

PUBLIC WATER ACCESS ADVISORY BOARD
MEETING MINUTES
January 4, 2018
9:00 a.m. – NH Fish and Game Headquarters

Members Present: Thomas Quarles, Esq., Chairman (general public); Ken Gallager, Office of Strategic Initiatives (OSI); Bill Gegas, Department of Natural and Cultural Resources (DNCR); Timothy Dunleavy, Dept. of Safety, Marine Patrol (DOS); Gene Porter, (power boat interests); Joseph Goodnough, NH Lakes Association (NHLAKES) (by telephone); Garret Graaskamp NH Fish and Game (NHFG); Rebecca Martin, NH Dept of Transportation (DOT); Ronald Sowa, (hunting interests).

Members Absent:

Glenn Normandeau (NHFG) (*excused*); B. David Bryan, (coastal interests); Rep. Chris Christensen (*excused*); Gary Clark (general public); Dick Smith, (fishing interests) (*excused*); Michele Tremblay, (river interests) (*excused*); Jim Gallagher, Dept of Environmental Services(DES) (*excused*); Senator Dan Innis; R. Andrew Robertson (non-motorized boating interests); Senator Ruth Ward (*excused*);, Paul Van Blarigan, Governor’s Commission on Disabilities (GCD); Rep. Bob L’Heureux (*excused*)

Audience Members: Meredith Smith, Town of Enfield Select Board; Shirley Green, Town of Enfield and NHLAKES; Ryan Aylesworth, Town of Enfield (by telephone); Trent Zanes, DOT Project Development; Phil Miles, DOT ROW; Louis Barker, DOT Rail and Transit,

AGENDA ITEMS – [Note: Text in bold denotes action items or motions.]

MEETING CONVENED:

Chairman Tom Quarles called the meeting to order at 9:10 a.m. without a quorum present.

Chairman Quarles welcomed everyone to the meeting and reviewed the agenda. A thank you card for Ellen MacNeil was signed by the Board and will be sent to her. A replacement for Ellen has not been identified to date.

Chairman Quarles reported that he had annual reports for calendar year 2016 from NHFG, DOT, OEP (now OSI) and DOS/MP. Reports from the Department of Resources and Economic Development (now DNCR), DES and GCD have not been submitted to PWAAB for consideration. The Chairman recommended that everyone consider starting their 2017 reports as soon as possible.

1. Approval of November 6, 2018 Meeting Minutes

Ken Gallagher reported that he was absent from this meeting and corrected his agency affiliation. Approval was tabled until the March meeting.

2. Nashua Public Waters Access – M. Mineau

Ms. Mineau (Nashua Water Ways Manager) was not able to attend due to the inclement weather conditions. Gene Porter summarized her presentation on the planned refurbishment of the (1) boat ramp at Greeley Park, (2) access to the Nashua River at Mill Yard Technology Park and (3) the Downtown Nashua River Access.

Greeley Park Merrimack River Access:

The City of Nashua received a \$200,000 dollar grant through the Land and Water Conservation Fund (LWCF) administered through DNCR for the refurbishment project. The City has appropriated \$200,000 to meet the one-for-one match requirement. The ramp is the only access for trailered-boats to the Upper Merrimack River which includes 17 miles of flat water down to Lowell MA. A Request for Qualifications (RFQ) for engineering services will be published during the week of January 8th. Construction is targeted for June 2019.

Nashua River – Mill Yard Technology Park Ramp Access:

This is a privately owned property that provides the only access to about 3 miles of still water between Mines Falls and Jackson Falls. This is a very picturesque portion of the lake that is prized by kayakers/canoeists and small motor boat enthusiasts. The owner has allowed the City to install a Kiosk with permission papers to be signed by anyone using this access. Mr. Porter reported that the City is very excited about developing access to the rivers in the City, including shorebank trails.

