

**TOWN OF WOLFEBORO
CONSERVATION COMMISSION
November 18, 2019
MINUTES**

Members Present: Lenore Clark, Chairman, Dan Coons, Vice-Chairman (arrived at 8:05 PM), Ed Roundy, Jeff Marchand, Art Slocum, Brian Gifford, Warren Muir, Members, Nancy Byrd, Alternate.

Members Absent: Dave Senecal, Selectmen's Representative, Sarah Silk, Alternate.

Staff Absent: Lee Ann Hendrickson, Administrative Secretary.

*Chairman Clark opened the meeting at 6:39 PM at the Town Hall Annex Conference Room.
Chairman Clark appointed Nancy Byrd, Alternate, to sit in for Dan Coons, Member (until 8:05 PM when Mr. Coons arrived at the meeting).*

I. Consideration of Minutes

October 21, 2019 Minutes

Corrections: Page 2, Trask Mountain, 1st paragraph; strike last sentence and replace with "During a site visit it was observed that Wolfeboro Single Track had built a bridge however, she is unaware if Dan Coons gave them permission to do so.

Page 2, Trask Mountain, 1st paragraph; add "She stated Wolfeboro Single Track is licensed and bonded/insured."

It was moved by Art Slocum and seconded by Brian Gifford to approve the October 21, 2019 Wolfeboro Conservation Commission minutes as amended. Lenore Clark, Brian Gifford, Nancy Byrd, Art Slocum, Warren Muir, Ed Roundy voted in favor. Jeff Marchand abstained. The motion passed.

Dredge & Fill Minutes

October 21, 2019

It was moved by Brian Gifford and seconded by Warren Muir to approve the October 21, 2019 Wolfeboro Conservation Commission Dredge & Fill minutes as submitted. Lenore Clark, Brian Gifford, Nancy Byrd, Art Slocum, Warren Muir, Ed Roundy voted in favor. Jeff Marchand abstained. The motion passed.

II. Discussion Items

a. Sewall Woods Easement Acquisition

Jim Nupp, Wolfeboro Cross Country Ski Association, stated the Association has had an opportunity presented to them to purchase an easement on the trailhead of Sewall Woods. He distributed an article previously written by Ed Roundy. He stated in 1999 the first 38 acres of Sewall Woods was purchased and the final acreage was purchased and protected in 2003; totaling 176 acres at a price of \$1.8 million. He stated in 1999 Cal and Verna Flagg donated land to be built for a warming hut/barn that houses the large bombardier groomer and the parking area at the end of Clow Road. He stated the barn was built from supplies donated by Mr. and Mrs. Flagg and their business, Nordic Skier and volunteers constructed the barn. He stated since that time Mr. and Mrs. Flagg have continued to pay the taxes on the barn and the property that is utilized for the parking area.

He stated in 2010 the Pathways Committee raised \$375,000 to enhance 4+ miles of trail in Sewall Woods and at Abenaki (stone dust enhanced base that allows for cycling and walking). He stated recently at the bequest of Mr. and Mrs. Flagg, the Association had an easement appraised by Lamprey for 3/10th (.03) of an acre that includes the parking lot and barn/warming hut. He stated the property was appraised at \$60,000; noting the appraisal and associated legal costs were paid for by the Cross Country Ski Association. He stated Mr. and Mrs. Flagg have agreed to issue a Promissory Note to allow for the Association to fundraise; noting in good faith the Association has put forth \$20,000. He stated the Association, a 501C3 organization, would like to be the primary holder of the easement with Lakes Region Conservation Trust as having executory interest. He stated LRCT's Land Committee is meeting next week; noting Don Berry, LRCT, believes the Committee will be supportive of the project. He stated he is also a member of the Wolfeboro Tuftonboro Land Bank and has requested them to provide financial assistance to the project and have agreed to provide such. He stated he is asking the Wolfeboro Conservation Commission to financially support the project as well. He stated currently the Wolfeboro Cross Country Ski Association has contributed \$20,000 and the Land Bank has agreed to match the Association up to \$20,000 for every dollar raised in the fundraising effort. He noted the appraisal included the following figures; \$36,000 for the barn, \$24,000 for the parking area and .03 acre.

Lenore Clark asked if the appraised value is the cost of purchasing the land or the cost of placing an easement on it. He asked if the request is for a conservation easement or a right-of-way easement.

Jim Nupp stated the Flagg property itself is too small to be subdivided therefore, the proposal is for a trailhead easement to access Sewall Woods which also includes the building. He stated the appraisal was based on the parking lot and building.

Warren Muir questioned the conditions/terms of the easement and asked if it were solely for access.

