

**TOWN OF WOLFEBORO
CONSERVATION COMMISSION
July 13, 2020
DRAFT MINUTES**

Lenore Clark read the following:

Good evening and welcome to the July 13, 2020 meeting of the Wolfeboro Conservation Commission. My name is Lenore Clark.

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order #2020-04, this Board is authorized to meet electronically. In accordance with RSA 91-A: 2, III, the Board has 7 members joining the meeting remotely, which a public body has the authorization to allow.

At this time I would like to take a roll-call vote of ALL members present. For those participating virtually, please indicate your location and if you have any other individuals present in the room with you.

Members Present: Roll call: Lenore Clark – yes (acknowledged there is no one present with her), Chairman, Dan Coons – yes (acknowledged there is someone present with him), Vice-Chairman, Art Slocum – yes (acknowledged there is no one person present with him), Brian Gifford – yes (acknowledged there is no one present with him), Jeff Marchand – yes (acknowledged there is no one present with him), Warren Muir – yes (acknowledged there is no one present with him), Members, Nancy Byrd – yes (acknowledged there is no one present with her), Alternate.

Votes taken during this meeting will be via roll call vote for ALL members.

In accordance with Emergency Order #12, for members of the public, this is to confirm that we are:

1. Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means through GoToMeeting. All members of the public and Board have the ability to communicate contemporaneously during this meeting through the GoToMeeting platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #+1 (646) 749-3122 followed by the audio access code 870-687-373, or by video following the directions on the Town of Wolfeboro Website posted on the home page under the Virtual Town Meeting Login Information page.
2. Providing public notice of the necessary information for accessing the meeting; we previously gave notice to the public of how to access the meeting in-person or using GoToMeeting and in, and instructions are provided on the Town of Wolfeboro website at wolfeboronh.us on the Virtual Town Meeting Login Information page.
3. Providing a mechanism for the public to alert the public body during the meeting if there are problems with access; if anybody has a problem accessing the meeting via phone or computer, please immediately call 603-486-2692 OR email Hendrickson.leeann@gmail.com. In the event that the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Thank you.

Members Absent: Dave Senecal, BOS Representative, Ed Roundy, Member, Sarah Silk, Alternate.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chairman Clark opened the virtual meeting at 4:35 pm.

Chairman Clark appointed Nancy Byrd, Alternate, to sit in for Ed Roundy, Member.

I. Consideration of Minutes

June 11, 2020 (Regular Meeting Minutes)

Corrections: Page 4, 2nd & 5th paragraphs; change “Shoreland” to “Statutory”

It was moved by Art Slocum and seconded by Nancy Byrd to approve the June 11, 2020 Wolfeboro Conservation Commission minutes as amended. Roll call vote: Lenore Clark - yes, Dan Coons - abstain, Art Slocum - yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – abstain, Jeff Marchand - abstain. The motion passed (4-0-3).

June 11, 2020 (Nonpublic Meeting Minutes)

It was moved by Dan Coons and seconded by Nancy Byrd to approve the June 11, 2020 Wolfeboro Conservation Commission nonpublic minutes as submitted. Roll call vote: Lenore Clark - yes, Dan Coons - yes, Art Slocum - yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – abstain, Jeff Marchand - abstain. The motion passed (5-0-2).

June 18, 2020

Correction: Page 2, 1st paragraph; change “70” to “68.45”

It was moved by Nancy Byrd and seconded by Warren Muir to approve the June 18, 2020 Wolfeboro Conservation Commission minutes as amended. Roll call vote: Lenore Clark - yes, Dan Coons - yes, Art Slocum - yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – yes, Jeff Marchand - yes. The motion passed (7-0).

II. Discussion Items

a. Elvira Avery Conservation Easement, Boulder Brook Road, TM #260-7

Matt Sullivan stated he is seeking general support to proceed with discussions with the State regarding accessing Rust Pond via Tax Map 260-7; noting further permission would be required from the Commission, BOS, Planning Board and possibly other entities. He stated Rust Pond is considered a public water body under State statute because it is greater than 10 acres; noting the Town is obligated to provide public access to Rust Pond. He stated the Town abandoned its claim to the previous public access located on South Main Street; noting there were significant safety issues associated with that access. He stated that access has reverted back to private ownership. He stated the State of NH and users of that previous access point have commented on the lack of public access to Rust Pond. He stated the State is interested in working with the Town to gain an alternative access. He stated there is very limited access points around the water body. He stated the Rust Pond Association owns a parcel (where the dam is located) however, liability for the Association to provide public access on that lot remains unclear.

Referencing the latter comment, Art Slocum verified that Mr. Sullivan is speaking to access via the Weston Auto Body property.

