

**TOWN OF WOLFEBORO  
CONSERVATION COMMISSION  
November 13, 2023  
APPROVED MINUTES**

*Chairman Clark opened the meeting at the Wolfeboro Public Library at 10:04 am.*

**Members Present:** Lenore Clark, Chair, Dave Senecal, BOS Representative, Jim Nupp, Peter Foley, Brian Gifford, Brenda Jorett (arrived at 10:33 am), Members, Bob Gilbert, Warren Muir, Alternates.

**Members Absent:** Dan Coons, Vice-Chair, Jeff Marchand, Members, Sarah Silk, Alternate.

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

*Lenore Clark appointed Bob Gilbert, Alternate, to sit in for Dan Coons, Member, and appointed Warren Muir, Alternate, to sit in for Jeff Marchand, Member.*

**I. Approval of Minutes  
September 11, 2023**

**Corrections:** Page 3, Front Bay Park, 1<sup>st</sup> paragraph; change “granite bench” to “memorial bench”  
Page 4, Other Business, Pop Whalen Compensatory Planting; change “Jim Nupp” to  
“Jeff Marchand”  
Page 5, NH Dredge & Fill Application, 1<sup>st</sup> paragraph; change “Tier/” to “Tier 1”

**It was moved by Jim Nupp to approve the September 11, 2023 Wolfeboro Conservation Commission minutes as amended. Peter Foley seconded the motion. Lenore Clark, Jim Nupp, Brian Gifford, Peter Foley, Bob Gilbert voted in favor. Dave Senecal, Warren Muir abstained. The motion passed (5-0-2).**

**September 15, 2023 Dredge & Fill**

The Commission tabled approval of such.

**October 4, 2023 Dredge & Fill**

The Commission tabled approval of such.

**II. Discussion Items**

**a. Society for the Protection of NH Forests and NH Timber Owners Association Memberships**

Lenore Clark stated the Commission approved a membership last month for the NH Timberland Owners Association when in fact the membership was for the Society for the Protection of NH Forests. She recommended tabling the September motion to pay the membership dues.

**It was moved by Brian Gifford to table the motion to approve the NH Timberland Owners Association membership renewal. Bob Gilbert seconded the motion. All members voted in favor. The motion passed (7-0-0).**

**b. 2024 Meeting Schedule**

Lenore Clark stated the sense she has received from members is that they prefer evening meetings.

The Commission discussed day versus evening meetings in addition to limiting the length of the meetings.

**c. Memorial Benches**

Referencing the Towns Garden property, Jim Nupp stated he received an email from Mike Shea, Swenson Granite, stating the memorial bench is scheduled for delivery on November 15 between 8:30 – 9:00 am. He stated Martha Roundy would be in attendance with some of their children and noted Elissa Paquette will also be present.

Referencing Front Bay Park, Lenore Clark stated Christine Austin has selected an area near the gazebo to place the memorial bench.

**d. 2024 Budget Update**

Lenore Clark stated she presented the Conservation Commission budget to the BOS; noting the BOS are being very diligent in requesting cutbacks. She stated she is presenting the budget to the Budget Committee on November 29, 6 pm at the Library.

*Brenda Jorett arrived at 10:33 am.*

**e. NRI Update**

Lenore Clark stated Jeff Littleton, Moosehead Ecological, has been contracted by the Planning Board to update the NRI maps. She stated Blue Moon produced the original NRI maps in 2011.

**f. Tax Map #37-7 & 37-8 (former Meissner property)**

**Conservation Easement**

Lenore Clark stated the conservation easement language has been finalized and approved by all parties. She stated once the easement has been signed the Commission will receive the LCHIP grant.

**Parking Lot Improvements**

Lenore Clark stated she is not aware of the status of the parking lot repair.

Jim Nupp stated the condition has worsened; noting he visited the site recently. He stated he suspects the Commission will continue to struggle with erosion issues; noting drainage improvements may be necessary. He volunteered to speak to Rich Baldwin.

**g. Fernald Station Parking Lot Expansion**

Lenore Clark stated Rich Baldwin completed the parking area and noted that Mr. Baldwin recommended signage relative to parking configuration.

Jim Nupp stated there is signage at the Clow Road parking area for Sewall Woods; noting the signage reflects diagonal parking. He stated the Cotton Valley Rail Commission asked him to speak to the Conservation Commission about a memorial brick fundraiser; noting the location for such would be to the left of the picnic table. He questioned whether the easement language permits such.

Brenda Jorett stated bricks can become a maintenance issue over time and questioned whether an alternative location would be better to sustain the bricks.

Lenore Clark questioned whether under the kiosk would be a better location and stated she would review the easement.

**h. NHDES Site Visit – Harley & Stacey Heath, Tax Map #8-1-2**

Lenore Clark stated the Harley and Stacey Heath site visit minutes for October 4, 2023 were distributed to the Commission and to NHDES. She stated NHDES sent a letter to the applicant requesting additional information and instructed the applicant to address the Commission's concerns.

**i. Section 36-A:4-a; Optional Powers**

Lenore Clark stated that because the Commission is governed by the RSA the Commission is given certain authority, but a majority of voters must approve optional powers at Town Meeting in order to allow the Commission to spend money outside of the Town's boundaries (i.e.: Pleasant Mountain land preservation). She questioned the timing of such and whether this year would be an appropriate time to present it to the voters.

The Commission further discussed such and agreed to table the matter to next year.