Jim Nupp replied yes, including the barn and parking area. He stated the easement would stay with the land. He noted the Cross Country Ski Association would be responsible for any maintenance and/or improvements to the parking area and barn. He stated the Lakes Region Conservation Trust would maintain executory interest in case the Wolfeboro Cross Country Ski Association were to dissolve in the future. He stated access is the primary reason for the easement.

Brian Gifford questioned the intent of the easement and asked what it would provide.

Jim Nupp stated it provides the only real access to the Sewall Woods trail network and the easement permanently protects such.

Art Slocum asked the Flagg property is affected.

Jim Nupp stated only by the easement encumbrance.

Art Slocum questioned the usage numbers of the trail.

Jim Nupp stated last year 1900 passes were sold (day and season). He stated there are no other parking areas.

Warren Muir asked if the easement would prevent the use of the parking lot as a disposal area and if there is any other conservation purposes associated with the easement.

Jim Nupp stated Rob Houseman has been working with Attorney Cowles with regard to such. He stated he has only seen a draft of the easement but, doesn't recall any specific restrictions; noting the easement extensively addressed the access issue.

Warren Muir stated it may be good to include protective restrictions.

Jim Nupp stated he would discuss such with Rob Houseman; noting Mr. Houseman is one of the directors of the Association. He stated Mr. and Mrs. Flagg is not in a position to financially support the project.

Art Slocum stated the Land Bank voted to match fundraising efforts up to \$20,000.

Warren Muir confirmed any contribution made by the Conservation Commission be credited to the fundraising effort and Land Bank match.

Jim Nupp stated the Association did not put more money towards the project because the service life of the groomer is in question. He stated the Association is presenting the project to the Commission because of the Commission's previous interest in the property.

Lenore Clark stated the schools use Sewall Woods for their educational lessons.

Jim Nupp stated the property is utilized by the high school for training purposes.

Ed Roundy stated the use of the area has increased.

Jim Nupp stated Wolfeboro Single Track has also begun building trails; noting some of the trails correspond with the snowshoe trail. He stated the property is used year round. He stated the Association is hopeful that the public will support the project.

Ed Roundy stated the Commission should support the project and contribute \$5,000-\$10,000.

Jeff Marchand stated he would support the project however, would like to review the balance of the Conservation Land Fund prior to committing to an amount.

Lenore Clark agreed with Mr. Marchand.

Warren Muir stated he supports the easement however, encourages incorporating conservation language in the easement. He asked Mr. Nupp to continue communication with the Commission.

Art Slocum stated he supports the project as well.

b. Wolfeboro Single Track

Lenore Clark recommended tabling such until Dan Coons is present.

Art Slocum stated at the Land Bank meeting there was a discussion with regard to Wolfeboro Single Track's involvement at Sewall Woods. He stated they were going in and building the track and/or marking it up and not communicating well with Lakes Region Conservation Trust and there

was push back. He stated the new organization is a 501C3 however, needs monitoring and reports regarding work done.

Jeff Marchand stated the Commission discussed the Student Conservation Association constructing the bridges at Trask Mountain. He stated any organization that proposes work has to submit a proposal to be reviewed and approved by the Commission. He stated the decision needs to be made via a motion and not by a thumbs up.

Lenore Clark stated Dan Coons is involved with the organization however, does not know the extent of his involvement. She stated she questioned Mr. Coons regarding the construction of the bridge and that the Commission was supposed to receive an estimate; noting he responded that he thinks they are just going to donate the materials.

Brian Gifford stated the Commission had requested a cost estimate.

Art Slocum asked whether the Commission should instruct Wolfeboro Single Track to stop working until they attend a meeting with the Commission.

Lenore Clark stated she is assuming they have stopped working.

Jeff Marchand stated there has been noticeable activity/vehicle traffic.

Lenore Clark stated she would speak to Dan Coons and request a cease and desist until a proposal and/or update is received and the organization meets with the Commission.

c. Pleasant Mountain Project – Lakes Region Conservation Trust

Lenore Clark stated Lakes Region Conservation Trust has applied for LCHIP funding; noting a determination would be communicated to LRCT on 12/4/19. She stated Lisetta Sylvestri, LRCT, offered to attend a meeting; noting she is scheduled to attend the Commission's 12/9/19.

d. Whiteface Mountain Warrant Article

Lenore Clark stated she has submitted the warrant article to Matt Sullivan; noting she received the language for the warrant article from NHACC and Attorney Jim Cowles recommended adding one word to the language. She stated Mr. Sullivan acknowledged receipt of the article.

e. Goodwins Basin Shrub and Sapling Cutting

Brian Gifford stated he was worried that Aaron Stirt wouldn't want to continue working for the Commission because he was not getting paid however, Mr. Stirt agreed to cut the shrub and sapling at Goodwins Basin for \$350.

