PUBLIC WATER ACCESS ADVISORY BOARD

MEETING MINUTES
September 11, 2017
9:00 a.m. – NH Fish and Game Headquarters

Members Present: Thomas Quarles, Esq., Chairman (general public); Garret Graaskamp, NHF&G; Ken Gallagher, OSP (now OSI); Bill Gegas, DRED (now DNCR); Gary Clark; Dick Smith; Gene Porter; B. David Bryant; and Ron Sowa.

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

Merrimack River at Town of Merrimack Waste Water Treatment Plant

The Board arrived at approximately 10 a.m. They were met by Board Member and Representative Chris Christensen and a number of the Town of Merrimack officials including Kyle Fox, Director of Public Works and Dawn Tuomala, Deputy Director of Public Works. A few members of the Merrimack River Local Advisory Committee were also present. (Gene Porter also is Chair of that Committee.) The group walked a short distance from the developed waste water treatment plant site, through the woods along the west bank of the Merrimack River. The bank here is approximately 20 to 25 feet above the river. To install an access would require a very long cut, sub-parallel to the river bank. There is also a railroad bed culvert and side stream that would be in the vicinity of any boat ramp.

Town officials surveyed the area this summer, but have not completed their work. The boundary of their property with the abutting Pan Am railroad has not been determined yet. Bill Gegas told the group about the LWCF grant program that his department administers for general recreational projects where a municipality puts up 50% of the cost and the federal government the rest, up to a limit of $200,000 for the federal share.

The Board members emphasized that a trailer boat access to this portion of the Merrimack River would be extremely significant.
as this site is below Cromwell Falls. Those falls mark the upper limit of powerboat navigability on the Merrimack River for a boat moving from the New Hampshire border upstream (approximately 18 miles of flat water). With a trailer boat access site at this site and a refurbished Greeley Park ramp site in Nashua, meaningful access would be provided for powerboats to this important river segment. The town officials indicated that this site development was part of the town’s 10 year capital improvement program and that further discussions would be had with the town selectmen about the project, the PWAAB and the LAC’s advice and recommendations. The Board asked the town officials to keep us informed of the project’s progress and asked that when they felt it was appropriate, that they appear at a PWAAB meeting to report on their progress and the project as a whole.

Following the visit, the Board determined that the Pennichuck Water Works intake facility that is upstream of the Town of Merrimack Wastewater Treatment Plant is also below Cromwell Falls. As such, if land could be obtained from Pennichuck for a trailer boat site, that would also provide the same type of powerboat access as this Town of Merrimack site. **Gene Porter will look into whether a trailer boat site at Pennichuck Water Works (now owned by the City of Nashua) is a possibility.** Gene believes the height of the riverbank at the Pennichuck site is much lower than what will have to be cut at the Town of Merrimack site.

**Horseshoe Pond, Town of Merrimack (37 acres)**

The Board visited this site because the lakefront owners association and DES had asked Fish & Game to close the boat ramp here to public use on the grounds that the public was bringing in milfoil that added to the ponds already existing milfoil problem. After some legal research, Fish & Game responded that one of the public water access statutes dictates that no private entities can have any greater rights to public bodies of water than the general public. Therefore, closing this boat ramp to the public, even temporarily would be in violation of the statute and this request to Fish & Game was therefore refused.
Comments were also made that bringing milfoil into this fairly small pond with little boat traffic will likely not be a reason for expanding milfoil. Rather, it was that the pond had not been regularly treated to kill the existing milfoil. The Board observed a lawn care company using the boat ramp to fill up their hydro seeding truck with water. They did not spill any of the hydro seeds/fertilizer products into the pond. DES does regulate large withdrawals from public bodies of water, but not at the approximately 500 gallons level appeared to be the capacity of the truck.

Research after the fieldtrip disclosed that both the State Park and Fish & Game access site rules for access to public waters prohibit any commercial use of their state park facilities or boat ramps.

**Upper Pond, Henniker (25 acres)**

This is a Road to Public Waters (RTPW) site. It is on a rural dirt road in Henniker north of Route 9. It is adjacent to a commercial campground and is literally about 20 feet of grass from the road to a muddy area. It provides access for car top boats to get through a narrow channel and out into the main part of the pond. A small trailer boat could also be launched. There was no signage marking the access. **A request to the town to place signage is appropriate.** The Board was generally of the opinion that this barebones access was adequate for this small out of the way body of water.