**j. Wolfeboro Waters**

Warren Muir stated an effort to perform a comparative analysis among the local lakes was successful. He stated the Committee paid UNH \$5,000 for a summer intern; noting such was valuable and reviewed the intern's work. He stated the Committee has an invaluable reservoir of samples. He reviewed a potential continued partnership with UNH and scope of work for next year, toxins, blooms, etc. He stated the State passed a bill a year ago that required NHDES to develop a cyanobacteria plan for the State; noting an advisory committee was formed. He stated the plan has been released; noting the plan rationalizes what NHDES has been doing and the groups that it has been funding does; noting he emailed such to Lenore Clark and Lee Ann Hendrickson. He stated he submitted his resignation as the head of the Wolfeboro Waters Assessment Committee for health reasons; noting he would continue to contribute what he can to the committee.

**III. Other Business/Informational Items**

**Year To Date Expenditures**

No report.

**NHACC Annual Conference**

Brenda Jorett and Peter Foley reviewed the sessions they attended.

**IV. Public Comment**

None.

**V. Non-Public Session**

N/A

**VI. NH Dredge & Fill Application**  
**Lifetime Green Homes, LLC**  
**15 Willow Street**  
**Special Use Permit**  
**Tax Map #204-17**

The applicant is proposing to construct six condominium units and 15 parking spaces on the peninsula at the end of Willow St., as well as to provide foot traffic access from the Bridge Falls rail trail. Six of the parking spaces will be on the first level of the building and the remaining nine will be outside.

Referencing the Lifetime Green Homes, LLC Special Use Permit application, Tax Map #204-17, the Commission opines that it continues to be difficult to advise on the application because the amount of proposed impact within the jurisdictional wetland buffer has not been calculated. A line that denotes the wetland buffer is depicted on White Mountain Survey's "Plan of Lands" showing existing site conditions. However, it is not depicted on the subsequent Site Plan Set showing proposed conditions, making it difficult to tell where the proposed construction footprint lies in relation to the buffer. Using the scale and a ruler, we penciled in a line along what we believe to be the 30' buffer from the edge of delineated wetlands (see attached photo). None of us are Professional Engineers and our methodology was crude, but it appears the following proposed structures will be built partly within the buffer zone: pool patio, spa, walkway to the pool, fire pit, wall, snow storage, parking lot and dumpster, driveway, walkway to the building, and the building itself. The Planning Board should have the wetland buffer impact calculations when making a determination about this application.

The Commission questions the environmental impact of the potential in-ground swimming pool, especially with regard to the regular draining of water that contains chemicals and/or saltwater, and would like to be notified if and when the builder decides to construct such. We also recognize that given the history of shorefront industry and filling activity, the sediments in the bay are best left undisturbed. To that end, the presence of a pool may actually discourage additional boating activity which may be helpful for the health of the bay.

The SUP application prior to this version contained an extensive stormwater management plan with an operation and maintenance schedule. It is unclear whether this remains part of the amended SUP; none was included in the application packet received by the Commission. The Planning Board should seek to clarify. The plan contained helpful information on invasive plant removal and disposal from UNH Cooperative Extension. The contractors need to understand what species are present so they can take appropriate steps to remove and, after the recommended waiting period, dispose of the invasive plants.

Commission members have positively identified Oriental bittersweet (*Celastrus orbiculatus*) as well as other species, though did not conduct a thorough review of the site. The Planning Board may wish to stipulate that a knowledgeable professional be consulted, and that the wheels of all heavy machinery be washed prior to leaving the site as that is one of the routes by which invasive plant material is spread.

Per our prior comments, we feel that site-specific soil testing should be conducted to determine what is actually present given the proximity of the old mill. We are in receipt of Frontier Geoservices Phase I Environmental Site Assessment which did conduct on-site vapor testing. Besides that, the entire report consists of a review of regulatory databases, which would not account for any unknown presence of hazardous materials. Additionally, the stated "Reason for Performing Phase I" on page 6 is, "The user stated that purchase of the property is the reason for performing the Phase I ESA" [emphasis was included in the original report statement and is not ours]. It is our understanding that the level of investigation should be dictated by the end-use, which in this case would include development of the site, not simply purchase. That may be a key difference because this project as proposed will necessitate excavation and/or blasting of ledge, which could release any unknown contaminants into the bay. We acknowledge that the presence of ledge may indicate that there is thin soil cover, and therefore not much potential for hazardous material storage within the soils of the site.

The proposed structure will be highly visible to users of the rail trail and Front Bay Park, which is one of the few ADA-accessible trails in the region. The Commission has incurred a certain expense to eradicate invasive species there, and to open up the view of the bay from the trail. Given that the project site sits directly across the bay from the trail, we hope the Planning Board will strongly consider the impacts to the view when considering the aesthetics of the development.

Finally, we noted that a DES Shoreland Permit will be necessary for this project and that the applicant intends to apply for such "after receipt of the Wolfeboro Site Plan and Special Use Permits." We recommend that if approved, the Planning Board make issuance of the SUP contingent upon future receipt of the Shoreland permit.

## VII. Adjournment

**It was moved by Brenda Jorett to adjourn the November 13, 2023 Conservation Commission meeting. Peter Foley seconded the motion. All members voted in favor. The motion passed (7-0-0).**

*There being no further business before the Commission, the meeting adjourned at 12:04 pm.*

Respectfully Submitted,

*Lee Ann Hendrickson*

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