Jeff Marchand noted the property looks good.

f. Payment of Invoice

Walker and Varney PC

Lenore Clark stated the Commission received an invoice is for services rendered between September 6, 2019 and October 23, 2019 and noted the invoice states the services are as follows; draft follow-up emails and email from Lenore Clark regarding discretionary consent and warrant article.

It was moved by Jeff Marchand and seconded by Nancy Byrd to authorize payment in full from the operating budget (legal expenses) to Walker and Varney PC in the amount of \$700. All members voted in favor. The motion passed.

g. Cyanobacteria Task Force

Warren Muir stated the Town has not yet received the results from UNH for the 2019 sampling. Referencing the original Partridge Drive BMP NHDES application, he stated NHDES requested additional information regarding such; noting five BMPs were included in that one application. He stated the Town then submitted another NHDES application for only one of the BMPs; noting that application was approved however, because the approval was received late in the season the work will not be done until the spring. He stated he attended the NHACC conference, specifically workshops on the NHDES permit process; noting he stated at the workshop that the Commission has a lot of issues with roadside ditches and culverts feeding the lakes and asked how such fits into the State's permitting process. He stated the two State representatives present said that roadside gullies and culverts as opposed to natural streams are not jurisdictional bodies and do not require wetlands permits. He stated it is possible that the actions of the Public Works Department wants to or needs to take may not be required by permit process.

III. Other Business

Bill Rae Conservation Area; Snowplowing Contract

Lenore Clark stated Scott Champagne has inquired as to whether he would be snowplowing the Bill Rae Conservation Area as he has done the past two years; noting he charges \$25/storm.

Jeff Marchand stated Scott Champagne contacted him and asked the same question. He stated Mr. Champagne charges a reasonable rate and recommends contracting his services.

It was moved by Lenore Clark and seconded by Art Slocum to contract Scott Champagne to snowplow the Bill Rae Conservation Area for the 2019-2020 season. All members voted in favor. The motion passed.

Nancy Byrd mentioned the trash at the site.

Jeff Marchand stated the Public Works Department was patrolling the property and picking up the trash during the summer at the public landing; noting he would contact Adam Tasker. He stated the Police Department was also going to increase patrol of the area.

Front Bay Park

Brian Gifford stated he walked the property and cleaned off the roof of the gazebo however, has not submitted the monitoring report.

Website Email

Jeff Marchand stated emails received via the website should be directed to Lenore Clark.

Mirror Lake

Nancy Byrd stated the Hersey property has been sold and the new owner wants a protective easement on the property; noting the easement would include 104 acres in Tuftonboro and 30 acres in Wolfeboro. He stated Steve Wingate, Tuftonboro Conservation Commission Chairman, will be attending the December meeting to review such. She stated the Tuftonboro Conservation Commission has wanted to put the property in conservation for quite some time; noting it is hoped that National

Resources Conservation Service will manage the easement. She stated NRCS holds the easement on 90 acres on the other side of Mirror Lake. She stated Mr. Wingate may be asking for funding for such.

Moose Mountains Regional Greenways

Art Slocum stated Moose Mountains Regional Greenways has hired Jillian Eldredge as their Executive Director and started on November 7th. He stated MMRG held a mixer for seven towns and held an information session on Town forests.

Ryefield Marsh Logging

Jeff Marchand requested such be placed on the December agenda. He asked who receives the proceeds from the sale of the logging; noting that if the Town receives the money then the Commission should ask the Town to pay for the gravel.

Brian Gifford stated there are no easements on the property.

Lenore Clark stated if the Commission receives the money then she would be in favor of putting that money into repairing the boardwalk.

Recycling

Nancy Byrd stated she attended a workshop on such at the NHACC annual conference and asked that such be discussed at a later date.

Conservation Commission Budget, Land Conservation Fund & Financial Commitments

Jeff Marchand requested review of the Commission's financial commitments to date and balance of funds. He stated if the Commission has previously approved an expenditure however, is no longer considering the acquisition the Commission should rescind that expenditure.

The Commission agreed with Mr. Marchand and requested Staff for the following information;

- Balance of Land Conservation Fund
- Starting & ending balance for 2018 and 2019
- Review previous financial commitments (to rescind any motions that no longer are viable)

IV. Correspondence

The Commission received the following correspondence; NHDES correspondence.

V. Non-Public Session

N/A

It was moved by Art Slocum and seconded by Brian Gifford to adjourn the November 18, 2019 Conservation Commission meeting. All members voted in favor. The motion passed.

There being no further business before the Commission, the meeting adjourned at 8:10 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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