

**TOWN OF WOLFEBORO  
CONSERVATION COMMISSION  
November 8, 2021  
APPROVED MINUTES**

*Chairman Clark opened the meeting at the Wolfeboro Public Library at 6:36 pm.*

**Members Present:** Lenore Clark, Chair, Dave Senecal, BOS Representative, Brian Gifford, Warren Muir, Members, Bob Gilbert, Sarah Silk, Jim Nupp, Alternates.

**Members Absent:** Dan Coons, Vice-Chair, Jeff Marchand, Nancy Byrd, Ed Roundy, Members.

**Staff Present:** Lee Ann Hendrickson, Administrative Secretary.

*Chairman Clark appointed Bob Gilbert, Alternate, to sit in for Jeff Marchand, Member, appointed Sarah Silk, Alternate, to sit in for Nancy Byrd, Member and appointed Jim Nupp, Alternate, to sit in for Dan Coons, Member.*

**I. Approval of Minutes**

**October 18, 2021**

**Corrections:** Page 3, 2<sup>nd</sup> line; add "Association" after "Winnepesaukee", add "Section" prior to "319"  
Page 3, 4<sup>th</sup> line; strike "Port Wedeln" and replace with "Cricket Hill Estates"

**It was moved by Sarah Silk and seconded by Warren Muir to approve the October 18, 2021 Conservation Commission minutes as amended. Brian Gifford, Bob Gilbert, Warren Muir, Sarah Silk voted in favor. Lenore Clark, Jim Nupp abstained. The motion passed.**

Lenore Clark stated Andrew Lester read the draft minutes of October 18, 2021 and wanted her to inform the Commission the bridge over the brook was not built as a "swap" for the puncheon bridge (as noted in the minutes).

**October 14, 2021 Dredge & Fill**

**Correction:** Page 1, location of meeting change to Town Hall

**It was moved by Warren Muir and seconded by Brian Gifford to approve the October 14, 2021 Conservation Commission Dredge & Fill minutes as amended. Lenore Clark, Warren Muir, Bob Gilbert, Brian Gifford voted in favor. Sarah Silk, Jim Nupp abstained. The motion passed.**

**II. Discussion Items**

**a. Budget Presentation to the BOS**

Lenore Clark stated she tried to attend the BOS meeting online however, by the time the technical difficulties were resolved the BOS had already reviewed the Commission's budget and no issues were noted.

**b. Calico Graphics Vest Purchase**

Lenore Clark stated additional vests (with pockets) are being ordered.

**c. Goodwins Basin; Tree Removal**

Lenore Clark asked the Commission whether they wanted to move forward with removing the tree that hangs over the cottage on the Nicastro property. She noted there are funds available in the 2021 budget to contract Bartlett Tree Service. She stated she contacted Lee Gilman to ask for an estimate.

Brian Gifford stated he would contact Aaron Stirt to speak to Andrew Carpenter for an estimate.

The Commission will review cost estimates at the December 13<sup>th</sup> meeting.

**d. Brown Lot Update**

Lenore Clark stated she spoke to Dan Stepanauskas regarding the Brown lot; noting Mr. Stepanauskas stated he did not observe infestations of invasive species. She stated Mr. Stepanauskas also stated the lot is not accessible in the winter for forestry practices.

Brian Gifford questioned the acreage.

Lenore Clark replied 53 acres.

Sarah Silk confirmed the property was logged in 2011.

Lenore Clark stated Eric Groves prepared a forest management plan in January 2011; noting she is unsure if the property was logged in 2011.

Brian Gifford stated he would like to ask Jeff Marchand for his opinion as to whether the property should be logged.

**e. Ryefield Marsh Sign Complaint**

Lenore Clark stated a complaint was received (from a long -time resident) regarding a private road sign that has been placed at the property. She stated it is not known as to who placed the sign.

Brian Gifford stated he went to the site and confirmed the sign exists; noting the sign is 75' from (prior to) the access to Ellie's Woodland Walk on Meadow Lane.

Lenore Clark reviewed the tax map and noted she would review the warranty deed.

**f. Proposed Zoning Amendment – Wetlands Conservation Overlay District**

Lenore Clark referenced a memo from Tavis Austin, Director of Planning and Development, regarding such, see attached.

Warren Muir stated footpaths could result in runoff into the lake; noting footpaths are often cleared paths. He stated additional information is required.

Sarah Silk questioned the zoning definition of a footpath and a trail. She questioned the difference between a pathway and a footpath.

The Commission asked Lenore Clark to speak to Tavis Austin and ask for additional information.

**g. Memorandum of Understanding for Willey Brook & Trask Mountain Trails Maintenance**

No report.

**h. NHACC Conference Update**

Lenore Clark stated Warren Muir, Nancy Byrd and she attended the NHACC Annual Conference on November 6<sup>th</sup>.

Warren Muir stated he attended the iNaturalist webinar and a global warming webinar.

