

**TOWN OF WOLFEBORO
CONSERVATION COMMISSION
December 9, 2019
MINUTES**

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

Members Absent: Dave Senecal, Selectmen's Representative, Jeff Marchand, Art Slocum, Members.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

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

Chairman Clark appointed Nancy Byrd, Alternate, to sit in for Art Slocum, Member, and appointed Sarah Silk, Alternate, to sit in for Jeff Marchand.

I. Discussion Items

a. Eastern Lakes Region Housing Coalition Conservation Easement Amendment

Kathy Barnard and Bonnie Medico, Eastern Lakes Region Housing Coalition, were present.

Kathy Barnard stated Eastern Lakes Region Housing Coalition are the developers of Harriman Hill and noted both Phase I and Phase II of Harriman Hill has been built and is fully occupied. She stated Phase III consists of 20 homeowner dwellings and noted Site Plan Review approval from the Planning Board is required for such. She stated a conceptual plan for Phase III was designed in 2009 however, the layout needed modification; noting a market study was conducted and the study recommended incorporating garages. She stated the 2009 plan/layout did not include garage units and noted such drove the new layout which now intrudes into the existing conservation easement. She stated there is 25.75 acres of open space in the conservation easement area; noting the easement was granted to the Conservation Commission. She stated the new layout required a larger footprint therefore, ELRHC is proposing the reduction of 1.1 acres of open space to accommodate such. She noted ELRHC purchased the abutting property which consists of 35 acres which may be developed as a cluster development in approximately six years; noting half of that property would be kept as open space. She stated the ELRHC is requesting favorable action from the Commission relative to the reduction of the open space and intrusion into the conservation easement area. She noted that once Planning Board approval is received a revised conservation easement deed would be submitted.

Dan Coons asked if the abutting property that was purchased would be accessed from the existing property access. He asked if there would be further impact to the conservation easement area for that access; noting that impact may want to be considered now. He stated the conservation easement is permanent in perpetuity and will need approval from the Attorney General to amend the easement.

Kathy Barnard stated the ELRHC is not in a position at this time to think about the future development of the abutting property.

Dan Coons stated consideration may want to be given now prior to requesting a second amendment at the time the property is further developed.

Kathy Barnard stated ELRHC will go to the Attorney General if needed.

Lenore Clark requested the Commission discuss the matter further prior to making a decision.

Sarah Silk stated the State may want to know if there is another option to avoid impact to the conservation area.

Lenore Clark asked if the proposed development is within the wetlands buffer.

Kathy Barnard replied no.

Dan Coons noted the easement was donated to the Town of Wolfeboro and the Commission is appreciative of such. He stated the development was approved in 2019 as a conservation subdivision; noting a requirement of such includes that a minimum of 50% of the property is to be permanently designated as open space. He asked if the new proposed layout still meets that requirement.

Kathy Barnard replied yes.

Brian Gifford questioned the location of the 1.1 acres.

Kathy Barnard showed the location of such on the plan.

Lenore Clark questioned whether a survey should be done.

Kathy Barnard stated an engineering drawing was previously submitted.

Lenore Clark questioned the next steps for the ELRHC.

Kathy Barnard stated they will be attending the BOS meeting on 12/18/19 to discuss the matter and presenting a site plan to the Planning Board in January 2020.

Warren Muir stated the proposal includes the reduction of 1 acre of open space that isn't anywhere near a sensitive area or abutter.

Lenore Clark, speaking as a resident of Wolfeboro, stated she is in favor of workforce housing.

Sarah Silk stated it seems ELRHC is rushing to do a development with no coordination to develop the other lot.

Dan Coons stated he doesn't feel the State will approve the conservation easement amendment if there is a diminution to the easement. He stated he emailed the link to the Department of Justice.

Sarah Silk stated the easement is in perpetuity and cannot be easily changed. She stated it seems the driving force for the amendment is the development of the property; noting the development should occur within the originally proposed area.

The Commission requested the following;

- copy of the existing conditions plan and proposed site plan for the property
- review alternative location for the proposed development
- recommended contacting the Attorney General's office regarding the proposed amendment to the easement

b. Conservation Protection of Wolfeboro Tax Map #127-6 & Tuftonboro Tax Map #64-2-1

Steve Wingate stated the buyer of Wolfeboro Tax Map #127-6 and Tuftonboro Tax Map #64-2-1 (currently owned by Mary Hersey) is interested in selling a conservation easement on the properties. He reviewed the plan provided in the Geosyntec study and noted the Town of Wolfeboro has financial interest to protect the water quality of Mirror Lake. He stated the Tuftonboro parcel consists of 110 acres which includes a cottage on the property; noting the buyers are interested in building a house away from the waterfront however, the location of such on the property has not yet been determined. He stated there has been discussion that the future location of the house would be accessed from the portion of Lang Pond Road that isn't open during the winter.

