

**TOWN OF WOLFEBORO
CONSERVATION COMMISSION
December 14, 2020
APPROVED MINUTES**

Chairman Clark opened the virtual meeting at 6:31 pm.

Lenore Clark read the following:

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 Committee 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), Chair, Dan Coons – yes (acknowledged there is no one present with him), Vice-Chair, Warren Muir – yes (acknowledged there is no one present with him), Art Slocum – yes (acknowledged there is no one present with him), Jeff Marchand – yes (acknowledged there is no one present with him), Brian Gifford – 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.

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

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

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

I. Approval of Minutes
October 28, 2020

It was moved by Brian Gifford and seconded by Warren Muir to approve the October 28, 2020 Conservation Commission minutes as submitted. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Nancy Byrd - yes, Brian Gifford - yes, Jeff Marchand - yes, Dan Coons - yes, Warren Muir - yes. The motion passed (7-0).

November 16, 2020

It was moved by Jeff Marchand and seconded by Brian Gifford to approve the November 16, 2020 Conservation Commission minutes as submitted. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Nancy Byrd - yes, Brian Gifford - yes, Jeff Marchand - yes, Dan Coons - yes, Warren Muir - yes. The motion passed (7-0).

November 30, 2020

It was moved by Art Slocum and seconded by Dan Coons to approve the November 30, 2020 Conservation Commission minutes as submitted. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Nancy Byrd - yes, Brian Gifford - yes, Jeff Marchand - yes, Dan Coons - yes, Warren Muir - yes. The motion passed (7-0).

December 4, 2020

It was moved by Warren Muir and seconded by Brian Gifford to approve the December 4, 2020 Conservation Commission minutes as submitted. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Nancy Byrd - yes, Brian Gifford - yes, Jeff Marchand - yes, Dan Coons - yes, Warren Muir - yes. The motion passed (7-0).

November 20, 2020 Dredge & Fill Minutes

It was moved by Nancy Byrd and seconded by Art Slocum to approve the November 20, 2020 Conservation Commission Dredge & Fill minutes as submitted. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Nancy Byrd - yes, Brian Gifford - yes, Jeff Marchand - yes, Dan Coons - yes, Warren Muir - abstain. The motion passed (6-1).

II. Public Hearing – Acquisition of Tax Map 37-7 and 37-8

Lenore Clark stated the Commission will be acquiring Tax Map 37-7 and 37-8 from Harold Meissner Jr. She stated the Commission is scheduled to meet with the BOS on December 16th to request support of the acquisition. She noted one of the parcels is located on Browns Ridge Road and the other parcel is backland (landlocked) to the parcel having frontage on Browns Ridge Road. She stated the landlocked parcel abuts the recently acquired Tax Map 37-5; noting the acquisition will add two additional lots to Whiteface Mountain. She noted the Commission's attorney and the BOS' attorney have reviewed the P&S Agreement.

Dan Coons stated he spoke with Mr. Meissner; noting Mr. Meissner will be reviewing the P&S Agreement today. He stated Mr. Meissner was pleased to hear that the properties would be permanently protected and an easement placed on such. He stated he is scheduled to speak with him again tomorrow.

Chairman Clark opened the public hearing.

Lenore Clark stated Attorney Cowles informed her that if the existing conservation easement were to be amended to include these two properties that approval from the Attorney General's office would be

required. She stated Attorney Cowles advised using the same language as the existing easement however, creating a new easement to include the two properties being purchased from Mr. Meissner. She stated Lakes Region Conservation Trust (LRCT) would require a \$5500 donation toward monitoring and stewardship and noted they support the expansion of the easement. She stated she asked LRCT if a warrant article would be required; noting she has not received a response to the question.

Warren Muir asked if another organization could hold the easement.

Dan Coons stated \$5500 is not costly for an organization to hold an easement; noting Moose Mountains Regional Greenways charges \$10,000 to monitor and steward an easement. He stated it is not logical to have two different conservation organizations hold the two easements.

Art Slocum agreed with Mr. Coons' statements.

Staff questioned the Commission's position regarding the merging of the lots.

Jeff Marchand expressed concern regarding such and future flexibility relative to changing the language and usage of the conservation easement.

