

**TOWN OF WOLFEBORO  
CONSERVATION COMMISSION  
June 14, 2021  
APPROVED MINUTES**

*Chairman Clark opened the meeting at the Great Hall, Wolfeboro Town Hall at 6:33 pm.*

**Members Present:** Lenore Clark, Chair, Dan Coons, Vice-Chair, Dave Senecal, BOS Representative, Warren Muir, Member, Bob Gilbert, Jim Nupp, Alternates.

**Member Absent:** Jeff Marchand, Nancy Byrd, Ed Roundy, Brian Gifford, Members, Sarah Silk, Alternate.

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

*Chairman Clark appointed Bob Gilbert, Alternate, to sit in for Jeff Marchand, Member.*

*Chairman Clark appointed Jim Nupp, Alternate, to sit in for Brian Gifford, Member.*

**I. Approval of Minutes**

**May 4, 2021**

**Correction:** Page 3, 3<sup>rd</sup> paragraph, 3<sup>rd</sup> line; add “farm” after “tree”

**It was moved by Bob Gilbert and seconded by Jim Nupp to approve the May 4 2021 Conservation Commission minutes as amended. All members voted in favor. The motion passed (5-0).**

**May 10, 2021**

**It was moved by Warren Muir and seconded by Bob Gilbert to approve the May 10, 2021 Conservation Commission minutes as submitted. All members voted in favor. The motion passed (5-0).**

**II. Discussion Items**

**a. Conservation Commission Membership**

Lenore Clark informed the Commission that Jim Nupp has been appointed as an Alternate member by the BOS and has been sworn in.

**b. Towns Garden Property**

Lenore Clark stated she spoke with Sue Poirier regarding the flower seed planting at the Town’s garden property; noting Ms. Poirier stated there is already a pollinator garden at the site however, supports the Commission if they would like to create a new pollinator garden. She stated Jeff Marchand has tabled the flower seed planting at the property and is making a bee hotel for solitary bees.

**c. Goodwins Basin**

Lenore Clark stated last year Aaron Stirt mowed the property four times however, only charged the Commission for three mowings. She stated he is proposing to mow five times this year and but, only charge for four at \$250 for each mowing. She stated less mowing is better for bees. She stated she reviewed the conservation easement for the property; noting the easement states the Commission shall manage the property as a viewshed. She stated there is money in the budget to pay for the cost to increase the number of mowings.

Jim Nupp questioned whether the property needs to be cut as short as it is currently being cut.

Bob Gilbert questioned whether the property could be kept wild and include paths for viewing.

Lenore Clark stated that if the grass is long then it takes longer to mow. She questioned whether the Commission should offer \$300 per mowing and only mow two or three times per year.

Dan Coons agreed with Lenore Clark.

**It was moved by Dan Coons and seconded by Bob Gilbert to contract Aaron Stirt to mow Goodwins Basin three times per year at \$300/mowing. All members voted in favor. The motion passed.**

**d. Invasive Species – Granite State News Article**

Lenore Clark stated that as part of her attendance at the Invasive Species Academy, she is required to perform 20 hours of community outreach. She suggested writing a series of articles regarding invasive species in the Granite State News or, host a slideshow presentation to the public.

Warren Muir stated he is in favor of her writing articles in the newspaper.

Jim Nupp recommended a presentation to the BOS; noting the issue is town wide and not limited to conservation properties.

Warren Muir asked if the articles would be limited to invasive plants.

Lenore Clark replied yes.

**e. Bill Rae Conservation Area; Chain Fencing**

Lenore Clark stated Jeff Marchand would be repairing the chain and noted that he does not believe the chain was vandalized rather, the screw in the eyelet was pulled out.

**f. Front Bay Conservation Area; Canoe Removal**

Lenore Clark stated Dan Coons has not had time to remove the canoe and noted that GALA will accept the canoe if it is in good condition.

Bob Gilbert offered to help remove the canoe.

**g. Status of Grant Applications for Acquisition of TM #37-7 & 37-8**

Dan Coons stated he submitted a pre-application and noted the final application is due June 27<sup>th</sup>. He stated the pre-application was accepted.

Lenore Clark asked if a specific amount was requested.

Dan Coons replied yes, 15% of total allowable transaction costs, approximately \$30,000-\$35,000.

**h. Whiteface Mountain Signage**

The Commission discussed signage at Whiteface Mountain to include language relative to the purchase (include credit to the Commission, Land Bank and Lakes Region Conservation Trust). The Commission agreed to a tree mounted sign similar to the signs at the Bill Rae Conservation Area and Towns Garden properties.

Lenore Clark volunteered to call vendors for sign quotes and construction.

**It was moved by Dan Coons and seconded by Bob Gilbert to authorize the expenditure for a sign at Whiteface Mountain, cost not to exceed \$600. All members voted in favor. The motion passed.**

The Commission also discussed enlarging the parking area for the site.

**i. Ellie's Woodland Walk**

The Commission tabled such.

**j. Stormwater Management Regulations**

Warren Muir stated Matt Sullivan (previous Town Planner) met with the Wolfeboro Waters Mitigation Committee who expressed concern for a variety of issues about the Stormwater Management Regulations that were adopted in 2014. He stated the Planning Board started the process of reviewing the regulations; noting the Town hired a new Town Planner. He stated that rather than adding the amendments to the existing regulations as proposed by Mr. Sullivan, the new Town Planner, Tavis Austin, presented a new set of regulations. He stated the Planning Board had a number of comments about the newly proposed regulations and requested review of such from the Conservation Commission and Wentworth Watershed Association. He stated he and Dan Coons reviewed the proposed regulations and developed comments. He reviewed those comments with the Commission, see attached.

Dan Coons noted that Wolfeboro has untrained Board members who review applications of which they have no expertise in reviewing.

