

**TOWN OF WOLFEBORO
CONSERVATION COMMISSION
May 11, 2020
APPROVED MINUTES**

Members Present: Roll call: Lenore Clark – yes (acknowledged there is no one present with her), Chairman, Dan Coons – yes (acknowledged there is no one present with him), Vice-Chairman, Dave Senecal, Selectmen’s Representative – yes (acknowledged there is no one present with him), Art Slocum – yes (acknowledged there is no one present with him), Brian Gifford – yes (acknowledged there is no one present with him), Jeff Marchand – yes (acknowledged there is no one present with him), Warren Muir – yes (acknowledged there is no one present with him), Members, Nancy Byrd – yes (acknowledged there is no one present with her), Alternate.

Members Absent: Ed Roundy, Member, Sarah Silk, Alternate.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chairman Clark opened the virtual meeting at 4:05 PM.

**I. Consideration of Minutes
March 6, 2020**

It was moved by Dan Coons and seconded by Art Slocum to approve the March 6, 2020 Wolfeboro Conservation Commission minutes as submitted. Roll call vote: Lenore Clark - yes, Dan Coons - yes, Art Slocum - yes, Jeff Marchand – yes. Warren Muir – abstained, Dave Senecal - abstained. The motion passed (4-0-2).

March 9, 2020

It was moved by Warren Muir and seconded by Dan Coons to approve the March 9, 2020 Wolfeboro Conservation Commission minutes as submitted. Roll call vote: Lenore Clark - yes, Dan Coons - yes, Art Slocum - yes, Warren Muir – yes. Jeff Marchand – abstained, Dave Senecal - abstained. The motion passed (4-0-2).

March 6, 2020 Dredge & Fill Minutes

It was moved by Art Slocum and seconded by Jeff Marchand to approve the March 6, 2020 Wolfeboro Conservation Commission Dredge & Fill minutes as submitted. Roll call vote: Lenore Clark - yes, Dan Coons - yes, Art Slocum - yes, Jeff Marchand – yes. Warren Muir – abstained, Dave Senecal - abstained. The motion passed (4-0-2).

March 9, 2020 Dredge & Fill Minutes

Correction: Page 1, Members Present; add Warren Muir

It was moved by Dan Coons and seconded by Art Slocum to approve the March 6, 2020 Wolfeboro Conservation Commission Dredge & Fill minutes as submitted. Roll call vote: Lenore Clark - yes, Dan Coons - yes, Art Slocum - yes, Warren Muir – yes. Jeff Marchand – abstained, Dave Senecal - abstained. The motion passed (4-0-2).

II. Discussion Items

a. Appointment of Chair and Vice-Chair

It was moved by Dan Coons and seconded by Art Slocum to appoint Lenore Clark as Chair of the Wolfeboro Conservation Commission. Roll call vote: Dan Coons - yes, Art Slocum - yes, Warren Muir – yes, Jeff Marchand – yes, Dave Senecal - yes, Lenore Clark - abstained. The motion passed (5-0-1).

It was moved by Warren Muir and seconded by Jeff Marchand to appoint Dan Coons as Vice-Chair of the Wolfeboro Conservation Commission. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Warren Muir – yes, Jeff Marchand – yes, Dave Senecal - yes, Dan Coons - abstained. The motion passed (5-0-1).

b. Sewall Woods Executory Interest

Jim Nupp, Wolfeboro Cross Country Association, stated the fundraising campaign for the Sewall Woods easement acquisition is winding down; noting over \$100,000.00 was raised and there is no need to act on the Commission's pledge due to the amount of donations received. He stated the excess funds (\$40,000) will go into a special fund for any necessary improvements to the warming hut and parking lot. He asked if the Commission is interested in pursuing an executory interest; noting as the executory interest holder the Commission would have funds available for said improvements.

Art Slocum asked if there are any other conservation groups that the Association is asking to hold executory interest.

Jim Nupp stated only Lakes Region Conservation Trust (LRCT) has been contacted; noting LRCT doesn't know if they want to take responsibility for a building. He stated the Wolfeboro Conservation Commission already owns an easement adjacent to the access easement therefore, it would make sense for the Commission to have executory interest.

Dan Coons asked if the easement is in the name of the Wolfeboro Cross Country Ski Association.

Jim Nupp replied yes.

Nancy Byrd present – 4:24 pm.

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

Jeff Marchand asked if it is in writing that the Conservation Commission can spend money if needed.

Jim Nupp stated the easement language would have to be modified to address dedicated funds being spent on the maintenance of the building. He stated if the Association goes defunct then such responsibilities would fall to the executory interest holder.

Brian Gifford asked if the funds are in a bank.

Jim Nupp replied yes, Steve Flagg opened an account; noting any future donations would be deposited into the specific fund for maintenance.

Art Slocum asked if the Association has an attorney.

Jim Nupp replied yes, Jim Cowles from Walker & Varney. He stated the Association intends to improve the parking area.

Art Slocum asked if the parking area is gravel.

