

**TOWN OF WOLFEBORO
CONSERVATION COMMISSION
April 15, 2024
DRAFT MINUTES**

Chairman Clark opened the meeting at the Wolfeboro Public Library at 6:00 pm.

Members Present: Lenore Clark, Chair, Dan Coons, Vice-Chair (arrived at 6:07 pm), Brenda Jorett, Brian Gifford, Jeff Marchand, Jim Nupp, Members, Warren Muir (arrived at 6:04 pm), Sarah Silk, Bob Gilbert, Alternates.

Members Absent: Dave Senecal, BOS Representative, Peter Foley, Member.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chair Lenore Clark appointed Bob Gilbert, Alternate, to sit in for Dan Coons, Member, and appointed Sarah Silk, Alternate, to sit in for Peter Foley, Member.

I. Approval of Minutes

March 18, 2024

Correction: Page 1, Natural Resources Inventory/Conservation Plan, 2nd paragraph; add "Moosewood Ecological has been hired by the Planning Board and the map updates are underway."

It was moved by Sarah Silk to approve the March 18, 2024 Wolfeboro Conservation Commission minutes as amended. Brenda Jorett seconded the motion. All members voted in favor. The motion passed (7-0-0).

April 2, 2024 Dredge & Fill

It was moved by Sarah Silk to approve the April 2, 2024 Wolfeboro Conservation Commission Dredge & Fill minutes as submitted. Brenda Jorett seconded the motion. Lenore Clark, Bob Gilbert, Brenda Jorett, Brian Gifford voted in favor. Jim Nupp, Sarah Silk, Jeff Marchand abstained. The motion passed (4-0-3).

II. Discussion Items

a. Route 28 Culvert Replacement

Dillan Schmidt, NHDOT, reviewed the project overview for a culvert replacement on Route 28 (a Tier 2 road, minor arterial); noting temporary emergency repairs to the culvert were performed in July 2023 following a significant storm event. He stated the culvert condition is poor due to separated joints, voids, and inverts. He stated the inlet would be improved with the installation of a box culvert. He noted the existing conditions include a 60" corrugated metal pipe 80' long; noting the last rehab was done in the 1990's. He stated the tentative advertising date is 11/19/24 with an expected construction completion date of May 2026.

Dan Coons arrived at the meeting at 6:07 pm.

Timothy Mallette stated the repair done last summer fixed the first joint and wash out across the road; noting the permanent repair of the culvert will allow for three times the capacity. He stated emergency permits allowed for the immediate repair of the roadway in order to make the roadway safe.

Sarah Silk asked what happens if the temporary repairs fail prior to 2026.

Timothy Mallette stated NHDOT would again be responsive and perform an additional temporary repairs repair.

Sarah Silk asked if there would be a temporary traffic light for one-way traffic during construction.

Timothy Mallette replied yes.

Dillan Schmidt stated they will be attending the BOS meeting on May 15; noting the traffic control plan will be reviewed then. Referencing plans, he reviewed existing and proposed conditions and conservation easement; noting the proposed design addresses a fifty-year storm event.

Warren Muir confirmed the wash out was not at the location of the culvert.

Jeff Marchand questioned tree removal or replacement of utility poles.

Dillan Schmidt replied yes, trees will be removed; noting he is aware that the conservation easement deed states no tree removal.

Timothy Mallette stated the tree removal will be minimized and will not be extended to the southern side of the culvert. He stated NHDOT is working with the Municipal Electric Department with regard to the location of the utility poles; noting the poles may be moved to the other side of the road.

Sarah Silk asked if construction would be during the day or night.

Timothy Mallette replied day.

Brenda Jorett questioned the start date of the project.

Dillan Schmidt replied 2025 and noted completion is planned for 2026.

Warren Muir questioned the size

Dillan Schmidt replied 9' high, 6.5" wide, 40' length.

Dan Coons questioned the side slope.

Timothy Mallette replied 2:1 and 3:1.

Dan Coons asked if stream stats were used for the design of the culvert.

Timothy Mallette stated NHDOT used a stream assessment and reviewed such.

