

**TOWN OF WOLFEBORO
CONSERVATION COMMISSION
November 16, 2020
APPROVED MINUTES**

Chairman Clark opened the virtual meeting at 4:00 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), Chair, Dan Coons – yes (acknowledged there is no one present with him), Vice-Chair, 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), 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.

Members Absent: Ed Roundy, Warren Muir, Members, Sarah Silk, Alternate.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

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

I. Discussion Items

**a. NHDES Dredge & Fill Application
Town of Wolfeboro
Route 109-A
Standard Dredge & Fill
Tax Map #96-13**

The applicant proposes to Site remediation at the RIB facility to include stabilization of eroded slopes, construction of blanket drains and subsurface cutoff trenches on the hillside in the vicinity of the breakouts to collect excess groundwater, below-ground piping to convey the collected groundwater to the bottom of the hill and four Engineered Natural Systems.

Dave Ford reviewed the history of the RIB site and the events that led to the proposed restoration and remediation of the site.

Jeff Marchand asked if water going into the brook would be temporary or permanent.

Dave Ford replied permanent. He stated the proposal is a 25-50 year solution for the system. He noted that there are no wetlands being filled rather, the wetlands that have been disturbed are going to be repaired and restored. He stated the disturbed wetlands were a result of the breakouts that had occurred.

Art Slocum asked if the Town of Tuftonboro and the Tuftonboro Conservation Commission has reviewed the proposal.

Dave Ford replied yes. He stated he has met with members of the Tuftonboro BOS, Conservation Commission and Planning Board on site. He noted the Tuftonboro Conservation Commission submitted a letter to the Town of Wolfeboro expressing concerns; noting those concerns have been addressed. He stated he will be presenting the site plan to the Tuftonboro Planning Board on November 19th.

Jeff Marchand asked if the State has commented on the acceptance of the application.

Dave Ford stated four different bureaus within NHDES are reviewing the application; Wetlands Bureau, Groundwater Bureau, Surface Water Bureau and the Subsurface Systems Bureau. He reviewed the Administrative Order of Consent and the conditions related to such; noting the Bureaus at NHDES are on board with the proposal. He stated the Town received an extension on the Administrative Order of Consent.

Lenore Clark questioned the comprehensive wetlands delineation and assessment report.

Dave Ford stated the Town of Wolfeboro is committed to the Tuftonboro Conservation Commission the development of a Forest Management Plan and Wildlife Habitat Plan with the intent of preservation and education. He stated the Town has also committed to a three year monitoring plan of the site and noted construction is scheduled for March 2021 to be completed fall 2021. He stated a pre-bid site walk is scheduled for November 19th at 9 AM.

Jeff Marchand questioned the timeline for the Commission to comment on the application.

Dave Ford stated the permit has been submitted to the State and noted the Town is looking to go out to bid in December.

Lenore Clark stated the application is pending and the Commission has fourteen days to provide comment to NHDES.

Dan Coons questioned the plans for the spray area.

Dave Ford stated the spray fields will continue to operate until the site is up and running. He stated 30 million gallons/year are processed through the spray fields.

Nancy Byrd questioned the impact to the site from this year's drought.

Dave Ford stated Nineteen Mile Brook is low; noting it is ten inches below normal. He stated the Town's discharge has held steady.

Wetlands Violation

John Rourke/Wolfboro Property Holdings

Dave Ford stated he wrote a letter to the State informing them that when he performed a driveway inspection he observed a truck taking fill off of the lot and dumping the fill across the street into a wetland area. He stated John Rourke's attorney denied that Mr. Rourke did such; noting that Mr. Rourke owns the lots.

b. Eastern Lakes Region Housing Coalition Conservation Easement (Tax Map 176-21-1 & 176-20-1)

Lenore Clark stated the presentation of the conservation easement for TM #176-21-1 and the second amendment to the conservation easement for TM #176-20-1 to the BOS is scheduled for November 18th.

c. Willey Brook - Trail Construction (new 1-mile)

Dan Coons stated he will be meeting with Andrew Lester this week.

Lenore Clark stated Mr. Lester contacted the Secretary of State and his business will be reinstated. She stated there has not been any resolution with regard to the need for a wetlands permit for the bridge.

d. Invasive Species Consultant

Lenore Clark stated she and Mal Blodget, Land Bank, met with Lee Gilman on November 14th to walk the Towns Garden and Front Bay Park sites. She stated Mr. Gilman submitted a synopsis of the site walk however, did not commit to a cost estimate.