Jim Nupp replied yes. He noted there is no connection to Oak Street and recommended such be looked at in the future.

Lenore Clark asked who would pay to modify the conservation easement deed.

Jim Nupp replied both parties upon agreement. He noted he does not know the cost to modify the easement language.

c. Drew Lot

Dan Coons stated he walked the property with Dan Stepanauskas; noting the property is backland located in the eastern corner of the Town close to the Ossipee and Wakefield Town lines. He stated the property is access via Amanda Bevard's property. He noted there are eskers on the lot and consists of old growth forest surrounded by heavily logged areas. He recommended blazing the boundaries so that an abutter doesn't accidentally log the land. He volunteers to lead a site walk for the Commission and solicit bids for boundary marking. He noted he reviewed the deed online.

Jeff Marchand stated a property can be delineated by a property owner rather than a surveyor with metal placard markers.

Dan Coons stated there are no boundary pins and noted he is in favor of keeping the property forever wild.

Brian Gifford stated the boundaries should be delineated.

Art Slocum and Jeff Marchand agreed with Mr. Gifford.

The Commission agreed to authorize Dan Coons to seek bids for boundary marking the Drew lot.

d. Ryefield Marsh

Lenore Clark stated the Conservation Commission was accused of using a backhoe and removing the beaver dam at Ryefield Marsh and allowing the Marsh to drain. She stated Dan Coons inspected the dam and in fact, it was removed.

Dan Coons stated it also appears that a backhoe was used; noting there were scrape marks on a tree. He stated a large amount of the dam was placed on the bank. He stated NH Fish & Game concluded that the dam removal was done by a backhoe. He stated there is an indication that the beavers are rebuilding the dam.

Jeff Marchand questioned if the dam is located on Town property.

Nancy Byrd asked if the Town knows who removed the dam.

Dan Coons replied no.

Dave Senecal stated the Town has received complaints regarding flooding and those people have been referred to the Town Manager.

Jeff Marchand recommended keeping the Wolfeboro PD and NH Fish & Game involved if someone is trespassing on the property.

Brian Gifford recommended posting No Trespassing signs on the property around the dam area.

Lenore Clark asked if NH Fish & Game provided any advice regarding follow-up.

Dan Coons replied no. He stated NH Fish & Game spoke with Dan Stepanauskas regarding the incident however, Mr. Stepanauskas only has a skidder.

Lenore Clark stated the marsh has not completely drained. She stated Mike Hodder expressed concern regarding the issue and wants to ensure there is follow-up.

Dan Coons recommended contacting the Town Manager and forward names to the Wolfeboro PD.

Art Slocum volunteered to speak to the Town Manager.

Lenore Clark stated she will inform Mike Hodder that the Commission is pursuing the matter. She recommended repairing the boardwalk while the water is down.

Dan Coons stated he met with Jim Bean and Student Conservation Association and he and Brian Gifford met with Aaron Stirt at the site. He stated some of the boards are broken which poses a safety hazard and recommended emergency repairs to the boardwalk until it is rebuilt.

Art Slocum questioned whether the boardwalk should be closed until the repairs are done and questioned the timeline for construction/repair of the boardwalk.

Dan Coons estimated 90-180 days.

Jeff Marchand asked if the boardwalk is being used.

Dan Coons stated he doesn't know. He volunteered his time to repair the broken boards and estimated the cost not to exceed \$1,000.

Jeff Marchand and Brian Gifford volunteered to assist Dan Coons.

It was moved by Warren Muir and seconded by Art Slocum to authorize the expenditure for materials/lumber necessary to make emergency repairs to the Ryefield Marsh boardwalk, cost not to exceed \$1,000. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Warren Muir – yes, Jeff Marchand – yes, Dave Senecal - yes, Dan Coons – yes, Nancy Byrd - yes. The motion passed (7-0).

The Commission agreed to pursue cost estimates for the rebuild of the Ryefield Marsh boardwalk.

e. Invasive Species Management

Dan Coons stated there are several properties that have issues with invasive species (Towns Garden, Front Bay Park). He noted he attended a workshop on invasive species control; noting the instructor, Jeff Taylor, is a strong proponent of using herbicides.

The Commission further discussed the treatment of invasive species and agreed to solicit bids for such at the Towns Garden and Front Bay properties.

Dan Coons stated he would request two separate estimates for each property and request management recommendations to be included in the estimates.

f. Goodwins Basin

Lenore Clark stated Sal Nicastro and another abutter has asked to plant shrubbery at their expense to hide the guardrail. She stated Brian Gifford and she have been in contact with Dave Ford; noting a 25' right-of-way from the center line exists.

Art Slocum stated the property is a view lot and the intent and Commission's charter is to maintain the view. He stated he objects to an obstruction to the view.

Brian Gifford stated if shrubs were to be planted they would have to be low growth shrubs (5-6').

Dan Coons stated in the past there have been abutters who have wanted to shield the view and others who have wanted the view open.

Jeff Marchand recommended tabling such due to conflicting stakeholders.

