

**TOWN OF WOLFEBORO  
CONSERVATION COMMISSION  
January 28, 2020  
MINUTES**

**Members Present:** Lenore Clark, Chairman, Dan Coons, Vice-Chairman, Dave Senecal, Selectmen's Representative, Jeff Marchand (arrived at 6:41 pm), Art Slocum, Ed Roundy, Brian Gifford, Warren Muir, Members, Sarah Silk, Alternate.

**Member Absent:** Nancy Byrd, Alternate.

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

*Chairman Clark opened the meeting at 6:36 PM at the Great Hall.*

*Chairman Clark appointed Sarah Silk, Alternate, to sit in for Jeff Marchand.*

**I. Discussion Items**

**a. Goodwins Basin Tree Removal**

Lenore Clark stated she received phone calls from an abutting property owner expressing concern for a tree located on the Town's property that is dying and leaning over toward their newly renovated cabin. She stated the tree was removed and requested payment for such in the amount of \$375 to Aaron Stirt. She stated the property owner has given permission to access the Town's property to remove the wood via their property.

***It was moved by Dan Coons and seconded by Art Slocum to authorize the payment of \$375 for tree removal at Goodwins Basin to Aaron Stirt. All members voted in favor. The motion passed.***

**b. Sewall Woods Easement Acquisition**

Jim Nupp, Cross Country Ski Association, asked the Commission to hold executory interest in the easement should the Cross Country Ski Association cease to exist. He stated the easement protects the only improved entrance to Sewall Woods therefore, the intent is to permanently protect such. He stated the easement has been assessed at \$60,000; the warming hut for \$36,000 and the parking area for \$24,000. He stated Cal and Verna Flagg have signed a promissory note to allow funds to be raised by October 2020 for the acquisition. He stated the Cross Country Ski Association will begin their fundraising campaign and noted the Land Bank has agreed to match the Association up to \$20,000 for every dollar raised in the fundraising effort. He requested a donation from the Commission and/or a list of potential donors.

*\*\*Jeff Marchand arrived at 6:41 pm.*

Warren Muir asked who pays for the insurance on the warming hut.

Jim Nupp replied the Cross Country Ski Association.

Dan Coons asked if the Commission would be the only executory interest holder.

Jim Nupp stated he has been in contact with Lakes Region Conservation Trust; noting such would be discussed at their Lands Committee meeting on 1/14/20. He stated he is unsure of their decision as to whether they would share executory interest with the Commission.

Warren Muir confirmed the Cross Country Ski Association is a 501C3 organization.

Jim Nupp stated the easement states the responsibility for maintenance of the parking area and warming hut would be the Cross Country Ski Association as long as the organization exists.

Dan Coons noted the Commission is the primary easement holder on the Monroe property however, the other three properties do not have a conservation easement placed on them.

Lenore Clark confirmed that the easement would be a right-of-way easement and not a conservation easement.

Brian Gifford stated now is an opportune time to address the other three properties that comprise Sewall Woods and have conservation easements placed on them.

Lenore Clark questioned legal fees associated with becoming an executory interest holder.

Dan Coons recommended the Commission's counsel review the easement

*\*\*Brian Gifford left the meeting at 6:50 pm.*

*Chairman Clark appointed Sarah Silk, Alternate, to sit in for Brian Gifford.*

**c. Wolfeboro Single Track Alliance**

Andrew Ingram reviewed the role of the Wolfeboro Single Track Alliance and discussed linking assets of the Town of Wolfeboro (rail trail, conservation lands, Downtown, etc.) to help economic development. He noted Fernald Station/Willey Brook is now being used year round. He recommended a Master Plan for trail construction for the Town of Wolfeboro and requested funds toward the cost of such. He stated the cost to produce a Trail Master Plan is \$20,000; noting a grant in the amount of \$10,000 has been received. He distributed an example study/Master Plan and recommended reviewing the Bentonville, AK project. He requested partnership with the Town on such; noting he wants to support the Commission and help raise funds to build more trails.

Warren Muir asked if the organization is a 501C3.

Andrew Ingram replied yes and noted there is also a Board of Directors.

Art Slocum asked what steps the organization would take to let people know what they are going to do.

Andrew Ingram stated a plan and map would be prepared.

Art Slocum questioned the number of people associated with the Wolfeboro Single Track Alliance that would help maintain the trails.

Andrew Ingram stated only he and Steve Flagg are able to run a chainsaw; noting they have been maintaining Sewall Woods. He stated Dan Coons is a member of the Board representing the Conservation Commission and Attorney Brad Helfer is also on the Board.

Warren Muir asked if they focus exclusively on off road trails.

Andrew Ingram replied no. He stated that if the trails are to be linked then there will be a need to improve ways for people to get to those trails. He stated ADA trails would also be incorporated in order to embrace all outdoor users.