Downtown Nashua River Access

This access runs between the Bridge Street Bridge and the Mill Yard Technology Park access. The plan will include pedestrian and bike trails on either side of the Nashua River. The project budget is estimated at 15 million dollars and is not yet funded due to high priority projects in the queue, notwithstanding strong support from many municipal officials. The City has developed a website page for this project, which was reviewed live by those present.

3. Merrimack River, Litchfield – Proposed cartop access.

The town did a survey of the community concerning what recreation related projects would improve the livability of the town. A river access project was the overwhelming consensus concept. A search for an appropriate property was made and a town conservation area was found to be available. Mr. Porter presented a rendering of the proposed layout of a cartop-only access. The town wants the project to be as low-impact as possible to accommodate the existing conservation covenants. No funds have been allocated to this

effort by the Town to date. The members offered suggestions regarding how the Shoreland Water Quality Protection Act setbacks would affect the layout. The comment was made to keep the parking area as close to the pathway to the river to optimize the accessibility. Tree cutting should be avoided to afford screening for abutters. Placement of the parking area so it can be seen by law enforcement from the road was discussed. The members were impressed by the Town's initiative to establish this access.

4. Mascoma Lake, DOT proposed land disposal and other access

A presentation was made by representatives from the Town of Enfield and the DOT regarding the Town taking ownership of a DOT property (Lots 44 and 46) at the north end of Shaker Bridge over Mascoma Lake that the Town currently uses under a temporary use permit. The DOT has identified the land for surplus in a DOT process through which the PWAAB can make recommendations.

Meredith Smith, Town of Enfield Select Board Member made a presentation about the Town's intent to develop the site as a park (Mascoma Lakeside Park). The vision for the project is to make sure there is a "four season recreation access area" to the lake. The land abuts a portion of the Northern Rail Trail (gravel base). Development will include walking trails and picnic sites, access for kayak/canoes, a separate "small boat" ramp (pervious pavers), snow machine, sail boat mooring area associated with the abutting yacht club, and a wading beach area for children.

The Town recently initiated a funding raising effort to purchase the property and build permanent restroom facilities.

Shirley Green mentioned that she had met with the local snow machine club. There would be access for snow machines separate from the small boat ramp in order to protect the condition of the ramp. She mentioned that the parking area at this park is already heavily used by hikers accessing the Northern Rail Trail.

Bill Gegas noted that funds through the Land and Water Conservation Fund would not be available for two years.

Phil Miles stated that Parcel 44 is undergoing further archeological review to assess its value in this regard. An appraisal has not been done on either parcel. No discussion has occurred yet to identify any possible restrictions on the property that could affect the value. Ryan Aylesworth said the town has had an appraisal done that he hoped would be in line with the DOT appraisal. Any restrictions on the property would have to be approved by the Federal Highway Administration (FHWA).

Tom Quarles provided background on the past review of Mascoma Lake by the PWAAB when it evaluated the 35 largest lakes in NH in 2012 (i.e., lakes greater than 500 acres). Boat access to the lake was found to be adequate. The evaluation found that the lake

lacked adequate beach access because the beach at the south end of Shaker Bridge includes a sign limiting the access to "Town Residents Only." Town records indicate, as reported by Mr. Aylesworth to Chairman Quarles earlier, that the beach was bought by the Town from DOT in about 1983. Chairman Quarles requested that the deed for this transaction be reviewed to determine if it requires the land to be held open to the general public and broad public access and not limited only to town residents. If there is no such restriction then the Town may continue to restrict access to residents. But Chairman Quarles continued and noted that if this restriction needs to continue then it becomes "all the more reason to try and foster all types of reasonable public water access at these new DOT surplus disposal sites." The PWAAB discussed taking a vote at a future meeting to recommend that these parcels not be disposed of out of state control without a restriction ensuring that the parcels remain open to the general public for recreation activity. The area needs to remain open for passive recreations with a possible carve out for snow mobile use. Phil Miles stated that the FHWA would likely require access for the general public, unless the land was sold at full market value. With these restrictions the PWAAB would support the disposal of these parcels to the Town of Enfield.