Sarah Silk stated the property in Wolfeboro is landlocked (per the assessment card) and includes 36.9 acres. She asked if Lang Pond Road is considered a Class VI road.

Steve Wingate replied yes. He stated NRCS currently owns an easement on another Hersey property on Mirror Lake; noting NRCS would cover a lot of the costs associated with a conservation easement (appraisal, survey, boundary maintenance). He stated that if NRCS is not an option then other grant opportunities would be pursued (such as LCHIP and ARM Fund); noting he would propose that Rick Van de Poll be hired to submit the grants. He stated Mr. Van de Poll has estimated \$12,500 to prepare and submit three grants. He noted that LCHIP and ARM Fund grants often reimburse preparation and submittal costs. He stated Tuftonboro would have to put forth a warrant article for such because the cost is in excess of \$10,000.

Warren Muir asked what the Town of Tuftonboro is looking for from the Town of Wolfeboro.

Steve Wingate stated that if it comes down to the Town of Tuftonboro coming up with the funds, it will have to be voted on at Town Meeting. He stated Lakes Region Conservation Trust has dedicated \$5,000 to the project. He stated the Tuftonboro Conservation Commission is asking for \$12,500. He recommended both Wolfeboro and Tuftonboro apply for the grants as a partnership if the NRCS falls through.

Sarah Silk confirmed the \$12,500 does not include the cost to purchase the easement. She stated approximately 1/3 of the two properties is located in Wolfeboro therefore, asked whether Tuftonboro is asking Wolfeboro to contribute 1/3 of the cost of \$12,500.

Steve Wingate replied no. He stated Tuftonboro would be asking Wolfeboro to contribute one quarter of \$12,500 (\$3,125); noting the funds received from the grants would be used to purchase the conservation easement. He requested attendance at the Commission's February meeting; noting he would have a response from NRCS as to whether they are on board with the project. He stated the Mirror Lake Protective Association paid Rick Van de Poll to conduct the surveys; noting such cost \$3,500.

c. Review Conservation Land Fund Balance & Previous Project Commitments

Staff stated the Commission requested the following information at their November meeting;

- Balance of Land Conservation Fund
- Starting & ending balance for 2018 and 2019
- Review previous financial commitments (to rescind any motions that no longer are viable)

Staff stated the current balance of the Land Conservation Fund, as of October 30, 2019 is \$118,741.42. She stated the balance of the fund on January 1, 2018 was \$236,099.43 and the balance of the fund on January 1, 2019 was \$223,353.32. She noted the current rate of interest is 2.24% (yielding approximately \$250/month). She reviewed the projects and funds expended for those projects in 2017, 2018 and 2019 and reviewed the funds that were expended for acquisitions. She also reviewed deposits to the fund from forestry revenue and Land Use Change Tax. She noted the following current asks from other organizations; LRCT – Pleasant Mountain, Sewall Woods and Hersey property conservation easement (\$3,125). She reviewed the following upcoming projects; Willey Brook parking area (\$6,175) and trail construction, Front Bay Park invasive species management, Towns Garden invasive species management and Ellie’s Woodland Walk boardwalk. She noted the costs for the projects, except for the Willey Brook parking area, are unknown at this time. She noted three projects the Commission previously voted to pursue that are no longer viable projects and requested the Commission rescind the following votes; to contract Bella Terra Design to construct one mile of trail on the west side of Willey Brook, to contract Bella Terra Design to construct a bridge across Willey Brook and to not pursue the acquisition of Tax Map # 176-21-1 (Cove Enterprises).

It was moved by Nancy Byrd and seconded by Brian Gifford to rescind the vote taken on 9/15/18 to contract Bella Terra Design to construct one mile of trail on the west side of Willey Brook. All members voted in favor. The motion passed.

It was moved by Sarah Silk and seconded by Dan Coons to rescind the vote taken on 9/15/18 to contract Bella Terra Design to construct a bridge at the Willey Brook property. All members voted in favor. The motion passed.

It was moved by Nancy Byrd and seconded by Dan Coons to rescind pursuing the acquisition of Tax Map #76-21-1 as noted in the 10/13/18 Conservation Commission minutes . All members voted in favor. The motion passed.

d. Sewall Woods Easement Acquisition

Dan Coons stated the recommendation of contributing \$10,000 seems excessive for services that primarily provides for the Nordic Skier and Cross Country Ski Association.

Warren Muir confirmed the current owners are concerned for what the subsequent owners of the property will do and that the current owners want to ensure the current arrangement continues (access via the property to the Sewall Woods trails).

Lenore Clark asked if changing the language to the deed is a viable option.

The Commission agreed to table further discussion to the January 13, 2020 meeting.

e. LRCT’s Pleasant Mountain Project

The Commission tabled such to the January 13, 2020 meeting.

f. Wolfeboro Single Track Alliance

Staff noted Andrew Ingram, Wolfeboro Single Track Alliance, would be attending the January meeting of the Commission.