Lenore Clark asked if a presentation has been made to the BOS.

Andrew Ingram replied no.

Jeff Marchand stated that people enjoy what the Town has to offer now for trails because of the scale; noting that anything can get too big with impact to a greater number of people and taxpayers. He stated there needs to be a balance.

Lenore Clark stated the Commission needs to be mindful of unintended consequences.

Andrew Ingram stated there is community support for projects.

Dan Coons stated that when people walk on the trails during the winter it makes riding difficult; noting skiing or snow shoeing is appropriate. He recommended signage to discourage walking on the trails when the trails are groomed.

Andrew Ingram recommended building an awareness to stay off the trails unless snow shoes are being used. He stated such can be posted on their website and recommended a kiosk at the trailhead.

Jeff Marchand recommended an etiquette based sign and not a "no walking" sign.

**d. LRCT's Pleasant Mountain Project**

Anna Boudreau, Lakes Region Conservation Trust (LRCT), reviewed the project; noting the property consists of 130 acres and was appraised at \$276,000. She stated a purchase price of \$240,000 was negotiated; noting the Land Bank approved a contribution of \$25,000 and \$75,000 was received from LCHIP. She stated that because a sliver of the land is located in Wolfeboro that the Town can contribute towards transaction costs; noting there are \$43,000 in such (appraisal, survey, stewardship, legal, etc.). She stated the entire property is being acquired (fee simple) and noted that LRCT is not allowed to sell any of their property or they would lose their 501C3 status. She stated six acres of the property is located in the Beach River watershed; noting such feeds Beach Pond. She requested the Commission contribute to the transaction costs because the purchase of the property is protecting Wolfeboro's watershed and water supply.

Dan Coons questioned access to the property.

Anna Boudreau stated access has to be created.

Art Slocum stated access is via a Class VI road.

Anna Boudreau stated the access needs to be upgraded and an existing trail has to be relocated.

Jeff Marchand questioned the use of motorized vehicles.

Anna Boudreau stated she missed the meeting that such was discussed.

Warren Muir stated the access and any action on the property is far away from the watershed. He questioned future plans for the property.

Anna Boudreau stated she did not know what the future plans of the property are.

Sarah Silk confirmed the total acreage in the Town of Wolfeboro is 3.9 acres with a total of 6.5 acres located in the watershed. She asked why the Town of Wolfeboro couldn't purchase an easement on said total acreage.

Anna Boudreau stated the Town of Wolfeboro didn't pass a warrant article allowing them to do such (a warrant article that allows for Wolfeboro to pay toward acquisition costs for property outside of the Town).

Jeff Marchand asked if the money would be held in escrow in case the purchase did not go through.

Anna Boudreau replied yes. She noted the closing date is March 2020.

Dan Coons stated the Commission could make a pledge.

**e. Whiteface Mountain; Natural Heritage Bureau**

Anna Boudreau, Lakes Region Conservation Trust, stated they need landowner permission to run a Natural Heritage Bureau report and requested such.

**It was moved by Dan Coons and seconded by Art Slocum to authorize Lakes Region Conservation Trust to perform a Natural Heritage Bureau review. All members voted in favor. The motion passed.**

Dan Coons volunteered to run the report.

**f. Albee Beach Petition Warrant Article**

Referencing the Citizen's Petition for Albee Beach, Suzanne Ryan stated the purpose of such is to protect and prevent further degradation of the parking area from overuse. She stated a warrant article in 1988 to purchase the beach passed 446 to 122. During discussions relative to that warrant article it was made clear that people wanted the beach as a Town, family, taxpayer beach. She stated in 1989 Peter Brewitt developed guidelines for regulations to protect the beach and implemented a fee schedule. She stated in 2011/2012 there was a warrant article that passed to construct a bath house. She stated parking is free and grills are available for use at the facility. She stated the BOS implemented a policy prohibiting bus loads of people. She stated during the summer months the beach is crowded with visitors, parking is congested and the septic is stressed. She stated use by the general public should be studied including restricting use of the beach to taxpayers. She noted that the Master Plan addresses such in both the Facilities Chapter and the Natural Resources Chapter. She stated the Town should ensure the property is not overused and

therefore, she felt the decision should be put to the voters. She stated she wanted the Commission to be aware of the petition warrant article; noting the article is inclusive to the rail trail users, campers and hotels/motels. She noted the importance of stewardship of the property.

Warren Muir asked when the fees were removed.

Jeff Marchand asked if the fees were ever implemented.

Suzanne Ryan stated such were included in the Town's regulations however, there was no need to police the property. She stated the fee structure was voted on at Town Meeting.

Art Slocum asked if the fee schedule was ever enforced.

Dave Senecal replied no.

Suzanne Ryan stated there was a Town Ordinance that was repealed.