Ms. Smith described some of the funding efforts and strategies the Town is pursuing. Ms. Smith and Ms. Green both stated that it is very important to have general public access to the lake at this location. Ms. Smith has made it clear that no public funds will be used to develop this site. She did not consider restroom facilities to be "development." She was also not sure where the money would come from to maintain the facility after it is built. Chairman Quarles reminded everyone that commercial uses of, or on the property might not be allowed depending on what funding sources are used going forward.

Ms. Smith and Ms. Green would both like to see a restriction in the deed that would preclude the property from ever being sold to a private entity. The PWAAB would support this.

Ms. Smith said she would keep the PWAAB informed as developments go forward on this project, especially with regard to the upcoming Town meeting in March.

5. CT River, Hinsdale to Brattleboro Bridges

Rebecca Martin introduced Trent Zanes in the DOT Project Development Bureau. Trent proceeded to describe the replacement of two bridges carrying NH Route 119 over the Connecticut River by constructing a new bridge just downstream. The New Hampshire Department of Transportation (NH DOT) proposes to bypass the Anna Hunt Marsh Bridge (NH DOT Bridge No. 041/040, CT. River Br. No.2) and the Charles Dana Bridge (NH DOT Bridge No. 042/044, CT. River Br. No. 1) which carry NH Route 119 over the Connecticut River between the rural Towns of Hinsdale, New Hampshire (Hinsdale) and Brattleboro, Vermont (Brattleboro). Both bridges were constructed in 1920 and rehabilitated as recently as 2003 and meet at an island in the Connecticut River. The proposed project includes bypassing of both Functionally-Obsolete and deteriorated truss structures with a new low-

maintenance, aesthetically pleasing single bridge structure on a new alignment downstream of the existing structures as well as maintaining the existing historic structures for pedestrian and bicycle use.

The project is of importance to the PWAAB because a RTPW site exists on the subject island ("Anna Hunt Island") where the two bridges meet. The RTPW is upstream of the Vernon Dam. The RTPW is primitive with limited parking and challenging access across river silt deposits to a typically shallow water flow. Vehicular access to this RTPW will be abandoned under the proposed plan, but pedestrian/bicycle traffic will be retained. This will require Governor and Council approval.

South of this RTPW there is access to the Connecticut River at Prospect Street in Hinsdale, which requires passing under a low clearance railroad tussle bridge. The low clearance severely limits the size of the boats that can use this location. There is a rail trail proximal to this access. The town has purchased the abutting lot south of this site which affords parking. DOT has considered changing the access to go directly to the main river channel by crossing the Rail Trail. DOT is studying whether implementing this idea would be appropriate mitigation for abandoning the Anna Hunt Island RTPW. No other property in the Hinsdale area was immediately identified by the members as a possible new access site to mitigate abandonment of the Anna Hunt Island RTPW.

Discussion ensued regarding design options for a new ramp at this location. DOT has a public hearing for the bridge project on January 18th. The Town of Hinsdale seems motivated to have a boat access site at Prospect Street. A recommendation was made that parking be designated for either boat access or rail trail to reduce conflicts.

Chairman Quarles believed that the PWAAB would likely be enthusiastic about developing the Prospect Street site as mitigation for the Anna Hunt Island RTPW. The bridge construction project is scheduled to advertise in September 2019. Rehabilitation of the old bridges to pedestrian use will follow that and would be the likely contract for developing a boat access at Prospect Street. DOT will be looking for support in how to design the boat access at Prospect Street. Mr. Zanes was asked to keep the PWAAB informed on any project developments.

6. Proposed Legislation

To date, many of the bills have not had a hearing. Bills identified as being of interest to the PWAAB included the following:

SB 119- This bill exempts certain temporary seasonal docks and boat lifts from permitting requirements of the department of environmental services. This bill was reported out of the Senate during the 2017 session and out of the House with amendments on January 3, 2018 with "Ought to Pass" recommendations. No further information was offered.