Matt Sullivan stated the State has suggested accessing Rust Pond through that property because of it being a historical access point. He stated there would be a need to obtain formal access if the Town were to acquire the property; noting such is not a true candidate for consideration. He stated he found a property that could serve as a hand carry access only, Tax Map 260-7; noting the property has a conservation easement on it. He stated holders of the easement have the ability to access Rust Pond via Boulder Brook Road. He reviewed the limitations of the easement; noting the easement allows for hand carry access over the property. He stated the linear distance is a challenge; noting the property is not an ideal access site however, it is the only alternative at this time. He stated there would be a need for a parking area for one or two vehicles; noting such would be subject to Planning Board review. He requested the Commission discuss the proposal and determine whether they support the project to explore the viability for public access to Rust Pond via the conservation easement.

Art Slocum stated the water is extremely shallow and access would be limited to kayaks and small fishing boats; noting such would be similar to the former launch site.

Matt Sullivan stated the ability to fish was a major concern noted by the public following the closure of the previous launch site. He stated Dan Coons informed him that the property is very wet and did not recommend a stone dust or gravel pathway rather, only a pathway that is passable. He stated Mr. Coons recommended the pathway be as low impact as possible.

Lenore Clark questioned the proposed location of the parking area.

Matt Sullivan stated the parking area would be located closer to the right-of-way.

Warren Muir asked who owns the property.

Matt Sullivan stated Avery Heirs, LLC and the O'Dowd family; noting the owners have not yet been approached.

Art Slocum noted that the O'Dowd and Avery families are the same family.

Dan Coons stated the easement was acquired through compensatory mitigation and questioned NHDES' involvement.

Matt Sullivan stated further discussions need to take place with NHDES and confirmation is needed that there are no issues with NHDES. He stated the Conservation Commission is the first public body that is aware of the proposal.

Nancy Byrd questioned the feedback from the fisherman.

Matt Sullivan stated NH Fish & Game has been receiving the feedback. He stated the intent is to provide public access to Rust Pond because the Town is obligated to provide such.

Art Slocum stated the pond is excellent for fishing; noting it was stocked in the 1850's with small mouth bass. He stated fisherman would park in Abenaukee Estates and walk over to the former launch site because of the safety issues.

Lenore Clark recommended a site walk.

Matt Sullivan stated he would coordinate the site walk with NH Fish & Game and contact NHDES regarding the compensatory mitigation issue.

Dan Coons asked if the Town has looked into usable private ramps.

Matt Sullivan replied no.

Jeff Marchand asked how NH Fish & Game is the principal decision maker and why would they be involved with the site walk.

Matt Sullivan stated Fish & Game is not a decision maker in the proposal; noting their only role is to advocate public access for larger water bodies per statutory regulations. He stated Fish & Game asked the Town if there are potential sites and the Town agreed to look into it. He noted Fish & Game also has access to grant funding for potential improvements therefore, the Town would like them to be part of the discussion.

Dan Coons asked if the proposal has been reviewed by the Attorney General's office.

Matt Sullivan replied no. He stated Town Counsel needs to review the easement language to determine if the proposed use is compatible with the uses outlined in the easement. He stated that if the uses are determined to be compatible then there would be no need for review by the Attorney General.

Jeff Marchand stated he supports the proposal (access to Rust Pond) however, not the parking area; noting the parking would have to be off of the easement. He stated a pathway would be great and requested that the issues get resolved prior to any further action by the Commission.

Nancy Byrd agreed with Mr. Marchand's comments.

Warren Muir asked who would be responsible for maintaining the access.

Matt Sullivan replied the Conservation Commission.

Art Slocum stated revenue collected from the Fish & Game license plate fees could be used to assist with maintenance.

Matt Sullivan stated very little maintenance was required with the previous public access.

Warren Muir asked if the proposal would evolve to placing picnic tables by the water.

Matt Sullivan replied no, the intent is to only allow for public access in order to comply with statute.

Art Slocum stated the first issue is to get access back and noted issues with property values if a boat can't be launched. He stated access could be obtained through eminent domain of private property; noting access to Rust Pond needs to be found.

b. Eastern Lakes Region Housing Coalition Conservation Easement Amendment

Lenore Clark stated the attorney for Lakes Region Community Developers responded to a letter received from the Attorney General's office. She stated she would circulate the attorney's response to the AG's office.

c. Drew Lot

Lenore Clark stated the Commission agreed at its June 2020 meeting to contract Dan Stepanauskas to boundary mark the Drew lot.

Staff noted she would contact Mr. Stepanauskas.

d. Ryefield Marsh

Dan Coons offered to front the cost of the supplies and request reimbursement from the Town; noting weather permitting the repairs to the boardwalk should be completed within the next couple of weeks.

e. Invasive Species Management

The Commission requested Staff to contact Bartlett Tree and schedule a time to meet at the Towns Garden property and Front Bay Park to retrieve a cost estimate.