Warren Muir expressed concern for the velocity of flow and the sediment transport into Lake Winnepesaukee and questioned provisions to limit the organic and phosphorus into the lake from runoff. He stated the Town has an increase in water quality issues driven mostly by phosphorus and organic sediment. He stated Wolfeboro Waters, a Town Committee, will be conducting stream flow loading and questioned whether that data would affect the NHDOT's work.

Timothy Mallette stated he does not believe so (response to Mr. Muir's latter question). He stated the watershed does not generate a lot of sediment transport; noting the improvements to the culvert will dissipate sediment in the channel at the tributary. He stated there is a good buffer between the location of the culvert and Lake Winnepesaukee.

Dillan Schmidt stated new water treatment improvements are incorporated when additional impervious surface greater than fifty percent is proposed. He stated NHDOT is required to treat 30% of existing impervious surface and noted there is already treatment existing for that 30%.

Dan Coons described a fire hose effect as a result of an undersized culvert; noting greater degradation will occur downstream increasing sediment into the lake.

Dillan Schmidt stated the purpose of the proposal is to replace the culvert.

Timothy Mallette stated NHDOT has coordinated with NH Fish and Game; noting they have identified the sediment as an unnatural sediment.

Jeff Marchand asked if there are any existing designs that include amphibian crossings.

Dillan Schmidt replied yes; noting such will be considered as part of the design process because the location has been identified as a wildlife corridor.

Jeff Marchand recommended such as compensatory for the removal of trees and utility pole relocation.

Dan Coons stated the NHDOT's schematics include the wildlife corridor; noting such should be maintained.

Brenda Jorett questioned whether signage could be included on the roadway relative to wildlife crossing.

Lenore Clark read/reviewed the language of the Furber Conservation Easement ("no trees are to be removed, no structures are to be placed except for certain circumstances such as fire protection and wildlife protection.").

Dan Coons questioned the installation of coffer dams.

Timothy Mallette stated a temporary bypass is proposed.

Dillan Schmidt stated they discussed and met with NH Fish and Game specifically to the fisheries. He stated the erosion control plan will be monitored as well.

Timothy Mallette stated NHDOT is also working with the Town's Water Department because of a water line that is located in the area of the project.

b. Library Local Recreation Panel

Joyce Davis, Library Program Planner for Adult Programs, asked the Commission to speak to protected lands in Wolfeboro and hiking opportunities (overview of). She stated the program may speak to a younger demographic and families and because of such recommended scheduling the program on a Saturday.

Lenore Clark stated Dan Coons and Jim Nupp has volunteered for such.

Program scheduled for June 25 at 6pm at the Library.

c. Appointment of Chair and Vice-Chair

It was moved by Jeff Marchand to appoint Lenore Clark as Chair of the Wolfeboro Conservation Commission. Brenda Jorett seconded the motion. Dan Coons, Brenda Jorett, Jeff Marchand, Jim Nupp, Sarah Silk, Brian Gifford voted in favor. Lenore Clark abstained. The motion passed (6-0-1).

It was moved by Sarah Silk to appoint Dan Coons as Vice-Chair of the Wolfeboro Conservation Commission. Lenore Clark seconded the motion. Lenore Clark, Brenda Jorett, Jeff Marchand, Jim Nupp, Sarah Silk, Brian Gifford voted in favor. Dan Coons abstained. The motion passed (6-0-1).

d. Default Budget

Lenore Clark reviewed the impact to the Commission's operating budget as a result of the Default Budget.

e. Tree Stand Regulations

Jeff Marchand stated he spoke to a Fish and Game officer and asked if the regulation applies to Town and State land; noting the officer replied yes. He stated the officer advised the Commission to put a note on the stand asking for the stand to be removed and if there is no response the Commission can remove it. He recommended posting the request on the Town's website and placing a notice in the Granite State News. He noted that Ken St. Pierre is the Town's local NH Fish and Game representative. He questioned whether the Commission placed a note was placed on the stands.

Lenore Clark replied no, not at Willey Brook.

