

**TOWN OF WOLFEBORO
CONSERVATION COMMISSION
October 19, 2020
APPROVED MINUTES**

Chairman Clark opened the virtual meeting at 4:02 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), Dave Senecal – yes (acknowledged there is no one present with him), Selectmen's Representative, 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), Warren Muir – yes (acknowledged there is someone 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: Ed Roundy, Member, Sarah Silk, Alternate.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

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

I. Consideration of Minutes
September 21, 2020

It was moved by Nancy Byrd and seconded by Brian Gifford to approve the September 21, 2020 Wolfeboro Conservation Commission minutes as submitted. Roll call vote: Lenore Clark - yes, Dave Senecal – yes, Art Slocum - yes, Jeff Marchand – yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – yes. The motion passed (7-0).

September 17, 2020 Dredge & Fill Minutes

It was moved by Art Slocum and seconded by Nancy Byrd to approve the September 17, 2020 Wolfeboro Conservation Commission minutes as submitted. Roll call vote: Lenore Clark - yes, Dave Senecal – yes, Art Slocum - yes, Jeff Marchand – yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – yes. The motion passed (7-0).

II. Discussion Items

a. **Eastern Lakes Region Housing Coalition – Conservation Easement Amendment**

Kathy Barnard introduced herself as Chair, Eastern Lakes Region Housing Coalition (ELRHC), Bonnie Medico, Vice-Chair, Eastern Lakes Region Housing Coalition, and Sal Steven Hubbard, Lakes Region Community Developers. She reviewed the history of the request to amend the conservation easement executed in 2010 to remove 1.08 acres of the property from the easement. She stated to compensate for such, ELRHC would like to donate to the Wolfeboro Conservation Commission 2.16 acres of high value conservation land on the adjacent property owned by ELRHC (Tax Map 176-21-1). She stated the 2.16 acres includes wetlands and a small pond. She stated the Attorney General’s Office stated no action would be taken against the proposal since the parcel was larger with greater conservation values. She stated the no action letter is conditioned upon the conveyance of a two-acre conservation easement from ELRHC to the Town of Wolfeboro Conservation Commission. She stated ELRHC requested the Commission to release a 1.08 acre parcel from the 2010 executed conservation easement on Tax Map 176-20-1 and grant a conservation easement on the 2.16 acre parcel.

Art Slocum asked if there has been any further discussion regarding constructing the trail.

Kathy Barnard replied yes, the ELRHC has committed to such however, first needs to raise the funds for such.

Jeff Marchand expressed concern about the trail and if there will be another request for a land swap in the future. He stated he feels there are legal issues and questioned who the “no action” is being taken against by the Attorney General’s Office.

Kathy Barnard stated when the ELRHC signed the original conservation easement in 2010 they committed to constructing the trail; noting such would be constructed following the construction of the third phase of Harriman Hill and following fundraising for the construction of the trail.

Sal Steven Hubbard stated the no action letter means that the Attorney General will take no action against the approval of the amendment to the conservation easement. She stated the Commission previously voted to release 1.08 acres of the existing easement contingent upon the construction of the trails and with the expectation that in the future the Coalition will add to the conservation holdings from either the existing lot or the adjacent lot. She stated the Attorney General recommended the land swap.

Dan Coons entered the meeting at 4:20 pm – noting no one is present with him.

Jeff Marchand stated the Attorney General did not approve the amendment to the easement rather, only took no action. He questioned who would pay for the Commission's legal review of the proposed conservation easement.

Kathy Barnard stated the language used in the proposed easement included language from the 2010 easement; noting such was approved by the BOS and Commission.

Dan Coons stated easement language has changed dramatically since 2010 and would feel more comfortable if reviewed by the Commission's counsel.

Lenore Clark stated with past easement acquisitions the party requesting the easement has contributed financially to legal expenses. She asked Ms. Barnard if the ELRHC would assist financially with the legal review.

Kathy Barnard stated she would have to discuss such with the ELRHC Board.

Jeff Marchand recommended forwarding the easement to Attorney Cowles for review

It was move by Art Slocum and seconded by Brian Gifford to forward the proposed conservation easement for Tax Map #176-21-1 to Attorney Jim Cowles, Conservation Commission Counsel, for review and further discussion. Roll call vote: Lenore Clark - yes, Dave Senecal – yes, Art Slocum - yes, Jeff Marchand – no, Dan Coons – yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – yes. The motion passed (7-1).

b. Walker & Varney Invoice – Whiteface Mountain Transactions

Lenore Clark informed the Commission that the Land Bank of Wolfeboro Tuftonboro has agreed to pay half of the legal fees associated with the conveyance of the Whiteface Mountain Conservation Easement and properties. She stated the Commission was invoiced \$4,142.00; noting the Commission's responsibility is \$2,071.00.

It was move by Jeff Marchand and seconded by Brian Gifford to approve the payment of an invoice from Walker & Varney in the amount of \$2,071.00 for legal fees associated with the conveyance of the Whiteface Mountain Conservation Easement and properties. Roll call vote: Lenore Clark - yes, Dave Senecal – yes, Art Slocum - yes, Jeff Marchand – yes, Dan Coons – yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – yes. The motion passed (8-0).

c. American Tree Farm Membership Renewal

Staff noted the Town of Wolfeboro has three properties that are designated as a Tree Farm.