Jeff Marchand stated he emailed Lenore Clark and Dan Coons regarding Albee Beach. He stated he observed wood chips dumped onto Albee Beach and expressed concern regarding such and the potential seeding of the beach with invasive species and/or poison ivy. He noted he spoke to Christine Collins, Parks and Recreation, regarding such. He stated the wood chips came from Bartlett Tree from the clearing at Carry Beach. He stated he wanted the Commission to know of the conversation that took place between he, Dan Coons and Lenore Clark.

Lenore Clark asked if the wood chips were spread.

Jeff Marchand replied yes, on the pine grove and goes to the edge of the sand. He stated he feels that his warnings were glossed over when he spoke with Ms. Collins. He noted the wood chips are not treated.

Nancy Byrd stated she is seeking a contractor to address invasive species on her property and will keep the Commission informed of the process.

f. Wolfeboro Waters

Warren Muir stated there has not yet been a meeting of the whole committee rather, the subcommittees have met. He stated that due to COVID-19 sampling kits cannot be shared. He stated sampling equipment has been received however, samples need to be collected. He stated drone photographs were taken of the shores of Winter Harbor by Peter Goodwin. He noted there have been reports of suspected blooms across NH and three or more blooms in Lake Winnepesaukee.

Art Slocum stated the Mitigation Committee met with Dave Ford and Matt Sullivan; noting Port Wedeln is a priority for the Town. He stated the Committee is identifying and prioritizing projects. He noted Kathy Barnard is the chair of the Committee and noted the Committee would be looking at uses within the commercial districts to mitigate or reduce runoff. He stated the next meeting of the Mitigation Committee is scheduled for July 22nd.

III. Other Business

Whiteface Mountain

Lenore Clark asked if anyone has spoken to Don McBride.

Art Slocum stated there are no scheduled meetings for the Land Bank.

Lenore Clark stated Attorney Cowles is finalizing the conservation easement deed; noting the closing is expected to occur mid-August. She stated Dan Coons met with Leah Hart and walked the boundaries of the property.

Dan Coons stated he refreshed the flagging along the boundaries and installed markers along the perimeter. He stated he, Leah Hart and Dave Mallard observed the owners of the former Overall property using 4-wheelers to cut across the easement. He recommended having a discussion with the current owners.

Staff recommended sending a “welcome” letter and including a copy of the easement to the current property owners. She stated she would research contact information for the current owners.

Future Conservation Commission Meetings

Lenore Clark stated the Commission now has the ability to meet in person at the Great Hall.

The Commission agreed to continue to meet remotely.

Eagle Scout Project

Lenore Clark stated the Commission received a proposal from an Eagle Scout to build/install a kiosk at Willey Brook. She questioned whether the Commission should contact the Bureau of Trails.

Dan Coons stated he would contact the Bureau of Trails and noted that if the kiosk is built more than 33’ from the centerline then it would avoid any issues with the State.

Warren Muir stated the project did not include the location of the project.

Lenore Clark stated Dan Coons will work with the Eagle Scout to find an appropriate location for the kiosk.

Jeff Marchand stated the problem with Eagle Scout projects is that once the project is completed it is not maintained. He stated future maintenance is not included in the project. He questioned the estimated cost of the project; noting he isn’t aware that the Scout approached the Commission to confirm the cost of the project.

Dan Coons stated it is his understanding that the Scout has to secure funding. He stated he informed the Scout that the Commission had to vote to approve the cost of the materials.

The Commission discussed the cost, design and implementation of the project and expressed concern that a design and implementation plan was not submitted.

Art Slocum recommended tabling the matter until some of the questions regarding the design and implementation of the project are resolved.

It was moved by Dan Coons and seconded by Jeff Marchand to authorize the expenditure of not more than \$200.00 for the construction and installation of a kiosk at the Willey Brook property contingent upon receipt of a design and implementation plan. Roll call vote: Lenore Clark - yes, Dan Coons - yes, Art Slocum - yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – yes, Jeff Marchand - yes. The motion passed (7-0).

IV. Correspondence

The Commission received the following correspondence; NHDES Wetlands Bureau notifications.

It was moved by Nancy Byrd and seconded by Dan Coons to adjourn the July 13, 2020 Conservation Commission meeting. Roll call vote: Lenore Clark - yes, Brian Gifford - yes, Art Slocum - yes, Jeff Marchand – yes, Dan Coons – yes, Nancy Byrd – yes, Warren Muir. The motion passed (7-0).

There being no further business before the Commission, the meeting adjourned at 6:33 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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