It was moved by Warren Muir and seconded by Dan Coons to close the public hearing. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Nancy Byrd – yes, Brian Gifford – yes, Jeff Marchand – yes, Dan Coons – yes, Warren Muir - yes. The motion passed (7-0).

III. Discussion Items

a. Eastern Lakes Region Housing Coalition Conservation Easement (Tax Map 176-21-1 & 176-20-1)

Lenore Clark informed the Commission that the Second Amendment to the conservation easement on TM #176-21-1 and the conservation easement for TM #176-20-1 have been executed and recorded.

b. Willey Brook - Trail Construction (new 1-mile)

Lenore Clark stated Mr. Lester contacted the Secretary of State and his business will be reinstated.

Jeff Marchand stated he checked with the Secretary of State and noted the business has been reinstated and is considered in good standing. He stated the figures in the contract are not quantifiable at the moment because the bridges have not been drawn out and submitted to the Code Enforcement Officer and Town Planner. He stated plans for the bridges would have to be presented and approved or denied and noted there could be a cost associated with such. He stated the contract is for \$12,500 and application and material fees. He stated everything is well laid out (ie: trail layout and construction however, there are unknown expenses associated with the bridge construction and questioned what the Commission would be voting on with regard to a budget. He noted the contract is a very casual agreement between two parties.

Lenore Clark stated it is her understanding that the work would be similar to the previous work done at the site; noting there weren't any issues with the previous construction. She stated the language relative to materials could be changed to "not to exceed" \$1500. She stated the bridge over the river is not included in the proposal.

Jeff Marchand stated the proposal, specifically the Scope of Services states "100' of bridging over sensitive areas" and questioned the location(s) of such and asked if such is necessary. He stated he supports the project however, does not want to sign a financial agreement that is wide open.

Warren Muir stated it is his understanding that it is a fixed price for the trail construction.

Brian Gifford stated he was present for the discussion with the Town Planner and Code Enforcement Officer and noted the scope of the bridge was mentioned.

Lenore Clark stated she would request Andrew Lester submit a sketch of the locations of the crossings.

****Art Slocum left the meeting at 7:29 pm.*

It was moved by Warren Muir and seconded by Jeff Marchand to amend the proposal from Bella Terra Trail Design for trail construction at Willey Brook to include in 2A. that the bog bridges be designed in a manner consistent with Building Permit requirements. Roll call vote: Lenore Clark - yes, Nancy Byrd – yes, Brian Gifford – yes, Jeff Marchand – yes, Dan Coons – yes, Warren Muir - yes. The motion passed (6-0).

c. Invasive Species Management Program

Lenore Clark informed the Commission that Lee Gilman completed Step 1 of the program on 12/11/20 for both Front Bay Park and the Towns Garden.

d. Towns Garden – Hunting Stand

Lenore Clark stated a hunting stand was observed at the Towns Garden property.

Warren Muir asked if the property is posted “no hunting”.

Lenore Clark replied no.

Warren Muir stated he believes the property, if posted, has to be posted in certain intervals and recommended posting Town properties be discussed in the future as an agenda item.

Jeff Marchand read the following excerpt from NH Fish & Game (207:36-a, II.); “No person shall erect, build or use a pit blind on land of another person without express written permission from the property owner or designee.” He noted that regardless if the property is posted, a person cannot come onto another person’s property and build a hunting stand. He recommended contacting NH Fish & Game before removing the stand and volunteered to contact them.

Nancy Byrd questioned the procedure for national parks and whether the Town could implement something similar.

e. Monthly Expenditures

The Commission reviewed the monthly expenditure sheet.

f. Wolfeboro Waters

No report.

IV. Other Business

Master Plan

Lenore Clark stated Peter Goodwin, Planning Board Member, contacted her and informed her the Planning Board is requesting the involvement of the Commission regarding the implementation spreadsheet of the Master Plan and assignment of duties relative to such.

Warren Muir volunteered to assist with such and be the liaison to the Planning Board.

It was moved by Dan Coons and seconded by Warren Muir to adjourn the December 14, 2020 Conservation Commission meeting. Roll call vote: Lenore Clark - yes, Nancy Byrd – yes, Brian Gifford – yes, Jeff Marchand – yes, Dan Coons – yes, Warren Muir - yes. The motion passed (6-0).

There being no further business before the Commission, the meeting adjourned at 8:05 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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