

**TOWN OF WOLFEBORO
CONSERVATION COMMISSION
September 9, 2019
MINUTES**

Members Present: Lenore Clark, Chairman, Dan Coons, Vice-Chairman, Ed Roundy, Jeff Marchand, Art Slocum, Brian Gifford, Warren Muir, Members, Nancy Byrd, Alternate.

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

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Others Present: Jim Pineo, Town Manager, Adam Tasker, Department of Public Works, Anne Blodget, Roger Murray III.

Chairman Clark opened the meeting at 6:36 PM at the Town Hall Annex Conference Room.

**I. Consideration of Minutes
August 12, 2019 Minutes**

It was moved by Brian Gifford and seconded by Warren Muir to approve the August 12, 2019 Wolfeboro Conservation Commission minutes as submitted. Lenore Clark, Dan Coons, Ed Roundy, Brian Gifford, Warren Muir, Nancy Byrd voted in favor. Jeff Marchand, Art Slocum abstained. The motion passed.

**Dredge & Fill Minutes
August 21, 2019**

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

September 4, 2019

It was moved by Art Slocum and seconded by Jeff Marchand to approve the September 4, 2019 Wolfeboro Conservation Commission Dredge & Fill minutes as submitted. Lenore Clark, Art Slocum, Ed Roundy, Brian Gifford, Warren Muir, Jeff Marchand, Nancy Byrd voted in favor. Dan Coons abstained. The motion passed.

September 4, 2019 (Site Visit Minutes)

Correction: Page 1, Members Absent; add "Jeff Marchand"

It was moved by Art Slocum and seconded by Brian Gifford to approve the September 4, 2019 Wolfeboro Conservation Commission Site Visit minutes as amended. Lenore Clark, Art Slocum, Ed Roundy, Brian Gifford, Warren Muir, Nancy Byrd voted in favor. Dan Coons, Jeff Marchand abstained. The motion passed.

II. Discussion Items

a. **Heath Brook Conservation Easement (as it relates to the Town of Wolfeboro Bridge & Culvert Project)**

Lenore Clark stated the Commission received an opinion from their counsel, Jim Cowles and referred to his letter, dated 8/28/19.

It was moved by Art Slocum and seconded by Dan Coons to release the opinion received from Attorney Jim Cowles, dated 8/28/19. All members voted in favor. The motion passed.

Lenore Clark distributed Attorney Cowles' letter to Jim Pineo, Roger Murray III, Anne Blodget and Adam Tasker.

The Committee reviewed the memo from Barry Muccio to Jim Pineo, dated 9/5/19, see attached.

Anne Blodget, Wentworth Watershed Association, submitted a letter to the Commission requesting its discretion as the Easement Holder of the Heath Brook Conservation Easement to grant permission for certain work to be performed in connection with the replacement of the Heath Brook Bridge, see attached.

The Commission reviewed such.

Anne Blodget stated post construction restoration is very important; noting Jim Pineo agreed to contact the Association when the time comes.

Ed Roundy stated the plan is reasonable and should move forward.

It was moved by Ed Roundy and seconded by Dan Coons to grant permission to allow work to be done to the Heath Brook Bridge based on the plan and information provided by the Public Works Department and Municipal Electric Department, including restoration of the area.

Discussion of the motion:

Jeff Marchand requested that in the future all departments/organizations/committees work together as partners prior to an issue arising.

Art Slocum stated the Commission should consider at the time the area is restored to place informational or historic signage for the benefit of the public.

Anne Blodget stated a kiosk is proposed at the new trailhead.

Dan Coons noted the new plan presented to the Commission does not have any ecological impact and the Commission has the discretionary authority to determine whether the relocation of the utility poles are detrimental.

It was moved by Ed Roundy and seconded by Dan Coons to grant permission to allow work to be done to the Heath Brook Bridge based on the plan and information provided by the Public Works Department and Municipal Electric Department, including restoration of the area. All members voted in favor. The motion passed.

b. Goodwins Basin Mowing

Lenore Clark stated Aaron Stirt previously mowed the parcel however, the equipment he had was inadequate to continue mowing. She stated that Brian Gifford has spoken to Mr. Stirt recently and learned that he now has equipment adequate to mow the parcel.

It was moved by Art Slocum and seconded by Jeff Marchand to contract Aaron Stirt to mow the Goodwins Basin property, cost not to exceed \$500.00. All members voted in favor. The motion passed.

c. Trask Mountain Trail Construction Update

Dan Coons stated the Student Conservation Association completed 3.1 miles of trail (roughed in) however, a bridge is needed in several places. He stated he visited the site three times during the first hitch and twice during the second hitch and performed a final inspection at the site. He stated he also visited the site with representatives from Wolfeboro Single Track; noting they are interested in constructing the bridges. He noted there is no wetland impact as a result of the bridge construction.

Jeff Marchand asked if the Wolfeboro Single Track is an association.

Dan Coons replied it is a local club.

Ed Roundy asked if the trails connect with other trails.

Dan Coons replied no.

Lenore Clark asked if Wolfeboro Single Track would build on a volunteer basis.