Dan Coons stated he gave the Wolfeboro Single Track Alliance authorization to construct the bridge at the Trask Mountain property; noting such was constructed the morning of the site visit. He stated the Student Conservation Association did not complete the work and it was a hazard not having the bridge.

Warren Muir confirmed there is no outstanding financial obligation to Wolfeboro Single Track Alliance.

g. Whiteface Mountain Warrant Article

Lenore Clark the warrant article has been submitted and Matt Sullivan would be presenting such to the BOS on 12/18/20. She stated she requested Dave Ford review the easement.

h. Front Bay LCHIP Report

Brian Gifford stated he would submit such.

i. NHDES Wetlands Bureau Regulations Rewrite

Staff informed the Commission that NHDES is holding a workshop on 12/10/19 to review the revised Wetlands Bureau Regulations.

j. Cyanobacteria Task Force

Warren Muir reviewed the Winter Harbor Water Quality at Carry Beach report.

II. Consideration of Minutes

November 18, 2019 Minutes

Corrections: Page 2, 1st paragraph, 3rd line; change “bequest” to “request”
Page 2, 2nd paragraph; change “He” to “She”
Page 2, 3rd paragraph; change “if” to “is”
Page 5, 2nd paragraph, 7th line; strike “Commission” & replace with “Cyanobacteria Task Force”
Page 5, 2nd paragraph, last sentence; strike “be” and change “required by permit process.” to “require a permit.”

It was moved by Sarah Silk and seconded by Dan Coons to approve the November 18, 2019 Wolfeboro Conservation Commission minutes as amended. Lenore Clark, Brian Gifford, Nancy Byrd, Warren Muir, Ed Roundy voted in favor. Sarah Silk, Dan Coons abstained. The motion passed.

Dredge & Fill Minutes

November 18, 2019

It was moved by Warren Muir and seconded by Sarah Silk to approve the November 18, 2019 Wolfeboro Conservation Commission Dredge & Fill minutes as submitted. Lenore Clark, Brian Gifford, Nancy Byrd, Warren Muir, Ed Roundy, Dan Coons voted in favor. Sarah Silk abstained. The motion passed.

Nonpublic Minutes

June 11, 2018

July 9, 2018

July 23, 2018

September 10, 2018

October 8, 2018

November 12, 2018

It was moved by Sarah Silk and seconded by Nancy Byrd to unseal the following Conservation Commission nonpublic minutes; June 11, 2018, July 9, 2018, July 23, 2018, September 10, 2018, October 8, 2018 and November 12, 2018. Roll call vote: Lenore Clark – yes, Brian Gifford – yes, Nancy Byrd – yes, Warren Muir – yes, Ed Roundy – yes, Dan Coons – yes, Sarah Silk – yes. The motion passed.

June 11, 2018 Nonpublic Minutes

July 9, 2018 Nonpublic Minutes

November 12, 2018 Nonpublic Minutes

It was moved by Sarah Silk and seconded by Brian Gifford to approve the following Conservation Commission nonpublic minutes as submitted; June 11, 2018, July 9, 2018, November 12, 2018. All members voted in favor. The motion passed.

July 23, 2018 Nonpublic Minutes

It was moved by Sarah Silk and seconded by Brian Gifford to approve the Conservation Commission July 23, 2018 nonpublic minutes as submitted. Dan Coons, Brian Gifford, Nancy Byrd, Sarah Silk, Ed Roundy voted in favor. Warren Muir, Lenore Clark abstained. The motion passed.

September 10, 2018 Nonpublic Minutes

It was moved by Sarah Silk and seconded by Brian Gifford to approve the Conservation Commission September 10, 2018 nonpublic minutes as submitted. Warren Muir, Dan Coons, Brian Gifford, Nancy Byrd, Sarah Silk, Ed Roundy voted in favor. Lenore Clark abstained. The motion passed.

October 8, 2018 Nonpublic Minutes

Correction: Page 1, motion to seal minutes; change “It was moved by Brian Gifford” to “It was moved by Warren Muir”

It was moved by Sarah Silk and seconded by Brian Gifford to approve the Conservation Commission October 8, 2018 nonpublic minutes as amended. Dan Coons, Warren Muir, Nancy Byrd, Sarah Silk, Ed Roundy voted in favor. Brian Gifford, Lenore Clark abstained. The motion passed.

III. Other Business

Invasive Species Workshop

Dan Coons noted NANRS is hosting an invasive species workshop in 2020.

List of Conservation Easements

Warren Muir asked that a list of conservation easements be distributed to the Commission.

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

IV. Correspondence

The Commission received the following correspondence; NHDES correspondence.

V. Non-Public Session

N/A

It was moved by Nancy Byrd and seconded by Sarah Silk to adjourn the December 9, 2019 Conservation Commission meeting. All members voted in favor. The motion passed.

There being no further business before the Commission, the meeting adjourned at 9:26 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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