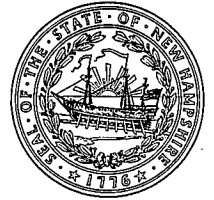




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

October 11, 2010

Mr. Michael Lynch  
Public Works Department  
Town of Durham  
100 Stone Quarry Drive  
Durham, NH 03824

RE: Mill Pond Dam  
NH Dam # 071.03, Durham, NH

Dear Dam Owner:

The Department of Environmental Services (DES) is writing to formally follow-up on verbal discussions with Mr. David Cedarholm regarding the Oyster River Dam (Mill Pond Dam) this past spring. In the flooding events of the spring of 2010, the dam sustained damage to the right abutment due to overtopping flows resultant from the limited discharge capacity of the dam. The dam was modified by the owner of the right abutment in the recent past, without permit, and it is that construction, at the block granite wall, which sustained the bulk of the damage.

It was requested, verbally, in the spring, that Mr. Cedarholm meet with the Town's consultant, Stevens Associates, relative to designing a temporary repair to the structure until the Town makes a decision as to whether the dam will be reconstructed or removed. To date, it appears that no action has occurred in regard to designing or implementing a repair to the structure.

In speaking with Mr. Cedarholm on October 6, 2010, it appears that there is a legal question relative to the extent of ownership of the dam, and that the Town cannot work on the private property at the right end of the dam.

As the dam does not meet appropriate discharge capacity requirements, and because overtopping of the right abutment continues to occur with relative frequency, the erosion damage that exists in that area can be expected to worsen significantly with each occurrence.. Ultimately, dam failure at the right abutment will occur. As such, it is suggested that you design and construct, in the next few months, a repair that withstands the rigors of the expected overtopping or implement some other solution that reduces the risk of overtopping and further damage while the fate of the dam is determined. This latter option will likely have to be accompanied by a full and indefinite drawdown of the impoundment to provide the greatest amount of storage available. In either case, this issue should be addressed as soon as possible, and certainly before temperatures prevent competent earthwork from occurring. Please note that neither of these options are viable long-term solutions, but only interim measures to reduce potential damage to and failure of the dam until the Town can formally decide what it will do with the dam.

Mr. Cedarholm has been coordinating long-term concrete testing with Dr. Gress, of UNH, and DES has allowed the timetable to be extended so that his results can be quantified and processed by all involved. DES expects that these results can be quantified, and the Town can make a decision relative to the fate of the dam, by October 15, 2011.

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

**P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095**

Telephone: (603) 271-3406 • Fax: (603) 271-7894 • TDD Access: Relay NH 1-800-735-2964

Steve Doyon and I are looking forward to our meeting with you, Mr. Cedarholm and Jae Whitelaw on Friday here at DES. It is our hope that an appropriate interim solution can be found at this meeting. If you have any questions you may contact me at 271-3406 or write to the Water Division at the address listed at the bottom of the previous page.

Sincerely,



Brian A. Desfosses, P.E.  
Dam Safety Engineer, Dam Bureau

cc: Mr. James W. Gallagher, Jr., P.E., Chief Engineer, Dam Bureau  
Mr. Steve N. Doyon, P.E., Administrator, Dam Safety and Inspections Section, Dam Bureau  
Mrs. Deb Loiselle, River Restoration Coordinator, Dam Bureau

cc: Town Council, Town of Durham, NH, Town Hall, 15 Newmarket Road, Durham, NH 03824  
Todd Selig, Town Administrator, Town Hall, 15 Newmarket Road, Durham, NH 03824  
Mr. Steve Burns & Mrs. Andrea Bodo, 20 Newmarket Road, Durham, NH 03824

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