It was move by Dan Coons and seconded by Brian Gifford to approve the renewal of the American Tree Farm membership in the amount of \$50.00. Roll call vote: Lenore Clark - yes, Dave Senecal – yes, Art Slocum - yes, Jeff Marchand – yes, Dan Coons – yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – yes. The motion passed (8-0).

d. Sewall Woods – Request for Use of Munro Parcel

Art Slocum stated he spoke to Don Berry, Lakes Region Conservation Trust, regarding the request. He stated Mr. Berry was unaware of the request and stated he would have to speak to the Board of the Trust; noting he has not heard a response back.

The Commission tabled discussion on such until Lakes Region Conservation Trust responds to the request.

e. McBride Property Monitoring/Inspection

The Commission discussed scheduling the inspection of the former McBride property (the property is now owned by the Wentworth Watershed Association) and agreed to schedule such for Friday, October 30th, time to be determined.

f. Willey Brook Kiosk

Lenore Clark stated the kiosk has been completed.

Trail Construction (new 1-mile)

Andrew Lester stated the Commission previously approved the construction of one additional mile of trail at Willey Brook prior to his departure to Arkansas; noting the contract was never executed and the trail was not constructed due to his departure. He stated he has moved back to NH and requested the Commission to enter into the contract previously approved.

Lenore Clark questioned the cost of the project.

Andrew Lester replied 10,000.

The Commission discussed such and with regard to the bridge requested the plans for the construction of the bridge be forwarded and reviewed by the Code Enforcement Officer.

Dan Coons stated he recalls the bridge connects upland to upland therefore there are no permitting issues.

Andrew Lester stated he is ok with removing \$1500 for bridge materials.

Jeff Marchand confirmed Mr. Lester is requesting the funding request would remain the same.

It was move by Dan Coons and seconded by Brian Gifford to approve the construction of one mile of trail at Willey Brook as proposed, both in scope and cost, in the September 2018 contract contingent upon review and approval of the bridge by the Code Enforcement Officer and any other necessary permits. Roll call vote: Lenore Clark - yes, Dave Senecal – yes, Art Slocum - yes, Jeff Marchand – yes, Dan Coons – yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – yes. The motion passed (8-0).

g. Ryefield Marsh - Ellie's Woodland Walk

Referencing Beverly Woods' email, dated 10/9/20, Lenore Clark stated Ms. Woods notified her that friends of hers visited the site and noted the trail seemed obscure, signage was lacking and the boardwalk was decrepit and dangerous. She stated that personally, she does not feel comfortable inviting the public at this time.

Jeff Marchand agreed with Ms. Clark and stated the boardwalk is dilapidated. He stated the Commission needs to make a decision whether to leave the site open to the public and if the Commission to leave it open then the boardwalk needs to be made safe for the public. He stated the ramp is the most dangerous and could be patched and substantial repair to the observation deck could be done for \$1,000 however, he noted there is not enough support on the foundation. He stated \$1,000 of repairs would last 4-5 years.

Art Slocum asked if the Student Conservation Association would take on this type of project.

Dan Coons replied yes, if the Commission supplied the materials. He stated he isn't sure paying the SCA to repair the boardwalk is the best use of money. He stated he doesn't feel the SCA is capable of constructing a new boardwalk; noting the current preferred way to build it is to construct it above the water. He stated the existing structure is grandfathered by NHDES however, they would prefer an improvement to the structure. He stated there may be potential funding through the ARMS grant.

Art Slocum asked if there is any signage currently that warns the public of the condition of the boardwalk.

Dan Coons replied no.

Jeff Marchand recommended he, Dan Coons and Brian Gifford return to the site and determined the best course of action.

h. Meissner, Browns Ridge Road

Lenore Clark noted there are two years remaining on a five-year memorandum of understanding between the Town of Wolfeboro and Mr. Meissner.

Dan Coons stated Mr. Meissner has offered to sell his property and has been in contact with an appraiser. He stated he contacted the Land Bank regarding such; noting the Land Bank stated they are willing to assist the Commission in the purchase of the property. He stated he also contacted LCHIP to inquire about potential grant funding.

Member of the Commission asked if the parking lot is encumbered by a structure.

Dan Coons replied no, the lot is vacant. He stated there are two properties; noting one of the parcels is backland and both parcels about the Town's property.

Lenore Clark asked if there is a deadline for the LCHIP grant application.

Dan Coons replied yes.

Brian Gifford asked what the property is worth.

Dan Coons stated the property is assessed at \$80,000 and is currently being appraised.

Jeff Marchand recommended pursuing such.

i. Wolfeboro Waters

No report.

III. Other Business

Goodwins Basin

Lenore Clark stated a tree recently fell on the Goodwins Basin property; noting Sal Nicastro made a request to Brian Gifford the tree be removed.

Staff asked if the tree poses a hazard.

Lenore Clark replied no. She stated she needs to confirm the tree is located on the Town's property.

Brian Gifford stated Mr. Nicastro offered to use his driveway to access the tree.

The Commission discussed the matter and agreed to ask the Public Works Department to bring the tree up further up on shore and depending upon the cost to remove it will decide at the next meeting whether to act on it this calendar year or next.

Warren Muir stated he may know a person that would remove the tree if he could take the wood.

IV. Correspondence

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

It was moved by Jeff Marchand and seconded by Dan Coons to adjourn the September 21, 2020 Conservation Commission meeting. Roll call vote: Lenore Clark - yes, Dave Senecal –yes, Art Slocum - yes, Warren Muir – yes, Nancy Byrd – yes, Brian Gifford – yes, Jeff Marchand – yes, Dan Coons - yes. The motion passed (8-0).

There being no further business before the Commission, the meeting adjourned at 5:46 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson