

**TOWN OF WOLFEBORO  
CONSERVATION COMMISSION  
March 9, 2020  
DRAFT MINUTES**

**Members Present:** Lenore Clark, Chairman, Dan Coons, Vice-Chairman, Art Slocum, Ed Roundy, Brian Gifford, Warren Muir, Members, Nancy Byrd, Sarah Silk, Alternates.

**Members Absent:** Dave Senecal, Selectmen's Representative, Jeff Marchand, Member.

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

*Chairman Clark opened the meeting at 6:36 PM at the Town Hall Annex conference room.  
Chairman Clark appointed Sarah Silk, Alternate, to sit in for Jeff Marchand, Member.*

**I. Discussion Items**

**a. Town of Wolfeboro Rapid Infiltration Basin (RIB) Permitting**

Dave Mercier, Underwood Engineering and Sean Sweeney, Headwaters Hydrology, present at meeting.

Sean Sweeney stated the Town will be submitting a NHDES application which will include compensatory wetland mitigation.

Dave Mercier reviewed the background relative to the RIB site. He stated Underwood Engineering became involved in 2014 when asked to review the site and determine if the site could be remediated. He stated five Rapid Infiltration Basins were constructed on top of a hill; noting the previous engineers only reviewed the soils at the top of the hill therefore, determining the site would be great for effluent treatment. He stated shortly after the RIB's came online significant "breakout" areas were identified. He stated that although the soils were great at the top of the hill, the soils 50-60' down the hill were not great; noting the runoff began traveling horizontally and breaking out on the sides of the hill which eroded materials and deposited silt. He stated the Town of Wolfeboro purchased 5+ acres adjacent to the property and have constructed and implemented several pilots that have been successful. He stated NHDES supports the pilot testing and the proposed solution which is to excavate the soils and replace such with highly permeable soils and install interceptor connectors. He noted that the Tuftonboro Conservation Commission has been concerned about the project from the beginning and hired Normandeau Associates to a health study of Nineteen Mile Brook. He stated the Commission recently hired Normandeau Associates do conduct the same study and compare the results with the base study. He stated Normandeau Associates found the health of the stream to be equal to, or in some areas, better than it was ten years ago. He stated there was an increase in phosphorus that was higher than other phosphorus testing throughout the years; noting the Town of Wolfeboro has 60-70 tests that indicate a much lower phosphorus level.

Art Slocum asked if the Town's phosphorus testing were below what is acceptable.

Dave Mercier replied yes, below text book standard however, downstream levels are of concern.

Dan Coons asked if it is determined that the increase in phosphorus is due to the RIB's would there be a modification to the proposed plan.

Dave Mercier stated not much more can be done to the RIB to decrease phosphorus.

Sarah Silk asked if there has been any investigation for mitigation relative to the increased levels of phosphorus.

Dave Mercier replied no. He stated the results were from the study conducted by Normandeau Associates at the request of the Tuftonboro Conservation Commission.

Nancy Byrd asked if there are any theories as to why there is a difference between the Town of Wolfeboro and Normandeau Associates test results.

Dave Mercier stated the testing analysis could be bad; noting that split samples may have to be done. He stated Underwood Engineers and Headwaters Hydrology met with NHDES, EPA and Army Corps of Engineers for a pre-application discussion; noting all were in agreement with the proposed approach.

Warren Muir questioned the alternatives.

Dave Mercier stated there are no real alternatives. He stated there is no other location with better soils.

Lenore Clark asked if mitigation is required.

Sean Sweeney, Headwaters Hydrology, replied yes for both NHDES and Army Corps of Engineers. He stated mitigation is required due to the proposed restoration of previous disturbed areas from groundwater breakouts and impacted areas and the permanent fill of wetland areas. He stated temporary impacts do not require mitigation. He noted that over 10,000 SF of impact requires mitigation; noting the mitigation could include wetland restoration or an in lieu fee payment to the Town. He stated the parcel consists of 35 acres, of which 15 acres could be placed in a conservation easement. He noted they have contacted the Land Bank however, the organization is not in the business of holding easement and Lakes Region Conservation Trust is not interested either because the property is landlocked and not contiguous to other land the Trust has interest in. He stated 108 sites have been identified as potential mitigation sites however, four sites have been identified as a priority. He noted the Wentworth Watershed Master Plan includes sites for potential mitigation projects. He stated options are being discussed with Dave Ford and NHDES. He noted there is no formula to determine water quality improvement projects.

