

**TOWN OF WOLFEBORO
CONSERVATION COMMISSION
February 3, 2022
APPROVED MINUTES**

Chairman Clark opened the meeting at the Wolfeboro Town Hall at 9:31 am.

Members Present: Lenore Clark, Chair, Dan Coons, Vice-Chair, Brian Gifford, Member, Bob Gilbert, Jim Nupp, Alternates.

Members Absent: Dave Senecal, BOS Representative, Jeff Marchand, Warren Muir, Nancy Byrd, Ed Roundy, Members, Sarah Silk, Alternate.

Chairman Clark appointed Jim Nupp, Alternate, to sit in for Warren Muir, Member, appointed Bob Gilbert, to sit in for Ed Roundy, Member.

I. Discussion Items

a. Conservation Commission Position Statement to ZBA for Millwood Place, LLC

Lenore Clark stated that based on new plans submitted by the applicant to the ZBA the Commission's position statement regarding the proposed project has been revised, see attached. She requested a vote from the Commission to approve the revised statement that would be read at the February 7, 2022 ZBA meeting if the public hearing is opened.

It was moved by Jim Nupp and seconded by Brian Gifford to approve and submit the revised Conservation Commission's position statement for the Millwood Place, LLC ZBA application.

Discussion of the motion:

Jim Nupp confirmed that NHACC informed Lenore Clark that she could speak on behalf of the Commission.

Lenore Clark stated she may speak on behalf of the Commission if the Commission votes to approve such. She stated Warren Muir has expressed concern regarding ground disturbance with the chemicals that are in the ground between the former Mill and the former dump site.

Dan Coons stated he believes the potential hazard due to pollutants is much greater than is due to increase impervious area and additional nitrogen and phosphorus runoff into the lake from the former mill.

Lenore Clark stated the Purchase and Sales Agreement (obtained from a Right To Know request) states the project is being funded 100% through NH Housing Authority.

Dan Coons stated recommended Lenore Clark stating there is a potential for this to become a superfund site if the ground is disturbed.

Lenore Clark stated other considerations will arise such as emergency vehicle access.

Roll call vote: Dan Coons – yes, Brian Gifford – yes, Bob Gilbert – yes, Jim Nupp – yes, Lenore Clark – yes. The motion passed (5-0).

It was moved by Jim Nupp and seconded by Brian Gifford to authorize Lenore Clark to speak on behalf of the Conservation Commission relative to the Millwood Place, LLC project. Roll call vote: Dan Coons – yes, Brian Gifford – yes, Bob Gilbert – yes, Jim Nupp – yes, Lenore Clark – abstain. The motion passed (4-0-1).

II. Other Business

None.

III. Adjournment

It was moved by Brian Gifford and seconded by Dan Coons to adjourn the February 3, 2022 Conservation Commission meeting. All members voted in favor. The motion passed.

There being no further business before the Commission, the meeting adjourned at 9:42 AM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

Conservation Commission Position Statement – Millwood Place, LLC ZBA Application

My name is Lenore Clark and I am speaking on behalf of the Wolfeboro Conservation Commission. We are seriously concerned about any proposal to develop multi-family housing on Back Bay requiring zoning waivers. **A request for a zoning variance is a request for an environmental variance.** Zoning regulations exist, in no small part, to “...help protect the local environment.”¹ Higher population density has direct negative effects on the nearshore environment. Studies have found elevated concentrations of contaminants in lake water with increased building density. The Lake Winnepesaukee Association states, “Nutrient overloading is one of the major threats to the lake... [A]ctivities that disturb vegetative cover...[to develop] land, and cause erosion, generate significant sediment and nutrient pollution loads that move from the landscape into the lake.”² Elevated levels of phosphorus have already been measured in Back Bay in recent years. Developing this parcel may exacerbate the already-existing milfoil problem that the Town has spent years and taxpayer dollars to fight, and/or cause future cyanobacteria blooms.

Wolfeboro Waters and the LWA are conducting a watershed study of Wolfeboro Bay, which will include Back Bay. It will include a build-out analysis, analyzing water quality and its capacity to assimilate pollution load from the landscape, and run models that estimate pre-development,

current, and projected future amount of phosphorus entering the bay. The Wolfeboro Bay results should be published before any zoning-related decisions are made in this area, to better understand the repercussions of these decisions on the lake.

The applicant states that “The land has significant ledge and wetlands restrictions which will make development more difficult.” Other concerns we have include:

- Blasting at an old mill site with legacy chemicals in the ground, and management of the associated contaminated muck pile
- Degradation of the view from Front Bay Park directly across from the project location
- Added stress to drinking water supplies and wastewater treatment capacity
- Potential for sewer pump failure as happened at the neighboring railroad museum
- Spread of invasive plants and shrubs from earth-moving equipment
- Further loss of undeveloped shoreline and associated wildlife and pollinator habitat
- Increased boat traffic

The second sentence of Wolfeboro's Master Plan Vision Statement says, “[Wolfeboro] is a community that is sensitive to and protective of the natural environment, particularly its abundant water resources...”³ A Page One graphic shows spokes on a wheel surrounding the hub of Wolfeboro's Vision. Each spoke shows different goals including “diverse...housing options” on one, and “a rural landscape of clean, healthy, and intact ecosystems” on the next. We submit that the Spirit of the Zoning Ordinance strives to achieve balance between these two valuable but sometimes conflicting goals. Chapter 175 of the ordinance states, “[T]his chapter is specifically adopted to preserve air and water quality; to conserve open space...; [and] to protect natural resources from degradation.” **It is the position of the Wolfeboro Conservation Commission that the Spirit of the Ordinance is being subjugated by this variance request.** We urge the applicant to seek an alternative location for this otherwise worthwhile project. Thank you.

1. <https://millmanland.com/knowledge/zoning-purposes/> (a national land survey and title services company)

2. <https://www.winnepesaukee.org/the-issues/nutrients/> (Lake Winnepesaukee Association)