Jeff Marchand stated tree stands are now required to have the owner's name on it and the stands are only permitted on a seasonal basis. He questioned the intent of the Commission with regard to removing the stands.

Lenore Clark expressed concern regarding the placement of the tree stand at the the Town's Garden property because of volunteers that frequent the property.

Brenda Jorett stated the applicable RSA is 207:36-A; noting the seasons are defined as April 25- June 1 and August 1- December 31 and the tree stands must be removed unless permission from the landowner is given.

The Commission discussed whether to allow or prohibit tree stands on properties managed by the Commission and agreed to make a final decision regarding such at the May meeting. The Commission discussed placing signs requesting the tree stands be removed. Brenda Jorett agreed to write a draft press release referencing changes to RSA 207:36 A for review at next month's meeting.

f. Goodwins Basin Mowing

Lenore Clark stated Aaron Stirt agreed to maintaining 2023 prices for the mowing of the Goodwins Basin property since a default budget is in effect; noting the cost to mow the property is \$1,000.00 (3 mowings for 2024).

It was moved by Brian Gifford to authorize Aaron Stirt to mow the Goodwins Basin property three times in 2024 for \$1,000.00. Sarah Silk seconded the motion. All members voted in favor. The motion passed (7-0-0)

g. Penn Air Lot Timber Harvest

Jeff Marchand stated Tax Map 34-1 was taken by tax deed in 1989 and is located on Sky Lane (abuts the Penn Air development); noting the 11-acre parcel is land locked. He stated he retrieved the current deed from the Registry and noted the Town took the parcel for back taxes. Brenda Lapointe taken in 1999. He stated he believes there is a law that after 10 years you cannot appeal the decision; noting that only one person came forward and said the land could be theirs but, they did not want to claim it because they did not want to pay the back taxes. He stated the property was supposed to go up for bid after 3 years however, the BOS decided to hold off on such (2002). He stated the property has not been logged and there are accessibility issues via Penn Air Road. He stated Brenda Lapointe recommended a title search and review by Town Counsel. He questioned whether the Commission should request the BOS to place the property under the Commission's management; noting that then the Commission could log the property.

The Commission discussed the matter and agreed to first perform a title search followed by counsel review and then approach the BOS.

h. QR Code for Front Bay Park and Whiteface

Jeff Marchand stated he would schedule a meeting with Kathy Carpentier and Carl Bagge to discuss such.

i. 2024 Invasive Species Management Plan

Lenore Clark stated Lee Gilman will submit a management plan; noting such is in progress.

j. Fernald Station

Hold Harmless Agreement with WSA

Dan Coons recused himself.

Lenore Clark noted she forwarded the Hold Harmless Agreement with Wolfeboro Singletrack Alliance to the Commission.

Brian Gifford questioned the size of the shed.

Dan Coons replied no larger than 10x12.

It was moved by Jim Nupp to accept the Hold Harmless Agreement with Wolfeboro Singletrack Alliance as written. Brian Gifford seconded the motion. Lenore Clark, Brenda Jorett, Sarah Silk, Jim Nupp, Brian Gifford, Jeff Marchand voted in favor. Dan Coons abstained. The motion passed (6-0-1).

It was moved by Jeff Marchand to approve the Wolfeboro Singletrack Alliance's proposal for the construction of a shed, not to exceed 150 SF, as noted on the submitted spec sheet. Brian Gifford seconded the motion. Lenore Clark, Brenda Jorett, Sarah Silk, Jim Nupp, Brian Gifford, Jeff Marchand voted in favor. Dan Coons abstained. The motion passed (6-0-1).d

k. Wolfeboro Waters

Warren Muir WW dealing with several mitigation issues and setting a rubric for setting priorities. Discussed picocyanobacterial; noting such is less of a concern. The stuff growing on the bottom of the lake is a mix of stuff that often contains cyanobacteria which can produce cyanotoxins. He reviewed floating mats.

III. Other Business/Informational Items

Year To Date Expenditures

The Commission reviewed such.

Lee Ann Hendrickson stated the report includes an additional column representing an additional 5% reduction to the budget; noting the Town Manager requested that each Department identify such in the event that such is necessary (not currently in effect).