**k. Property Monitoring and Boundary Marking**

Staff reviewed a memo she prepared relative to the properties that have been marked; noting Front Bay Park, Heath Brook (done by Wentworth Watershed Association) and the Towns Garden properties/easements were done in 2020.

The Commission discussed monitoring requirements and agreed to place boundary markers at the following properties for 2021;

Avery – July

Bill Rae Conservation Area – August

Tutt and Town House properties – September

Deutsch Easement – October

Melanson – November

**l. Wolfeboro Waters**

Warren Muir stated there are two new subcommittee chairs. He stated a Thermocycler PCR device was purchased; noting four people have been trained to use the device.

**III. Other Business**

**Meeting Location**

The Commission discussed meeting at an alternative location because there are several conflicts with other committees that have booked the Great Hall for their meetings. The Commission discussed the use of the Library meeting room or Abenaki Lodge.

**Fernald Station Parking Area**

Lenore Clark stated she and Dan Coons spoke with Jim Pineo regarding the parking area and Planning Board and Building Permit requirements associated with such. She stated Mr. Pineo will look into the matter.

**It was moved by Dan Coons and seconded by Bob Gilbert to adjourn the June 14, 2021 Conservation Commission meeting. All members voted in favor. The motion passed.**

*There being no further business before the Commission, the meeting adjourned at 8:45 PM.*

Respectfully Submitted,

*Lee Ann Hendrickson*

Lee Ann Hendrickson

Wolfeboro Conservation Commission Comments on  
Proposed Changes to Wolfeboro's Stormwater Management Regulations  
June 14, 2021  
DRAFT

The Wolfeboro Planning Board is considering making revisions to its Stormwater Management Regulations that were adopted on January 16, 2014 and has asked the Wolfeboro Conservation Commission to provide the following comments on those regulations and a draft of possible revisions to them.

Trends in the water quality conditions and all the independent Watershed Management Plans of Wolfeboro's waterbodies to date indicate a need to not just limit but to reduce additions of nutrients from stormwater runoff. Effective stormwater management regulations are among the means that will be needed to achieve such nutrient reductions.

The Commission did not review and compare the scope of other federal, state, and Wolfeboro laws, regulations, and guidelines that apply to stormwater. So, it is not addressing any redundancies or inconsistencies between the current or proposed Stormwater Management Regulations and such other requirements and guidance.

The goals of the current regulations Wolfeboro's Stormwater Management Regulations adopted on January 16, 2014 are to protect against flooding and to protect surface and groundwater quality. The regulations seek to reduce impervious surfaces, to have new development use low impact strategies, to promote the use of Best Management Practices (BMPs) to reduce stormwater runoff, and to require appropriate treatment of water leaving the properties.

We have seen a summary of comments by former Planning Director, Matt Sullivan, on issues that he has found in efforts to implement the 2014 regulations. Among the issues that he identified are—

- often an inability to determine the amount of impervious surface area from the application,
- the ability of applicants to make tiny reductions in impervious surface area (less than practicable) and be in compliance with the regulations,
- a lack of guidance on preferred pervious surfaces,
- a lack of incentives for significant reductions in runoff,
- that maintenance operations and inspections are unrealistic,
- that some of the requirements are vague, so are difficult to comply with and enforce,
- that such requirements should not apply to residential property owners,
- that such requirements can be disincentives to doing BMPs and carrying out other means to significantly reduce stormwater runoff,
- that developers (perhaps for the reasons above) are often not complying with such regulations, and

- that these rules are often not being enforced by the town.

These comments and concerns are based upon six years of experience with the rules—rules that we understand were reviewed by a competent engineering firm prior to enactment. So, the concerns were not anticipated at the time the rules were enacted. With straightforward amendments to address ambiguities, to remove procedural and cost hurdles for landowners to undertake BMPs to reduce stormwater, and to eliminate unreasonable procedural requirements for maintenance and inspections, developers should find the regulations easier to comply with and the town should find them easier to enforce.

Of the issues identified by Matt Sullivan, the Commission is particularly concerned about the extent to which existing processes for approval, costs, and time delays, in combination with other regulatory requirements, impede the implementation of stormwater management BMPs and other actions that significantly reduce the quantity of stormwater and/or the amounts of nutrients in stormwater reaching Wolfboro Waters. We urge that proposed modifications to properties for the sole purpose of reducing stormwater quantity and/or amounts of nutrients reaching local water bodies be excluded from requiring permit approval.

Given the size of the impacted area, the Commission would not recommend excluding residential property owners from applicability of the regulations, unless other current state or local regulations make such applicability redundant.

The May 10 proposed rules represent a complete replacement of the stormwater management rules in place since 2014 with rules based upon those of another jurisdiction. Developers are accustomed to the rules in place. Rather than substituting a completely new set of requirements, it should be easier for them adjust to specific amendments to the current rules. Also, just as the current rules of 2014 resulted in unforeseen concerns (that can now be addressed) a completely new set of rules inevitably will result in other unforeseen concerns in the future. So, we would recommend amending the current regulations over completely replacing them.

A suggestion for future consideration: In recent years, there have been many new federal, state, and local environmentally-related regulations and guidelines that apply to land management, new development, and protection of water quality. The goals of such regulations and guidelines good ones. However, many of the regulations are very prescriptive, involve lengthy review and approval periods, and have significant associated costs for the applicants as well as the reviewing bodies. We believe that if the town look across its rules collectively, it would likely be able to find some prescriptive requirements that are redundant and can be eliminated and, given the existing state and federal rules, that some of the local prescriptive requirements can be converted to performance based ones. Such changes might help landowners to obtain approvals with less burden, faster, and at less expense without sacrificing the desired environmental outcomes and reduce the town's efforts to review and enforce associated permits.