Dan Coons stated they would request reimbursement for materials.

Ed Roundy questioned access.

Dan Coons replied access if from the old Route 28.

Lenore Clark questioned the Town's procurement policy.

Jeff Marchand asked if personal liability insurance is required.

The Commission agreed to invite a representative from Wolfeboro Single Track to the next Conservation Commission meeting (October 21, 2019) and agreed to table further discussion of the involvement of Wolfeboro Single Track in the construction of several bridges on the Trask Mountain property until receipt of the following information;

- Whether personal liability insurance required by the Town
- Cost estimate for materials for site improvements from Wolfeboro Single Track
- Scheduling of site visit

Staff stated the Commission received the following invoices; SCA in the amount of \$21,000 for construction of trails and Pottie Patrol in the amount of \$150 for the rental of a portable toilet at Trask Mountain property.

It was moved by Dan Coons and seconded by Brian Gifford to authorize the payment of \$21,000.00 from the Land Conservation Fund to Student Conservation Association for services rendered for the construction of trails at the Trask Mountain property. All members voted in favor. The motion passed.

It was moved by Art Slocum and seconded by Dan Coons to authorize the payment of \$150.00 from the Conservation Commission's Operating Budget to Pottier Patrol for the rental of portable toilets for use by the Student Conservation Association for trail construction at the Trask Mountain property. All members voted in favor. The motion passed.

d. Land Donation; Carrier Parcel - Tax Map #187-28

Lenore Clark stated the Commission received a legal opinion from Attorney Jim Cowles; noting he reviewed the Port Wedeln Association (PWA) Bylaws and Declaration. She stated Attorney Cowles opined that it would not be a major problem if the Commission accepts the property as a donation. She stated Attorney Cowles recommended the PWA schedule a vote to release the property out of the Association and the Commission could record a document at the Registry of Deeds signed by the property owner and member of the PWA that memorializes the fact that the PWA voted to remove the property from the PWA ("Port Wedeln Association Agreement of Non-Membership"). She stated Attorney Cowles also stated a condition of accepting the parcel could include that the lien for nonpayment of dues is waived and then the property could be donated to the Commission.

Dan Coons stated he received a phone call from the property owner; noting the property owner is anxious to have the situation resolved. He stated he broached the subject with the PWA President, Norm Rautenberg. He stated the Town would not be liable for past dues.

Art Slocum asked if the PWA meets annually.

Dan Coons replied yes and note the Board of Directors can meet outside of the annual meeting. He stated he advised Mr. Rautenberg to meet and discuss the issue with the PWA Board of Directors.

Art Slocum asked if there are legal costs associated with the transfer.

Staff replied attorney fees, title insurance, etc.

Jeff Marchand questioned the benefit to the Town and the taxpayers.

Dan Coons replied wetland protection and stormwater detention.

Jeff Marchand asked what the Commission would do with the land.

Warren Muir replied nothing, the land would be left as is.

Dan Coons stated the lot is grandfathered and could be developed (with receipt of a NHDES permit).

The Commission agreed to table discussion until receipt of the following information;

- Amount of the lien
- Amount of outstanding taxes (if any)

e. 2020 Budget

Staff reviewed the Budget Guidelines set forth by the BOS.

The Commission requested Staff order vests for the members of the Commission to wear on site visits. The Commission discussed ordering a sign for the Whiteface Mountain property (tree mounted sign to delineate trailhead parking) and ordering an outdoor brochure box to hold trail maps. The Commission recommended that Staff contact the Town of Moultonborough relative to their trailhead signs.

Lenore Clark asked who would design a trail map.

Dan Coons replied Peter Goodwin.

The Commission reviewed the budget and proposed the following changes;

- Increase Legal to \$1,000 (from \$500 due to expenses incurred in 2019)
- Increase to Part Time Wages, Social Security, Unemployment & Workers Compensation to the BOS approved COLA increase/percentage increase

Jeff Marchand exited the meeting at 8:06 PM.

Chairman Clark appointed Nancy Byrd, Alternate, to sit in for Jeff Marchand, Member.

It was moved by Art Slocum and seconded by Brian Gifford to recommend an increase to Legal in the amount of \$500 and an increase to Part Time Wages, Social Security, Unemployment & Workers Compensation to the BOS approved COLA increase/percentage increase. All members voted in favor. The motion passed.

f. Cyanobacteria Task Force

Warren Muir stated the Communications Committee put out a RFQ for development of a website; noting the domain name, Wolfeboro Waters, has been secured. He stated the Town received 8-9 bids; noting two firms are being interviewed on 9/12/19. He stated the NHDES Wetlands permit for Partridge Drive BMP's is not going through at this time and the Mitigation Committee is discussing its next steps. Relative to the Assessment Committee, continued sampling is occurring and results will be received in November.

III. Other Business

Lenore Clark stated the Commission received a phone call from Rob Ellis inquiring about the conservation land at the end of Rust Pond.

Dan Coons stated Walt's Woods is a trail on private property that the property owner allows the public to use. He stated there is a conservation easement on seven acres of land (Elvira Avery Trust) that was a result of compensatory mitigation for the Ridgeview Estates development (John Rourke).