Warren Muir confirmed the projects are within the watershed. He stated the Town has upcoming water quality projects scheduled. He questioned the timeline for the mitigation project.

Sean Sweeney replied construction is scheduled for 2021.

Warren Muir stated the Winter Harbor Watershed Management Plan is scheduled to be completed by June.

Dan Coons asked if they have considered subdividing the land, changing ownership and placing a conservation easement on the parcel.

Sean Sweeney replied no and stated the Town may not be interested in selling the property in case there are future issues. He stated third party ownership would be complicated if there are future problems. He noted the in lieu fee payment would be approximately \$90,000. He stated per the Administrative Order that has been issued to the Town by NHDES, the permit needs to be filed by the fall.

Art Slocum asked when the phosphorus testing issue would be resolved.

Dave Mercier stated he does not know because the Town of Wolfeboro is not directly involved with such.

Sean Sweeney asked if the Commission would support water quality improvements as a mitigation vehicle.

Lenore Clark and Warren Muir replied yes.

Sarah Silk replied yes and noted the State has always worked with the Town to resolve issues. She stated the State has allowed the Town to use the RIB with some success however, the problem needs to be solved.

Warren Muir stated Rust Pond, Winter Harbor and Lake Wentworth are in need of mitigation because the water quality is degrading; noting such needs to be addressed.

Sean Sweeney stated that if water quality improvements do not meet the qualifications for mitigation, he has reviewed three Town owned properties including the Bill Rae Conservation Area.

Referencing the Bill Rae Conservation Area, Dan Coons stated the Town acquired the easement as part of a compensatory mitigation project and now has the fee and easement on the property.

Art Slocum questioned the acreage of the Bill Rae Conservation Area.

Dan Coons replied 60-70 acres.

Sean Sweeney stated the Wentworth Watershed Association owns the Heath Brook property and the Town owns the easement; noting that such would be reversed for the Bill Rae Conservation Area. He stated Ryefield Marsh has been reviewed however, the parcel is surrounded by private properties and the mitigation project would include land purchases, legal fees, etc. Referencing Upper Beach Pond, he stated a 150' shoreline conservation easement could be placed on the property that would include the prohibition of timber harvesting.

Sarah Silk asked if Dave Ford has reviewed projects within the watershed.

Dave Mercier replied no.

Lenore Clark state the Commission would be more in favor of water quality improvement projects to be used for the mitigation project.

Sean Sweeney stated the values and functions of the wetlands would be determined as part of the mitigation project.

Dan Coons stated that if stormwater management improvement projects are not supported by NHDES then he would support mitigation of a Town owned property.

**b. Saving Special Places**

Saving Special Places is scheduled for April 4<sup>th</sup>. Staff requested the Commission to submit their workshop choices; noting she would register those interested in attending the conference.

**c. NHACC Annual Conference Sponsorship**

The Commission discussed such; general consensus to decline sponsoring the annual conference.

**d. Calico Graphics Invoice**

Staff stated the invoice is related to protective reflective vests and long sleeve shirts for each member of the Commission; noting she would distribute such following the meeting.

***It was moved by Warren Muir and seconded by Sarah Silk to authorize payment to Calico Graphics in the amount of \$365.00. All members voted in favor. The motion passed.***

**e. Sewall Woods Easement Acquisition**

Lenore Clark stated Art Slocum, Dan Coons, Jeff Marchand and she discussed such at the March 6, 2020 meeting; noting the members wanted to know the status of the fundraising efforts related to the acquisition. She stated the members present at that meeting agreed to donate up to \$5,000 to meet the fundraising goal. She stated the members did not discuss the Cross Country Ski Association's request to be the executory interest holder.

