

**TOWN OF WOLFEBORO  
CONSERVATION COMMISSION  
February 14, 2022  
APPROVED MINUTES**

*Chairman Clark opened the meeting at the Wolfeboro Public Library at 6:41 pm.*

**Members Present:** Lenore Clark, Chair, Dan Coons, Vice-Chair, Brian Gifford, Jeff Marchand, Warren Muir, Nancy Byrd, Members, Jim Nupp, Bob Gilbert, Sarah Silk, Alternates.

**Members Absent:** Dave Senecal, BOS Representative, Ed Roundy, Member.

*Chair Lenore Clark appointed Sarah Silk, Alternate, to sit in for Ed Roundy, Member.*

**I. Approval of Minutes  
December 13, 2022**

***It was moved by Warren Muir and seconded by Sarah Silk to approve the December 13, 2021 minutes as submitted. Lenore Clark, Dan Coons, Brian Gifford, Warren Muir, Nancy Byrd, Sarah Silk voted in favor. Jeff Marchand abstained. The motion passed.***

**January 10, 2022**

***It was moved by Dan Coons and seconded by Brian Gifford to approve the January 10, 2022 minutes as submitted. Lenore Clark, Dan Coons, Brian Gifford, Nancy Byrd, voted in favor. Jeff Marchand, Warren Muir, Sarah Silk abstained. The motion passed.***

**February 3, 2022**

***It was moved by Dan Coons and seconded by Brian Gifford to approve the February 3, 2022 minutes as submitted. Lenore Clark, Dan Coons, Brian Gifford voted in favor. Jeff Marchand, Warren Muir, Sarah Silk, Nancy Byrd abstained. The motion passed.***

**Dredge & Fill Minutes  
December 4, 2021**

***It was moved by Dan Coons and seconded by Brian Gifford to approve the December 4, 2021 Dredge & Fill minutes. Lenore Clark, Warren Muir, Brian Gifford voted in favor. Jeff Marchand, Dan Coons, Sarah Silk, Nancy Byrd abstained. The motion passed.***

**January 27, 2021**

***It was moved by Dan Coons and seconded by Brian Gifford to approve the January 27, 2022 Dredge & Fill minutes. Lenore Clark, Dan Coons, Brian Gifford voted in favor. Jeff Marchand, Warren Muir, Sarah Silk, Nancy Byrd abstained. The motion passed.***

## **II. Discussion Items**

### **a. MOU Between Wolfeboro Single Track Alliance & Wolfeboro Conservation Commission**

Sarah Silk asked who prepared the MOU.

Lenore Clark replied Brad Helfer and noted Attorney Helfer sits on the Board of Wolfeboro Single Track Alliance (WSA).

Sarah Silk stated temporary events have to be presented to and approved by the BOS.

Jeff Marchand stated he is astonished the MOU was written by an attorney and that the MOU language displays favoritism and he couldn't imagine signing the document as it is currently written. He stated the land the multi-use trails are located is taxpayer property and feels that all taxpayers should be allowed access. He stated any MOU should be offered by the Conservation Commission and feels the MOU should be tabled since the BOS have put a cease and desist with trail building. He stated the MOU was originally requested as a result of maintenance and has an issue with including third-party references.

Lenore Clark stated she recalled the MOU was to address maintenance and expressed concern regarding including the language "development" as noted in the Purpose statement. She stated she would not recommend signing the document as it is currently written.

Dan Coons stated the document is close to a copy and paste to the MOU with Sewall Woods.

Jeff Marchand stated he doesn't agree with including third parties.

Sarah Silk recommended adding/including Conservation Commission as a reviewer to the event process.

Jim Nupp stated that with regard to the process, this is the process that WSA went through with Lakes Region Conservation Trust. He stated the Commission would be remiss if consideration for improvement and extension of existing trails is not given. He stated the predominant purpose of the trails is multi-purpose.

Dan Coons noted the BOS gave full authority to the Commission to manage the properties as the Commission sees fit.

Referencing Section III, A.1. Permitted Uses, Nancy Byrd questioned whether e-bikes are included considered a motorized vehicle.

Sarah Silk questioned ADA motorized vehicles and questioned whether the MOU should allow for such.

Dan Coons recommended alternative language to address e-bikes

Lenore Clark asked if cross country skiers are considered pedestrians.

Dan Coons replied no.

Lenore Clark stated skiers should be included.

Jeff Marchand recommended changing the title of Permitted Uses to Non-permitted Uses.

Warren Muir asked why the Commission just can't give WSA permission to use the trails for biking and maintain the trails insofar as needed for biking.

Jeff Marchand agreed with Mr. Muir.

Nancy Byrd asked if maintenance relative to biking would interfere with pedestrian use.

Jim Nupp stated in some cases it could, specifically relative to fat tire biking in the winter.

Jeff Marchand stated the statement “The Conservation Commission recognizes mountain bicycling as one of the beneficial recreational uses on these properties.” is a political statement and should not be included in the MOU.

Jim Nupp recommended the Commission craft the MOU to address the issues noted by the members of the Commission. He stated the WSA created the MOU from the perspective of a cyclist, however the Commission’s perspective is use by all types of groups/users (pedestrian, snowshoe, cross country skiers, etc.).

Dan Coons recommended asking Attorney Jim Cowles to draft the MOU.

Sarah Silk recommended forwarding the Commission’s edits. Referencing Section III,4.I., she stated there should be a review process of the MOU prior to renewal (MOU states it would be an automatic renewal).

