involved in three-acre flood restoration in Northfield, where 18 properties were bought out and demolished. In this project, river restoration was balanced with neighborhood needs and a public park was developed in this functioning flood plain. Currently working with consultants on the engineering design for removal of three dams on the Stevens Branch in Barre City.

Keith Cubbon – Emergency Management and Transportation Planner for Central Vermont Regional Planning Commission. Helps municipalities with development and implementation of Local Hazard Mitigation Plans. Cabot's plan identifies the Clark Sawmill Dam as a potential hazard and he is interested in assisting the town in whatever direction it takes regarding the dam, including seeking funding opportunities.

Roman Kokodyniak – Cabot residents serving as a volunteer for FWR, assisting with water quality sampling above and below dam on the Winooski River and tributaries. He is interested in becoming more informed about the dam.

Brian Wagner – Attending the meeting as an interested citizen.

Public Comment

No additional public comment. Gary Gulka said that public comment is welcome on any agenda item.

Role of Workgroup

The Cabot Select Board established a Clark Sawmill Dam workgroup in September following a meeting which Keith Cubbon attended to discuss the dam in Cabot's Hazard Mitigation Plan and the potential hazards of a dam breach given the poor condition of the dam. Gary said the role of the committee is advisory – to advise the Select Board on the feasibility and options for dam removal – from doing nothing, to removing the dam, including exploring future landowner options for the property. Gary hoped that the workgroup would be able to complete its task in a reasonable period in order to take advantage of funding opportunities for dam removal if that option is chosen.

Background on the Dam and Sawmill

Gary presented some background on the dam and its history:

- The dam was constructed in 1797 as a sawmill. In subsequent years it served also as a woolen mill, tannery, blacksmith, and box factory (for Cabot Creamery cheese).
- The sawmill was the last operating water-powered sawmill in Vermont.
- This is the only dam on the Winooski headwaters until the dam in Plainfield Village. A dam in Marshfield Village was removed in 2013.
- The dam is 225 feet upstream of the Sawmill Rd bridge with 21.5 square mile drainage area.
- The dam was constructed on ledge, 14-17 feet in height, 70 feet wide, dry-stacked stone structure.
- An estimated 400,000 cubic feet of sediment has accumulated behind the dam (equivalent volume of 230 truckloads), and provides no flood retention.
- The dam and water rights are currently owned by Ed Larsen on a 1.7 acre parcel.
- It was operated as a sawmill until the 1990s.
- Steps to remove the dam were taken in after Tropical Storm Irene as a FEMA buyout of the structure in the floodplain.
- A dam removal feasibility study was conducted in 2016 by Milone and MacBroom consulting engineers.
- A study of the dam and historic resources in the Lower Cabot Historic District was conducted.
- A Phase 1 and 2 site investigation was conducted, and it was determined that there was soil contamination consisting of petroleum derivatives on the west side of the river. An analytical error that showed contamination on the east side of the river was subsequently corrected to show no contamination of concern. The Vermont Department of Environmental Conservation reviewed the site work and required no further corrective action or cleanup/removal of soils unless the property use in the future became non-industrial.
- Gary noted that not all soil areas within the sawmill footprint could be evaluated for contamination due to the collapse of the structure.

Gary outlined previously identified benefits of dam removal:

- Restoration of a more natural river channel.
- Improved aquatic habitat upstream with removal of silt and allowance of fish passage.
- Prevention of an uncontrolled release of water and sediment that could damage downstream properties (erosion and siltation) and significantly impact downstream biota from siltation.
- Reduced flood inundation upstream of the dam.
- Potential for public access to the river, which currently has very limited access in Cabot.
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In the 2019 timeframe, the Select Board elected not to pursue dam removal and the next phase of engineering design. Some of the concerns were the town becoming an owner of a contaminated property and potential costs and liability to the town.

Michelle said that there were follow up meetings with parties interested in dam removal to look at options and approaches in which the sawmill property would not be owned by the town.

At one point the Vermont River Conservancy (VRC) was interested in pursuing purchase of the site. A barrier to this was that the landowner was given an estimate of purchase price significantly higher (between two and three times) than the assessed value of the property. VRC was not able to purchase the property for more than the assessed value. Some attempts were made with other organizations such as the Nature Conservancy and Vermont Land Trust, also including a search for conservation buyers, who would potentially purchase a property for more than its assessed value. No buyers were found.

Michele said she spoke with Ed Larsen this past summer; he is frustrated and wants to sell the property. He is amenable to obtaining a fair market appraisal. She thinks that getting an appraisal is an important first step. She said that she may have funding from US Fish & Wildlife that would pay for this. She has spoken with Stephanie Smith of Vermont Emergency Management about the Vermont Flood Resilient Communities Program that can be used for property buyouts if there is a flood mitigation benefit. A project like this would be eligible for funding. Keith said that these are ARPA funds. Keith said that the process would be streamlined since it would not have to go through FEMA. The State must determine projects they will be spending the funds on by the end of 2024 and must spend the monies by the end of 2026. An engineering design study may cost in the range of \$60-70 thousand.

It will be important to define the ownership option of choice if moving forward on dam removal. There are three potential options as Michele sees it: (1) ownership is retained by the current landowner after restoration/dam removal; (2) Vermont River Conservancy purchases the property prior to the next phase of design and would own it through the river restoration process, eventually gifting it to the town or other entity; or (3) the town owns the property during the restoration process and forward. For the third option, the town has had concerns in the past about owning a property with soil contamination and its potential liability and costs to the town.

Would VT Fish & Wildlife be interested in owning the property? There is a possibility, but due to costs in maintaining and overseeing the property, they may not be able to.

It was suggested that we invite the Program Manager for the State's Brownfields Program to educate the workgroup on the liability exemption programs for sites that are fully characterized for contamination and remediated to state standards.

Michele said that the ideal process if dam removal is pursued would be: (1) conduct appraisal; (2) a third party such as Vermont Land Trust or VRC is found; (3) land transfer/acquisition to a third party; (4) engineering design work for dam removal occurs. Various funding sources such as the Vermont Flood Resilient Communities Program would fully cover costs.

Jenn said that liability would be a concern if the town became the property owner. We would also need to understand liability/risk to the town owning a public access. Neither the Fire Department nor Ambulance have water rescue equipment, which could present a liability to the town.

Jenn said another important piece is communication. In the previous effort to remove the dam, the residents immediately affected were not adequately informed. Transparency is key. Michele also

mentioned that visualizations can be prepared (at a cost of over \$5000) to help residents see the before and after scenario for dam removal.

Although the work of this workgroup should be transparent, there may be “sensitive” information related to purchase of the property from the current landowner that would be counterproductive to the negotiation process if it became public.

Next Steps:

- Assure funding can be secured from US Fish & Wildlife for property appraisal.
- Identify an appraisal firm. Check into the appraisal firm used by the town.
- Contact the Brownfields Program in VT DEC and invite to a meeting.
- Establish a page on the town website for the workgroup to post meeting minutes and relevant documents.