**Long Pond, Henniker (90 acres)**

This is another RTPW site at the western end of the lake. The access road is approximately 100 feet long and is in decent shape. **There is no signage marking the site.** The area where the access road meets the water is grown in and suitable only for launching car top boats due to that fact and the fact that the water is shallow and muddy.

Because the Clark’s Fishing Guide maps indicated there was a second access site to Long Pond in the middle of the pond on the south shore, the Board investigated that as well. They found the site in the middle of a residential circle with a sign indicating deeded access for homeowners only. **Some online**
research indicated that the town tax maps do not show this parcel as being owned by the state or town, therefore this site on the south shore of the pond (off of Shore Drive) will be removed from any public water access list.

Contoocook River, DOT ROW, Ramsdell Road, Henniker

This site is on the south bank of the Contoocook River just downstream of downtown Henniker. This site is part of the DOT railroad easement for an abandoned rail line along this bank of the Contoocook River. There is plenty room for parking. There was a picnic table and concrete steps that lead down to the riverbank. Upstream of the site are rapids. Within a short distance downstream is a flatwater section of the river that goes up to the Hopkinton-Everett flood control dam which has its own access site, making a good take out, if this site is used as a put-in. Ron Sowa indicated that he guides and fly fishes on the upstream section of this site frequently.

Contoocook River, Twin Bridges, West Henniker

A new bridge carrying Western Avenue over the Contoocook River has been recently completed. It provides a new canoe/kayak access through a set of steps in the area between the bridges on the north side of the river. Nearby is a concrete pad parking area with parking for at least 10 vehicles. **There is no signage.** An undeveloped trail from this parking area leads along the north bank of the river to the sluiceway from the old upstream dam that carried water down to the former mill/factory that was on the parking area site. Much of this sluiceway is made of hand laid granite blocks and is very impressive.
Dudley Pond, Deering (30 acres)

This is another RTPW site. The access road is about a quarter mile long beginning in the Town of Henniker and crossing into the Town of Deering where the pond is located. The access road was heavily rutted from recent use. Only a 4-wheel drive vehicle could safely get down this road, though car top boats could be hand carried down this road. Once at the pond, there is a large open area for parking or vehicle turnaround. Theoretically, a small powerboat could be launched if you get a trailer to the pond. The pond was attractive and had only one sign of human construction.

A map review indicated that most of the RTPW was in Henniker, but the last part of the road was in Deering. This would make maintenance responsibilities problematic. However, given the remoteness of this pond and the dirt road system to get to it, the Board did not feel it was sensible to contact either the Town of Henniker or Deering to request that they regrade and put some gravel on the road, though that would not be an expensive undertaking. Consistent with all of the above RTPW sites, there was no signage at the entrance to this RTPW indicating that this was a RTPW site.

Pleasant Pond, Henniker (92 acres)

This is a much larger pond just up the road from Dudley Pond. Pleasant Pond has nice views to some of the Henniker hills. It also is a RTPW. This site does have signage indicating it is a Town of Henniker beach and boat launch site. There is no indication it is a RTPW site. The site is suitable for trailer boats. Two people were using the site for swimming when the Board visited.
Horace Lake, Weare (323 acres)

The Board visited the Chase Park boat ramp at the eastern end of the lake owned and operated by the town. Earlier this year the Board reviewed its paperwork on this site and believed it was a RTPW site and the town was illegally restricting it by charging a huge launch fee to non-residents. However, research revealed that this was never a RTPW site, so the town is within its rights to restrict or prohibit access by non-residents. Launch fees for non-residents here were confirmed at $30, the highest figure in the state according to some Board members. Even though the boat ramp was not staffed at the time, there was a large iron gate preventing any launching of boats. The park has plenty of parking, a picnic area and a town beach, well separated from the boat launch area.

The Board finished the field trip and returned to Fish & Game Headquarters by about 4:15 p.m.

Respectfully submitted,

Tom Quarles, Chair