Proposed Therapeutic Riding Farm (Jennifer Circle)

Lenore Clark stated a proposal for a therapeutic riding farm located on Jennifer Circle has been approved by the Planning Board (Site Plan) and ZBA (Special Exception). She stated the applicant is receiving a \$1 million grant from Northern Borders which includes a match from local charities; noting she believes the grant source required a public notice (appeared in last week's Granite State News) noting potential wetland impacts due to proposed widening of the access road and the replacement of a culvert that connects two wetland areas (currently a 15" failing metal corrugated pipe to be replaced by an 18" plastic pipe). She stated the question before the Commission is whether they would like to comment on the proposal to the grant funding agency; noting the deadline for submitting comments is April 26. She stated per the ZBA minutes there were to be no wetland impacts.

Jeff Marchand stated his issue relates to point source pollution and would like a pledge from the applicant that Best Management Practices are used. He stated if the manure is not managed properly, it will runoff into Mirror Lake. He recommended the manure be stored on a covered impervious slab and removed frequently (not composted on site) and no grazing or riding in the wetland area or vernal pools. He stated most of the hay that comes into NH is from VT and Canada; noting such will include invasive seeds that will spread. He recommended stressing adherence to the Town's lighting ordinance. He stated they should be put on notice and asked to do the right thing.

Lee Ann Hendrickson read the Planning Board's Conditions of Approval relative to compliance with the Town's ordinance.

Warren Muir questioned whether the horses have to stay on the property.

Lenore Clark stated Jen Frasier's goal is to have a sustainable facility. Relative to composting, she stated it was explained that it would be a state of the art aeration facility and material would be mechanically composted.

Sarah Silk recommended reviewing the Department of Agriculture's regulations.

The Commission agreed to send a letter to Jen Fraser and cc Northern Borders and discussed including a recommendation to avoid trails in the woods through the wetlands and vernal pools and unintentional seeding of the area with nonnative hay.

Granit Mapping

Lenore Clark stated NH Granit is undergoing an update in 2024 to the Conservation and Public Lands GIS data layer. She stated she would review such and provide any applicable information/updates to NH Granit.

Bickford Road Property For Sale

Jeff Marchand stated a property abutting Deutsch Easement (located on Bickford Road) is for sale for \$329,000. He stated the property has frontage on Haines Hill Road and Bickford Road; noting the parcel consists of 123 acres and feels the property is self-conserving. He stated the property is owned by Ed & Diane Graham.

Dan Coons stated the tax map references that the property is 75% wetland.

The Commission further discussed the matter and agreed to request Town counsel to provide a cost estimate to determine whether the 11-acre parcel is suitable to place under the management of the Conservation Commission, that no legal issues would preclude Commission from moving forward and provide an estimate for conducting a title search.

IV. Public Comment

None.

V. Non-Public Session

It was moved by Brenda Jorett to enter non-public session at 8:26 PM under (RSA 91-A:3,II(c)). The motion was seconded by Dan Coons. Roll call vote; Lenore Clark - yes, Jim Nupp – yes, Brenda Jorett – yes, Dan Coons – yes, Jeff Marchand – yes, Sarah Silk – yes, Brian Gifford – yes. The motion passed (7-0-0).

The Board re-entered public session at 8:41 PM.

It was moved Sarah Silk to seal the April 15, 2024 Wolfeboro Conservation Commission non-public meeting minutes. The motion was seconded by Jim Nupp. Roll call vote; Lenore Clark - yes, Jim Nupp – yes, Brenda Jorett – yes, Dan Coons – yes, Jeff Marchand – yes, Sarah Silk – yes, Brian Gifford - yes. The motion passed (7-0-0).

Chairman Clark stated the nonpublic session minutes of April 15, 2024 were sealed by a 2/3 vote as required by law.

VI. NH Dredge & Fill Application(s)
N/A

VII. Adjournment

It was moved by Dan Coons to adjourn the April 15, 2024 Conservation Commission meeting. Sarah Silk 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 8:42 pm.

Respectfully Submitted,

Lee Ann Hendrickson

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