SB410- This bill establishes a registration fee for canoes and kayaks. A hearing is scheduled for Wednesday January 9. This bill would direct registration fees for canoes and kayaks to outside agents collecting the license, the NHFG search and rescue fund

and the lake restoration and preservation fund established in RSA 487:25. No money is allocated to the public boat access fund for ramp construction or maintenance.

- HB 1371- This bill repeals the lot size and setback exemptions from the permitting requirements for temporary docks. A hearing is scheduled for Tuesday January 16.
- HB 1706- This bill makes a bonded appropriation to the department of fish and game for the construction and operation of the Lake Sunapee public boat ramp in the town of Newbury. No hearing date has been set.
- HB 1794- This bill requires a portion of the rental of a canoe, kayak, ski craft, or watercraft to be credited to the fish and game search and rescue fund. A hearing is scheduled for Tuesday January 16.

7. Lake Sunapee – Wild Goose and Governor’s Commission

Tom Quarles is a member of the Governor’s Lake Sunapee Boat Access Development Commission. He mentioned that Representative Peter Hansen has introduced a bill to appropriate funds and authorize the construction of the Wild Goose boat access area. He updated the members on the progress of the Governor’s Commission. Site visits were made to the State Park ramp and the Wild Goose sites on November 30th. After the site visits a public hearing was held in Newbury where there was “vociferous” discussion with comments from both sides of the argument to build access at one of these sites. Another public hearing was held on December 14th in Concord at the legislative Office building. The next meetings of the Commission will be deliberative in nature on January 12 and 13th.

8. Fish and Game Draft 2016 Annual Report – Garret Graaskamp

Chairman Quarles reminded the members that the report had been distributed at the November meeting. He said the department did a “nice job on the report.” There were no comments from any members. A vote to approve the report will be made at the next meeting of the PWAAB when a quorum is present.

9. Fish and Game Project Update and Matrix – Garret Graaskamp

Garret provided attendees with the project matrix and very briefly discussed changes. Below are the projects with changes listed on the matrix.

- Success Pond, Success: The Conservation Fund and NHFG are negotiating with land owners for land that includes the existing boat ramp parcel.
- Lake Sunapee, Newbury: Governor Sununu removed the Department of Environmental Services’ request of the Executive Council to approve an extension of the Wetlands Permit and established a commission to evaluate other options for a public access trailered-boat ramp on Lake Sunapee. The commission’s report is due to the Governor on March 1st.
- Lake Winnepesaukee (Downing’s Landing), Alton: A site survey has been completed and evaluation of ramp and dock options as well as parking layouts is underway to

support the environmental permit applications for this project. Submission of the applications is targeted for late spring.

- Ashley Ferry ramp to Connecticut River, Claremont: A boundary and topography/bathymetry survey is in progress by Bartlett and Associates. The survey will form the basis of a refurbishment design to replace the degraded Type-A concrete plank ramp (obsolete small gap plank style) built in the mid-1990s. The site is narrow and tight, but it is hoped that a design can be identified that will reduce or alleviate the annual spring flood siltation build up on the ramp.
- Turee Pond, Bow: Later this year, as resources permit the Department will reassess the site conditions and develop a repair for the ramp that has been severely damaged (pushed sideways) by ice floes over the years. It is hoped that the new wetlands buffer limits in the area will allow the ramp to be turned parallel to the prevailing winds to create a ramp geometry that will shed the ice sheet.

10. Fish & Game Boat Access Site Rules – Garret Graaskamp

Garret reported that the Initial Proposal of the FIS 1600 boat access rules has been submitted for a Fiscal Impact Statement. He will send a copy of the Initial Proposal to all the board members noting that a public hearing is tentatively scheduled for February 20.

New Business

None at this time.

Old Business

None at this time.

Public Comment

None at this time.

Adjournment

Meeting adjourned at 11:55 a.m. by consensus of the members.

Next Meeting

Next meeting is set for Thursday, **March 1, 2018, at NH Fish & Game HQ, East & West Conference Rooms**, 11 Hazen Drive, Concord, NH 03301 beginning at 9:00 a.m.