Jim Nupp stated liability and maintenance issues, the latter specifically when trails are not suitable for biking need to be addressed.

Referencing Section III, D., Sarah Silk requested clarification regarding such and questioned whether WSA pays for contracted services. She stated there is a State RSA that addresses volunteers and liability.

The Commission reviewed the proposed MOU and agreed to address the following;

- Section II, Background and Statement of Mutual Interest, 3<sup>rd</sup> paragraph; change “need” to “desire” and add “where appropriate” following “properties”
- Section III, A. Use of Properties; add “for the duration of the term of this MOU” to the end of the sentence
- Section III,A.I. Permitted Uses; Change title to Non-permitted Uses
- Section III, E.2.b.i., 2<sup>nd</sup> paragraph; change Conservation Commission to BOS
- Clarify special events process (to be presented to and approved by BOS)
- Determine whether acceptance of the MOU requires a public hearing
- Remove automatic renewal of MOU

Lenore Clark stated she would revise the MOU for review by the Commission at the March meeting and prior to submitting such to Attorney Cowles.

**b. Survey Quote for Tax Map #37-7 & 37-8**

Dan Coons stated a survey is required to receive the LCHIP grant and noted he received the following cost estimates; Jim Hambrook - \$3,650, Norway Plains - \$5,000 and Land Technical Services - \$5,785. He noted Norway Plains has previously surveyed the surrounding properties. He stated he received the estimates in writing.

The Commission further discussed the cost estimates and agreed to request Jim Hambrook for a written proposal (to ensure the cost of \$3,650).

**It was moved by Jeff Marchand and seconded by Brian Gifford to authorize Dan Coons to seek a written proposal from James Hambrook to contract for the surveying of Tax Map #37-7 and 37-8, cost not to exceed the next lowest bid of \$5,000. All members voted in favor. The motion passed.**

**c. Millwood Place, LLC ZBA Application Update**

*Sarah Silk recused herself and physically left the meeting for the discussion of such.*

Lenore Clark stated the ZBA opened the public hearing for the ZBA application and she read the Commission’s statement into the record. She stated the application was continued to March 14, 2022. She

stated she learned that the applicant did not review/consider the potential of hazardous waste in the ground at the site.

**d. Deliberative Session – Warrant Article Update**

Lenore Clark stated she presented the warrant article at the Deliberative Session; noting there were no questions or comments. She stated the article is warrant article 40.

*Sarah Silk returned to the meeting at 7:47 pm.*

**e. Goodwins Basin – Encroachment Issue**

Lenore Clark stated there may have been an encroachment onto the Goodwins Basin property, she believes when the cabin on the Nicastro property was renovated. She questioned whether there is a survey of the property, whether the Commission would like to place plantings along the property line to avoid future encroachment issues, and whether the Commission would be interested in requesting the damage be repaired. She distributed photographs of the area following the removal of the tree; noting large ruts from heavy equipment were observed.

Dan Coons recommended putting down seed in the spring.

**f. Eagle Scout Project Ideas**

Jeff Marchand stated he spoke with Ethan Huffman's father who inquired about a project that his son Ethan could participate in for an Eagle Scout project. He volunteered to be the liaison between the Commission and Ethan.

Dan Coons stated a kiosk is needed at the Whiteface Mountain parking lot (Browns Ridge Road); noting the kiosk will need to be more elaborate than the one at Willey Brook.

Jeff Marchand confirmed that the Commission would maintain the kiosk and questioned the size of the kiosk.

Dan Coons replied 4'x8'. He also recommended refreshing the sign at the Trask Mountain lot.

The Commission agreed to request Ethan Huffman to develop a plan for a 4'x8' kiosk located at the Whiteface Mountain parking lot.

**g. Wolfeboro Waters**

Warren Muir stated Amanda McQuaid (contact at the State) has accepted a position at UNH and noted that the presentation on a small pilot study that was scheduled for this evening was cancelled and will be rescheduled. He stated NH Lakes circulated a study conducted by the University of Minnesota about large surfing boats; noting there is proposed legislation for boats to be at least 250' from shore. He stated the study was brought to the attention of the BOS.

Lenore Clark stated the Wentworth Watershed Association sent out an email regarding the issue. She stated she would forward such to the Commission.

**III. Other Business**

**2022 Budget**

Lenore Clark stated the Commission's 2022 budget was approved by the Budget Committee.

**Forester**

Jeff Marchand stated Brian Reader (Waterboro, Maine) logged a 10-acre parcel he owns and some of his homestead lot; noting he did a fabulous job. He stated he spoke to Mr. Reader about the Brown lot and its access issues. He stated Mr. Reader walked the lot and noted that access would be extremely challenging and would have to be resolved.

**Fernald Station**

Jeff Marchand stated he hasn't received a response from the Town Manager.

Lenore Clark stated she is in favor of authorizing Jeff Marchand to file a driveway permit and cc the Town Manager.

Jeff Marchand and Dan Coons agreed to stake out the driveway and take measurements.

Jeff Marchand stated he would prepare a driveway permit for approval at the next meeting.

**Wolfeboro Conservation Overlay District Amendment**

Lenore Clark stated Tavis Austin rescinded the request to amend such.

**IV. Public Comment**

None.

**V. Adjournment**

**It was moved by Brian Gifford and seconded by Sarah Silk to adjourn the February 14, 2022 Conservation Commission meeting. All members voted in favor. The motion passed.**

*There being no further business before the Commission, the meeting adjourned at 8:25 pm.*

Respectfully Submitted,

*Lee Ann Hendrickson*

Lee Ann Hendrickson