Lenore Clark stated there could be a potential violation of the Deutsch Conservation Easement and will further research such.

Dan Coons stated Erica Horsken is the current property owner.

IV. Correspondence

The Commission received the following correspondence; NHDES correspondence.

V. Non-Public Session

N/A

It was moved by Dan Coons and seconded by Art Slocum to adjourn the September 9, 2019 Conservation Commission meeting. All members voted in favor. The motion passed.

There being no further business before the Commission, the meeting adjourned at 8:30 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

* MEMO*

To: James Pineo, Town Manager
From: Barry Muccio, Director of Operations, Electric Department
Subject: Pleasant Valley Road Bridge Trees
Date: September 5, 2019

Per the discussion yesterday during our site visit to the Pleasant Valley Road bridge with members of the Conservation Commission. Requests to save two large trees originally requiring removal will be accommodated for by altering the limits of the power line relocation.

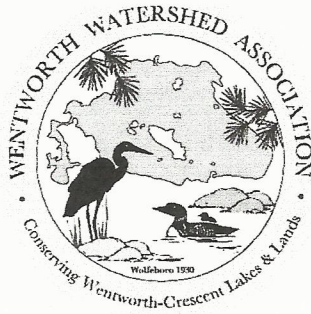
The large maple tree located on the western side of the bridge within the limits of the road right-of-way will remain as a result of adding an additional temporary pole. The change will alleviate the Scenic Road requirements as this remains the only healthy tree which would initiate implementation of such regulations.

The large pine tree located on the Conservation land to the east of the Bridge will be maintained by lessening the temporary setback of the powerline. This change will require a heightened awareness of the power line vs. crane clearance by the contractor but I believe the minimum 20 foot clearance is obtainable.

I have attached photos of the two trees referenced and I will be available for tonight's meeting for questions and comments in hopes to move this project onto the construction phase.

Cc: Dave Ford, Public Works Director
Matt Sullivan, Town Planner
Conservation Commission

BAM9/5/19



Dear Lenore,

The Wentworth Watershed Association is writing to request that the Conservation Commission exercise its discretion as Easement Holder to grant permission, pursuant Section XII of the Conservation Easement Deed conveyed to the Commission by the Association, dated February 12, 2019 and recorded at Book 3431, Page 247 in the Carroll County Registry, for certain work in connection with the replacement of the Heath Brook Bridge which would otherwise violate the terms of the Conservation Easement, as follows:

1. Permanent Easement

The work to be performed is described in the Easement Deed of the Wentworth Watershed Association to the Town of Wolfeboro, dated, May 14, 2019, and recorded at Book 3460, Page 138 in the Carroll County Registry of Deeds and on the plan entitled "Town of Wolfeboro Pleasant Valley Road Over Heath Brook, Wentworth Watershed Easement, Figure E1." Copies of the Easement Deed and the plan are attached.

2. Temporary Easement

The unsigned Temporary Easement and the plan entitled, "Town of Wolfeboro, NH Pleasant Valley Road Over Heath Brook, Road Way Plan, R1" copies of which are attached, describe the proposed temporary relocation of the existing utility poles and lines in order to meet OSHA requirements during the replacement of the current bridge. The deed needs to be revised to include a proper description of the easement area and the following additional language, "Any cutting of trees and shrubs and any installation of poles, wires and guy wires shall not cause any movement of nutrients, soils or sediments onto the adjacent land of the Grantee not subject to the temporary easement. Seeding and stabilization shall be completed as soon as possible after any work. If seeding cannot be completed due to weather, matting or other physical stabilization shall be put in place until seeding can be completed. Seeding shall include measures to stabilize the ground until the seeds germinate."

The work outlined in 1 and 2 above shall be made subject to the following additional requirements:

The large white pine tree on the easterly side of the bridge and the large maple tree on the westerly side shall not be cut or trimmed and shall remain in place as provided in Barry Muccio's Memo to James Pineo, dated September 5, 2019, a copy of which is attached.

There shall be a 20 foot in diameter "no touch zone" around the white pine tree in which no equipment or digging shall be allowed as stated in David Ford's August 27, 2019 email to Roger Murray, Anne Blodget, Lenore Clark and Dan Coons.

All work shall be performed in accordance with Department of Environmental Services Wetlands and Non-Site Specific Permit 2017-02003 .

According to the Town, the present Heath Brook Bridge is a Red Listed Bridge. The bridge provides the sole means of access to homes on the east side of Heath Brook in Pleasant Valley. The March 2019 Town Meeting authorized the funds for the bridge replacement. The Town has entered into a contract for the work which is to start shortly. The Association was not aware of the Town's need for these easements when it purchased the property and conveyed the Conservation Easement to the Conservation Commission. The Association makes this request because it believes replacement of the bridge is necessary, alternatives to the present plan have been explored unsuccessfully, and measures to address major concerns have been agreed to by the Town.

Should you or any of the Commission members, have any questions, please let me know.

Sincerely yours,

Anne 9/9/19/

Anne Blodget, President
Wentworth Watershed Association

- including attachments on file