

Ashuelot Pond Dam Village District Inhabitants  
Washington, NH 03280

16 June 2023

RE: APDVD Updates and Dam Repairs

Dear APDVD Member:

The purpose of this letter is to provide updates relative to the work completed on Ashuelot Pond Dam, Dam #D245005, since the 2022 Annual Meeting, outline the agenda for future work, and justify the funding requested in Warrant Articles 3 and 4.

### **Temporary Gate Work**

At the July 2022 APDVD Annual Meeting, the discussion focused on the installation of a new temporary gate, as the existing gate, at the time, was deteriorating resulting in substantial leakage impacting the water level of the pond and the safety of the downstream watershed. Moreover, a discussion ensued as to whether we were waiting on the NH Department of Environmental Services (NHDES) approval of dam reconstruction permits. After the 2022 Annual Meeting, it was determined that we were not waiting for the approval of permits for the temporary gate work.

As such, the APDVD Commissioners contracted NH DAMS, LLC, and M&K Commercial Diving to begin the work on the temporary gate replacement in preparation for a permanent gate. Substantial repairs and concrete work needed to be done to the gatehouse (the concrete structure, in the water, that contains the gate) prior to the installation of the temporary gate. The concrete work and temporary gate replacement were completed in December 2022 and a traditional three-foot drawdown was initiated.

When the temporary gate was lowered to dewater the gatehouse water pit (area between the temporary gate and existing gate), substantial leakage was observed through the existing gatehouse inlet lintel. The leakage prevented the dewatering of the water pit, a necessary step for qualified engineers to evaluate the water pit. Additional details can be located on the Lake Ashuelot Estates (LAE) website, <https://www.laeinc.org/copy-of-dam-district>, by viewing the Preliminary Temporary Gate Plans and Observation Report from February 2023.

### **NHDES Issues Letter of Deficiency**

On August 9, 2022, the APDVD Commissioners received a Letter of Deficiency (LoD) from NHDES outlining numerous action steps to ensure the safety of the dam, based upon an inspection conducted in July 2022. The full LoD can be viewed on the LAE website. Highlights include:

- Completion of the temporary gate work and repair of voids in the gate sluiceway;
- Required updates to several forms;
- Hiring qualified engineers to evaluate the water pit and assess the hydrology of the watershed to determine if the dam can pass runoff from a 100-year storm event;
- Providing plans for a permanent gate replacement; and
- Maintaining the spillways.

After receiving the LoD, the dam was reclassified as a High Hazard dam. This classification allows APDVD to pursue grants for dam repairs. Unfortunately, to date, we have been unable to identify any relevant grants. We continue to monitor the opportunities with NHDES. Failure to respond to the LoD, per RSA 482:89, can result in the NHDES fining the dam owner up to \$2000/day.

### **Work Completed in the Past 12 Months & Ongoing Repairs**

To ensure compliance with the LoD, the APDVD Commissioners have completed the items outlined below since the 2022 Annual Meeting.

- Contracted NH DAMS, LLC, and M&K Commercial Diving to work on the items in the LoD.
- Completed the temporary gate work as described above.
- Updated and submitted the Operations, Management, and Response (OMR) form to NHDES.
- Posted safety signs at the dam.
- Issued a letter to Lucky 7 Farm informing them that their wilderness retreat and educational center campers are not to swim in front of the dam due to safety concerns.
- Monitored the dam for leakage/seepage.
- Drafted and secured a real-estate agreement with Ray Britton to obtain an easement to access the far (east) spillway for routine maintenance, repairs, and reconstruction.
- Updated the Emergency Action Plan (EAP) Notification Flowchart.
- We will run a test of the EAP Notification Flowchart soon.
- The leakage over the existing gatehouse inlet lintel is currently being remedied.

### **Future Work**

To continue compliance with the LoD, among other items, APDVD needs to continue to work toward a permanent gate, update the entire EAP, conduct an engineering analysis to evaluate the water pit and deem the structure stable and able to withstand the full pond hydrostatic pressures, assess the hydrology of the watershed to determine the capability of safely passing the runoff from the 100-year storm event, perform continued maintenance on the spillways, reinforce the dam and level the dam crest, install a baffle system to allow maintaining consistent water levels during drawdowns, and install an actuator for the operation of the gate. Moreover, NHDES expects us to be able to safely access the far (east) spillway in a high-water event. That access requires the installation of a bridge over the spillway closest to the dam. Ray Britton purchased the bridge. The installation of posts and piers is contingent upon many factors including a structural design and wetland permit application.

### **Redistricting**

The APDVD Commissioners have also researched redrawing district lines to include the non-LAE side of Ashuelot Pond and the downstream watershed in Washington. We have been in contact with attorneys from the NH Municipal Association (NHMA) related to RSA 52:5 which outlines the steps in drawing new boundaries.

In short, a petition needs to be sent to the Washington selectmen requesting that the boundaries change. It is their discretion to grant the petition. If so, a notice of a public hearing will be issued to all current and prospective village district residents. The boundary change requires ratification by a vote of

current and prospective district residents, who are eligible to vote, at a district election held for that purpose. A previous attempt was rejected by the Washington selectmen in 2007 citing a lack of evidence of financial hardship in costs of dam upkeep to the residents of APDVD that would require an expansion. The APDVD Commissioners will work to put such evidence together to submit with a petition for expansion.

## **Budget**

As outlined in this letter, there is extensive work that still needs to be completed to bring the dam into compliance with the LoD. Please review the additional details in the documents referenced herein that are posted on the LAE website. Presently we have approximately \$36,000 in our Capital Reserve and Donation Accounts (\$30,000 in Capital Reserves; \$6000 in donations). We owe approximately \$24,500 upon the completion of the gate work. See Warrant Article 3 for additional details on registration fees, insurance, and other expenses. NH DAMS, LLC estimates about \$200,000 to \$250,000 to complete the additional work as outlined in the LoD and described within this letter. We are seeking \$100,000 for the Capital Reserve Fund so we can continue to comply with the LoD for the safe operation of our dam.

## **2023 Annual APDVD Meeting**

Please see the enclosed Warrant outlining the Articles to be acted upon on July 7, 2023, at 7 P.M. at Camp Morgan Lodge in Washington, NH. We encourage you to view the dam updates and additional details on the LAE website at <https://www.laeinc.org/copy-of-dam-district>. We have invited Bob Carter, owner of NH DAMS, LLC, and James Weber, NHDES Dam Safety Engineer, to our meeting to answer technical questions and provide additional details.

Sincerely,

Rich Andrusiak  
Gary Carney  
Gary Mahaffy  
APDVD Commissioners