Lenore Clark stated she also attended the iNaturalist webinar as well. She stated the workshops were recorded and she and Warren Muir could forward the links to the recordings to the Commission members.

**i. Wolfeboro Waters**

No report.

**III. Other Business**

**Boundary Marking**

Lenore Clark reminded the Commission that the boundary marking for the Wentworth Watershed Association property (former McBride property) is scheduled for November 13<sup>th</sup> at 9am – meeting at the Town Hall and then proceeding to the property.

**LCHIP Application for Tax Map #37-7 & 37-8**

Lenore Clark stated the application submitted to LCHIP for consideration of a grant for reimbursement of costs associated with the purchase of Tax Map #37-7 & 37-8 will be reviewed on November 17<sup>th</sup>.

**Sewall Woods Easement**

Jim Nupp stated the Wolfeboro Cross Country Ski Association agreed to set aside a \$10,000 retainer to be in place if the Conservation Commission agreed to be the backup easement holder. He stated the current language of the easement states the following; *“Should WCCSA cease to exist, then the rights transferred herein shall be transferred to another like-minded conservation entity, such as the Lakes Region Conservation Trust, or the Wolfeboro Conservation Commission”* and noted the deed needs to be modified to reflect the identification of the Wolfeboro Conservation Commission.

Warren Muir asked who would draft the language.

Jim Nupp stated he would speak to the Association regarding such and confirmed the Commission would share the cost of the amendment.

**IV. Public Comment**

None.

*Dave Senecal exited the meeting at 7:37 PM.*

**V. Non-Public Session**

**It was moved by Warren Muir and seconded by Sarah Silk to enter non-public session at 7:37 PM under (RSA 91-A:3,II(c)). Roll call vote; Lenore Clark - yes, Sarah Silk – yes, Bob Gilbert – yes, Brian Gifford - yes, Warren Muir – yes, Jim Nupp - yes. The motion passed (6-0).**

The Board re-entered public session at 8:17 PM.

**It was moved Sarah Silk and seconded by Warren Muir to seal the November 8, 2021 Wolfeboro Conservation Commission non-public meeting minutes. Roll call vote: Lenore Clark - yes, Dan Coons - yes, Brian Gifford - yes, Warren Muir – yes, Sarah Silk - yes. The motion passed (6-0).**

Chairman Clark stated the nonpublic session minutes of November 8, 2021 were sealed by a 2/3 vote as required by law.

**VI. Other Business (continued)**

**Bella Terra Trail Design Contract and Invoice**

The Commission discussed the bridge Andrew Lester built over Willey Brook and agreed to accept the construction of the bridge at no cost; noting the bridge was not included in the signed contract and built without the knowledge of the Commission.

Lenore Clark stated Dan Coons confirmed that one mile of trail has been constructed as noted in the contract.

**It was moved by Brian Gifford and seconded by Jim Nupp to release \$3,300 to Bella Terra Trail Design for the construction of the one-mile trail at Willey Brook. All members voted in favor. The motion passed.**

**VII. Dredge & Fill Applications**

None.

**VIII. Adjournment**

**It was moved by Warren Muir and seconded by Brian Gifford to adjourn the November 8, 2021 Conservation Commission meeting. All members voted in favor. The motion passed.**

*There being no further business before the Commission, the meeting adjourned at 8:29 PM.*

Respectfully Submitted,

*Lee Ann Hendrickson*

Lee Ann Hendrickson

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DATE: October 15, 2021

TO: Planning Board

FROM: Tavis Austin, AICP, Director of Planning and Development

RE: Consideration Amendment to Wetland Conservation Overlay District—pathways

One element of the Wetland Conservation Overlay District that has raised questions this year is its treatment of pathways, or trails. §175-10 C (3) requires “footpaths” to receive a Special Use Permit; by extension trails are required to obtain a Special Use Permit if located within a wetland setback, despite the earlier section §175-8 Permitted Uses permitting by right “passive recreation such as hiking, fishing, hunting on foot, non motorized boating” (§175-8 B (1)).

For consistency within the regulation, it is my recommendation that the word ‘footpaths’ be removed from §175-10 C (3) as shown here:

(3) The construction, repair, or maintenance of streets, roads, and other accessways, including driveways, ~~footpaths~~, bridges, and utility right-of-way easements, including power lines and pipelines, if

essential to the productive use of land adjacent to the Wetlands Conservation Overlay District. These uses shall be located and constructed in such a way as to avoid or minimize any detrimental impact upon the wetlands and consistent with state-recommended design standards (see Fish and Game Department 2008), and only if no viable alternative location outside the wetlands setback or buffer zone or which has less detrimental impact on a wetland is feasible.

While I do not have formal comments back from the Conservation Commission on this change, I have discussed this with Lenore who did not have any initial concerns with the amendment.

Respectfully submitted,  
Tavis J. Austin, AICP Director of Planning and Development