Brian Gifford requested a cost estimate for the Bittersweet, at minimum.

Lenore Clark stated that the Towns Garden property is worse than Front Bay Park; noting Mr. Gilman identified ten different invasive species. She stated she requested a cost estimates for 100% and 80% eradication at both sites.

Art Slocum requested Ms. Clark to forward that request in writing.

Dave Senecal stated the Commission will need a hard number to back up the budget request to the Budget Committee otherwise, the Commission will not receive the funding.

Art Slocum questioned the deadline for the Budget Committee.

Lenore Clark replied December 17th.

e. Ellie's Woodland Walk

Jeff Marchand stated he revisited the site; noting the boardwalk in its current condition is a liability to the Town and a danger. He stated it is more unstable than he remembered and there is a hole in the viewing platform. He stated the Town should not invite or encourage the public to go to the site and feels the language for the sign could be a legal issue.

Staff stated she would speak to the Town Manager regarding the language for the sign.

Dan Coons stated that if the boardwalk is redesigned so that it is constructed above the water, such will require a permit from the State.

Jeff Marchand questions whether the current length of the boardwalk is needed and stated he feels there are other alternatives than replacing what currently exists.

Dave Senecal recommended review of the site by the Town Planner and Code Enforcement Officer.

Jeff Marchand volunteered to contact them and schedule a site walk.

f. Whiteface Mountain Lot Merger

Lenore Clark asked the Commission's thoughts relative to merging the three lots that comprise Whiteface Mountain (Tax Map #37-5, 36-1 and 37-4-1).

Art Slocum asked if the language of the Baseline Documentation prohibits such.

Jeff Marchand asked if merging the lots would negatively impact flexibility in the future.

Dan Coons replied no and noted that the Baseline Documentation and conservation easement applies to each of the three lots the same way.

Lenore Clark stated Attorney Cowles informed her that it would save money on title insurance if the lots were merged.

Dan Coons stated he is in favor of merging the lots.

It was moved by Dan Coons and seconded by Art Slocum to merge Tax Map #37-5, 36-1 and 37-4-1. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Nancy Byrd – yes, Brian Gifford – yes, Jeff Marchand – yes, Dan Coons - yes. The motion passed (6-0).

Staff stated she would submit the request to the BOS and a lot merger application to the Planning Board.

The Commission agreed to inform Lakes Region Conservation Trust.

g. Bill Rae Conservation Area Snowplowing Contract

Jeff Marchand stated Scott Champagne contacted him and asked if the Commission would be contracting his services to plow the entrance to the Bill Rae Conservation Area. He asked why the area is being plowed.

Dan Coons stated a request was made to access the property for snowshoeing.

The Commission reviewed the costs associated with such for the past couple of years and discussed spending money to please one person's request for access to the property. The Commission, except Nancy Byrd, agreed to discontinue snowplowing the access to the property.

Jeff Marchand stated he would contact Scott Champagne and notify him of the Commission's decision.

h. Wolfeboro Waters

No report.

II. NHDES Dredge & Fill Applications

Beth Baldwin Trust

Special Use Permit

Tax Map #149-6

The applicant proposes construction of a replacement septic system and detached garage within the wetlands setback.

The Commission reviewed the application and expressed concern regarding the proposed size of the garage; noting it appeared excessive and if the garage is proposed for boat storage that such would not be the least impacting alternative. The Commission noted they support the replacement of the septic system and expressed a desire to speak to the applicant's agent to further discuss the application. The Commission agreed to contact the agent and schedule a meeting however, if the agent is unable to meet in a timely manner the Commission agreed to forward the comments and concern to NHDES as noted in today's meeting.

III. Other Business

Goodwins Basin

Lenore Clark stated she contacted Adam Tasker and asked him to pull the tree up onto the property.

It was moved by Nancy Byrd and seconded by Brian Gifford to adjourn the November 16, 2020 Conservation Commission meeting. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Nancy Byrd – yes, Brian Gifford – yes, Jeff Marchand – yes, Dan Coons - yes. The motion passed (6-0).

There being no further business before the Commission, the meeting adjourned at 5:59 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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