Lenore Clark asked if the plantings would be in the State's right-of-way.

Brian Gifford replied no. He stated the plantings would be on the Town's property approximately 6' behind the guardrail to the basin side.

Dan Coons stated he believes there is a 1:1 slope therefore, the plantings would have to be 10' to obstruct the guardrail.

Jeff Marchand asked if it would qualify as a gift to the Town.

Art Slocum stated maintenance would then become an issue. He agreed with Jeff Marchand to table any further discussion.

Dave Senecal agreed to table the discussion.

It was moved by Jeff Marchand and seconded by Art Slocum to table the discussion indefinitely of planting shrubbery to obstruct the guardrail at Goodwins Basin. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Warren Muir - yes, Jeff Marchand - yes, Dave Senecal - yes, Dan Coons - yes, Nancy Byrd - yes. The motion passed (7-0).

Lenore Clark stated Paul Desmarais believes there is beaver activity in the basin and is concerned the Rail Trail may get flooded. She questioned whether the Commission should set up a beaver deceiver.

Dan Coons stated there is a beaver lodge on the Goodwins Basin property.

Art Slocum stated it is not the first time there has been beaver activity in that area. He asked what is being asked of the Commission.

Dan Coons stated the water level would have to go up 4' in order to flood the trail.

Art Slocum stated he would contact Paul Desmarais to get more information.

g. Whiteface Mountain

Lenore Clark informed the Commission of a tree that has fallen across the trail near the summit; noting she spoke with LRCT regarding such. She stated it doesn't need immediate attention.

Dan Coons asked if the tree is dead.

Lenore Clark replied no. With regard to the conservation easement, she asked who originally drafted such.

Dan Coons replied the Conservation Commission; noting the easement language was reviewed by the Land Bank.

Lenore Clark stated the highlighted sections need to be completed; noting it is not ready for final review by the Commission's counsel.

The Commission tabled such.

h. Property Adoption

Dan Coons stated he walked the Bill Rae Conservation Area and noted the following; parking area flooded as a result of a dam built by beavers, trail needs to be marked, signage installed and trees need to be picked up. He recommended assigning property adopters for various Town properties managed by the Commission.

Art Slocum asked if Sargents Pond has an association.

Dan Coons stated the residents of Sargents Pond Road have created an association.

Warren Muir stated the Wentworth Watershed Association has adopted Sargents Pond because it falls within its watershed.

Dan Coons noted the Wentworth Watershed Association owns property on the pond. He stated he contacted the association regarding the beaver dam issue however, has not received a response.

Warren Muir recommended contacting Pat Tarpey regarding an AmeriCorps volunteer.

Nancy Byrd volunteered to contact Ms. Tarpey.

i. **Wolfeboro Waters (formerly Cyanobacteria Task Force)**

Warren Muir stated the BOS voted to change the task force to a standing committee. He stated appointments to the Committee were made at their last meeting.

III. **Other Business**

The Bridger Wildlife Habitat

Jeff Marchand offered a social distancing hike; noting the property is beautiful and there is a large active beaver dam at the southwest corner of the property.

Old Route 28

Dan Coons stated Aiden Haughey made a complaint to the Town that he has been having to continually repair the Class VI road due to the increased traffic by those accessing the Trask Mountain trails. He stated Aiden Haughey was not aware prior to obtaining the property of the agreement with the Town signed by his father to maintain the road. He stated he is in favor of providing a modest expenditure to Mr. Haughey to assist in the cost of the road maintenance such as purchasing a load of gravel. He stated Mr. Haughey has the equipment to spread the material.

It was moved by Dan Coons and seconded by Art Slocum to authorize the expenditure of no more than 400 yards of gravel to be spread on Old Route 28.

Discussion of the motion:

Warren Muir stated he supports the motion under the condition that it is understood the Town is not taking over the road.

Lenore Clark asked if this would be a one-time expenditure and questioned Mr. Haughey's expectation.

Dan Coons stated he didn't know.

Jeff Marchand asked that Dave Ford provide comment on the matter; expressing concern for the legality of such as action.

Matt Sullivan stated the Conservation Commission should avoid the Town directly expending money on the road because the Town is not maintaining the road. He questioned whether Wolfeboro Single Track would contribute.

Art Slocum asked Dan Coons to discuss the matter with Wolfeboro Single Track.

Dan Coons withdrew his motion. Art Slocum withdrew his second.

Matt Sullivan offered to seek a legal opinion on the matter.

IV. **Correspondence**

The Commission received the following correspondence; NHDES correspondence.

V. **Non-Public Session**

N/A

It was moved by Warren Muir and seconded by Brian Gifford to adjourn the May 11, 2020 Conservation Commission meeting. Roll call vote: Lenore Clark - yes, Art Slocum - yes, Warren Muir – yes, Jeff Marchand – yes, Dave Senecal - yes, Dan Coons – yes, Nancy Byrd - yes. The motion passed (7-0).

There being no further business before the Commission, the meeting adjourned at 6:14 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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