Sarah Silk stated soon there will be no place to go and reviewed the history of the beach including traffic.

Art Slocum asked if the bus issues could be quantified.

Dave Senecal stated Albee Beach is primarily affected by such.

Sarah Silk clarified that the busses are school busses and not camp busses.

Suzanne Ryan stated schools from other towns in addition to schools from Vermont and Maine utilize the beach.

Art Slocum asked who in the Town is responsible for policing such.

Dave Senecal replied no one. He stated if the warrant article passes, the Town will have to address budgeting issues related to such.

Art Slocum stated there is more use to the parking lot than the beach.

Suzanne Ryan stated it will be in the hands of the BOS if the article passes and noted other towns have procedures to address the issue. She stated residents can't access the beach especially on weekends.

**g. Eastern Lakes Region Housing Coalition Conservation Easement Amendment**

Lenore Clark noted Kathy Barnard requested to reschedule her attendance this evening to the Commission's meeting in February (2/10/20).

Jeff Marchand questioned why the Commission is reviewing the matter without an opinion letter from the Attorney General.

Sarah Silk stated Eastern Lakes Region Housing Coalition (ELRHC) is being short sighted if they don't look at access to the abutting property especially if the conservation easement is going to be

breached again. She stated she doesn't think the Commission has ever altered an easement and doesn't feel that because the builder recommends garages with the units is a good enough reason to change the easement.

Staff informed the Commission that she has spoken with Kathy Barnard and was informed that the plan was incomplete and would be revised for the presentation on 2/10/20 (hence the cancellation to attend this evening's meeting). She stated a representative from the engineering firm would be present to review the plan; noting it was at the request of the Commission that Ms. Barnard return to present such. She stated Ms. Barnard was provided the minutes of the December 2019 meeting which outlined the requests of the Commission for the following meeting; noting Ms. Barnard will be addressing those requests at the next meeting. She stated the Commission tasked Ms. Barnard with contacting the Attorney General's office and submitting an existing conditions and proposed conditions plan to the Commission. She stated Ms. Barnard will speak to those requests at the next meeting. She also stated that the Commission is being asked if they would support the change to the easement so that the opinion could be forwarded to the Planning Board. She noted the Commission could forward recommendations or conditions (such as Attorney General approval) to the Planning Board as they do so for Special Use Permit applications. She stated the Planning Board could then incorporate the Commission's recommendations into their approval.

Art Slocum asked if ELRHC has contacted the Attorney General's office.

Staff stated she didn't know however, it was requested that Ms. Barnard do so and expects that she will address such at the meeting.

Jeff Marchand stated he concurs with Ms. Silk and is against an amendment to the conservation easement and expressed concern for the precedent that would be set relative to such.

Art Slocum stated that if an easement is challenged the Town has to pay to defend such. He stated there is an existing easement and the Commission has a responsibility to protect that easement. He noted the Commission has executory interest. He requested an opinion from the Attorney General's office.

Warren Muir stated he is ok with the request because so much more is gained for the trade-off.

Dan Coons stated that if ELRHC is looking at a trade for a benefit to the current easement holder then he would not object to the request however, ELRHC is asking for a reduction of the conservation easement to gain financial benefit to get more money. He stated there is no indication that ELRHC is willing to discuss the abutting property. He stated ELRHC is required to get approval from the Attorney General's office for the amendment to the easement.

Lenore Clark stated she worries about the precedent being set however, if there may be a future easement on the abutting parcel then she is open to the request. She stated workforce housing is needed and supports such.

Jeff Marchand stated a lot of people place conservation easements on property because they do not want to change the easement. He stated carving out from an easement is not something typically done.

Lenore Clark asked the Commission if Staff could relay the discussion to Ms. Barnard.

The Commission agreed to such.

**h. Review Conservation Land Fund Balance & Previous Project Commitments**

The Commission table such to February 10, 2020.

**II. Consideration of Minutes**

N/A

**III. Other Business**

**List of Conservation Easements & Properties**

Dan Coons stated he updated the list and would distribute it to the Commission.

**Deliberative Session**

Deliberative Session is scheduled for February 4, 2020, 7 PM at the Great Hall.

**Society for the Protection of NH Forests; Annual Membership**

**It was moved by Art Slocum and seconded by Sarah Silk to authorize the payment of \$55 to renew the Conservation Commission's annual membership fees to the Society for the Protection of NH Forests. All members voted in favor. The motion passed.**

**IV. Correspondence**

The Commission received the following correspondence; NHDES correspondence.

**V. Non-Public Session**

N/A

**It was moved by Dan Coons and seconded by Jeff Marchand to adjourn the January 28, 2020 Conservation Commission meeting. All members voted in favor. The motion passed.**

*There being no further business before the Commission, the meeting adjourned at 8:46 PM.*

Respectfully Submitted,

*Lee Ann Hendrickson*

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