Dan Coons stated the easement holder's role is to ensure the landowner complies with the terms of the agreement specified in the conservation easement. He stated the executory interest holder has the obligation to uphold the agreement.

Art Slocum noted the Land Bank pledged a \$20,000 dollar for dollar match. He asked if Lakes Region Conservation Trust made the decision for the Town to be the executory interest holder.

Lenore Clark stated she would contact Jim Nupp and inquire about such.

Warren Muir recommended including a clause/language in the easement that includes compensation of legal fees.

**f. 2020 Projects and Funding Requests**

Staff stated the project funding information sheet has been updated to reflect the recent donation to Lakes Region Conservation Trust for the Pleasant Mountain property acquisition. She stated she would be receiving monthly updates to the account balance of the land conservation fund; noting John Burt, Treasurer, would provide such. She stated the balance of the account as of 1/31/20 is \$121,665.75.

**g. Wolfeboro Waters (formerly named Cyanobacteria Task Force)**

Warren Muir stated the BOS have made the Wolfeboro Waters Committee a standing committee comprised of 8 members appointed by the BOS. He noted the Assessment subcommittee completed review of the 2019 data of status and trends of the lakes; noting such was accepted by the task force and presented to the BOS on 3/4/20. He noted the report is available at the Town Hall. He stated there was a bloom in Mirror Lake this past summer and was subject to a NHDES advisory. He stated there was also a small bloom in Winter Harbor in June 2019 however, such didn't warrant a NHDES advisory due to the limited size and duration of the bloom. He stated there is a need to better understand sediment issues.

**II. Consideration of Minutes**

**February 10, 2020**

**Corrections:** Page 2, 5<sup>th</sup> paragraph, 1<sup>st</sup> sentence; strike "nonprofit" & replace with "not for profit" and insert "(Eastern Lakes Region Housing Coalition)" following "developer"  
Page 2, 11<sup>th</sup> paragraph, 2<sup>nd</sup> line; change "in tact" to "intact"  
Page 7, Pleasant Mountain, 4<sup>th</sup> line; strike ";noting there are" & place a period after "costs"

**It was moved by Dan Coons and seconded by Sarah Silk to approve the February 10, 2020 Wolfeboro Conservation Commission minutes as amended. Lenore Clark, Sarah Silk, Dan Coons, Warren Muir, Brian Gifford, Nancy Byrd, Art Slocum, voted in favor. Ed Roundy abstained. The motion passed.**

**III. Other Business**

**Goodwins Basin Tree Removal**

Lenore Clark stated Aaron Stirt would be removing the remaining wood that came from the trees previously cut on the Goodwins Basin property tomorrow morning. She stated she received a call from Sal Nicastro requesting the wood be removed from the property because of carpenter ants that were found coming out of the tree stump.

**Drew Lot**

Dan Coons stated said 25-acre lot is located off of Browns Ridge Road; noting he would be walking the property with the Commission's forester, Dan Stepanauskas on Thursday, March 12<sup>th</sup> at 8 am.

**Recording Secretary Position**

Staff informed the Commission that the position of recording secretary for the Commission has been posted.

**Posting of Minutes**

The Commission questioned the procedure relative to posting of draft v. approved minutes.

Staff reviewed the statute and Town's policy and procedure relative to such.

Following further discussion, the Commission agreed and requested the following from Staff;

- Record the draft minutes with the Town Clerk's office per statutory requirements
- Include in the header "Draft" Minutes until the minutes are approved by the Commission and post draft minutes on the website
- Once approved, revise the header to "Approved" Minutes, make the changes to those minutes and post such on the website (replacing the draft minutes)

**IV. Correspondence**

The Commission received the following correspondence; NHDES correspondence and Saving Special Places Conference workshop schedule.

**V. Non-Public Session**

N/A

**It was moved by Dan Coons and seconded by Art Slocum to adjourn the March 9, 2020 Conservation Commission meeting. All members voted in favor. The motion passed.**

*There being no further business before the Commission, the meeting adjourned at 8:39 PM.*

Respectfully Submitted,

Lee Ann Hendrickson

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