

**TOWN OF OSSIPEE
CONSERVATION COMMISSION
MEETING MINUTES
January 18, 2023**

Minutes have been recorded for the convenience of summarization by Laura Nash, Planning Board Secretary and are deleted once minutes are approved; any amendments to the minutes are noted in ***bold & italic*** type.

Call to Order: Marie McConarty called the meeting to order at 7:05 PM.

Roll Call: Marie McConarty- Chair, Ralph Buchanan – Vice Chair, Krystal Eldridge was absent

Guest: Veronica Bodge of Moose Mountains Regional Greenways

Members: Angela Eldridge resignation letter received 11/23/2022 effective immediately.

Meeting Minutes: Review to approve meeting minutes of September 22, 2022 and October 12, 2022

Ralph Buchanan signed the June 8, 2022 minutes that were previously approved.

A **Motion** by Buchanan to approve the meeting minutes of September 22, 2022, and October 12, 2022. Marie McConarty seconded. A unanimous vote was taken. **Motion passed.**

Financials:

- Conservation 2023 Budget Report – McConarty reported that Matt Sawyer presented the budget to the Budget Committee. McConarty commented that they are level funding the budget.
- Conservation 2022 Expenditure Report was reviewed noting they had \$20,508.46 remaining in last year's budget.
- Moose Mountain Regional Greenway membership donation request of \$100.00

Buchanan reported that he, Elizabeth Gillette and Veronica Bodge of Moose Mountains Regional Greenways walked the property recently surveyed. They flagged more of the trees because Buchanan preferred to have more posted. McConarty asked if the taller saplings that were left half cut from the logging operation had been cut lower to the ground. Buchanan noted some had been cut but there is still quite a few that could be dangerous if fell upon.

McConarty questioned if they could vote to expend the donation without having a quorum. Buchanan stated if they only have three members and two are present, then they have a quorum.

A **Motion** by Buchanan to donate \$100.00 to Moose Mountains Regional Greenways for its Annual Membership Donation. McConarty seconded. No discussion. A unanimous vote was taken. **Motion passed.**

New Business:

- Windows on the Ossipee Mountains: Buchanan again reported that he, Elizabeth Gillette and Veronica Bodge of Moose Mountains Regional Greenways walked the property recently surveyed. Buchanan had to leave but Elizabeth Gillette and Veronica Bodge continued walking the property towards the back until it got quite thick and very wet. Buchanan noted the southern side and back side are marked by stone walls and other types of markers. But the issue is with the northern side that goes down into a big ravine. Approximately 8-10 years ago, Bob Pratt, Ron Adams and Ralph Buchanan tried flagging the area but it was too wet.

Buchanan noted the back of the property abuts three lots on Rainbow Ridge and years ago Buchanan through the conservation commission made an arrangement to cut the trees to improve the view of the Ossipee Mountains and the abutters would get the firewood. But Buchanan noted the trees are getting tall again so they may have to make another arrangement.

Buchanan proposed that this spring, he would take his excavator and pull out the smaller trees and saplings back to the 250 ft. boundary as long as they could get some volunteers to haul the brush out. If they go beyond the 250 ft. easement boundary, the Conservation Commission, per the easement agreement with Moose Mountains Regional Greenways would need to get a forester to get in and groom all the overgrowth out to hold the view. Buchanan told the story of how the trees keep growing in the area where the top soil was stripped leaving only sand, gravel and water but it allowed wild orchids to grow. He commented when he was there he brought out a garbage worth of trash that was just dump there. McConarty stated she gets phone calls from people letting her know there is trash dumped there even though there a signs to carry out your trash, but people still leave their trash.

Veronica Bodge gave the MMRG report, who monitors the property had no concerns. Veronica Bodge came to introduce herself to the committee. She's been with MMRG since May 2022 and is going around to all conservation commissions. They merged with Dan Hole Pond Watershed Trust in May of 2021, the main office is in Union, NH at the Greater Wakefield Resource Center right next to the old train station. Veronica Bodge informed the committee that MMRG is here to help support them in their conservation needs or questions and they can reach out to her. Veronica Bodge provided the members with her business card.

Veronica Bodge informed the committee that on Saturday, February 4th, 2023 from 1:00 – 3:00 pm, MMRG is bringing together the 9 Conservation Commissions in our service area for an afternoon of food, networking and discussion on public access! This is a member only event for the Brookfield, Farmington, Middleton, Milton, New Durham, Ossipee, Tuftonboro, Wakefield, and Wolfeboro Conservation Commissions.

Lunch will be provided. We are looking forward to seeing everyone and hearing what all of the conservation commissions have been up to this past year. Each commission will be given an opportunity to give a brief 2-minute speech about the work you have done this past year! Reservation required.

Details:

Location: Old Town Hall, Middleton, NH

Guest Speaker: Charlotte Harding from Conservation Land Stewardship Program

Topic: Public Access- The Basics, Pros and Cons & Best Management Practices

Old Business:

Windows on the Ossipee Mountains:

- Landscaping project – On Hold until Spring
- Picnic table/bench repair - On Hold until Spring

McConarty reported that Jonathan Smith contacted her about the lack of membership. In order to decrease the required membership from 7 members down to 3 members, it has to go before the voters. Buchanan suggested instead of 3 members the CC should request to have 5 members.

McConarty explained that with the difficulty in getting people to volunteer, if the CC cannot get new members, the Town is looking to take over the Conservation Commission and money market account. McConarty explained to Jonathan Smith it's not just a matter of disbanding the committee, the Conservation Commission

is responsible for the conservation lands, some properties are maintained and/or monitored because the committee as the stewards of the properties. So, it's more than just taking over the accounts. Jonathan Smith suggested the highway department would assume the role of maintaining the properties. If the CC wants that then he would have the Public Works Director, TJ Eldridge come before the committee to discuss a plan. But TJ Eldridge in turn would bill the CC for time, material, equipment, etc... and the CC would pay it out of the money market account until all the funds are expensed and then the highway department will maintain it as a town property. McConarty noted aside from the Window's property and the signs for the properties, what other properties does the CC have to maintain.

Discussion ensued over the work that needs to be done at the Windows On The Ossipee Mountains including keeping the trees and brush at bay, trash pickup, repairs to the picnic tables, and the port a potties. McConarty noted that according the deed with MMRG the port a potties need to be enclosed. The CC would have to build a three-sided enclosure to hide the port a potties and to have them anchored so they can not be tipped over.

Discussion was tabled pending all members being in attendance.

NHDES: The Conservation Commission has reviewed, discussed and has no concerns with the scope of work to be done.

- **Wetlands Permit Application:** Sheila & Dan Lynch of 10 Long Sands Rd. are proposing to replace an existing, damaged 320 sq. ft. stone retaining wall with a 147 sq. ft. stone and concrete footing armoring.

1. **NHDES File Number: 2022-03019:** Received Standard Dredge & Fill Wetlands Permit Application pending response from Municipality by November 14, 2022.

McConarty and Buchanan reviewed the application, scope of work, and had no concerns with the work to be done.

A **Motion** by Buchanan informing NHDES that the Conservation Commission has no concerns with the scope of work to be done at 10 Long Sands Rd. Tax Map: 050 Lot: 002. McConarty seconded.

Discussion on the scope of work continued. With no further discussion. A unanimous vote was taken. **Motion passed.**

- **NHDES Wetlands Permit File Number: 22-02419** – Norman C. Boyer of 44 Danville Rd. Tax Map: 020 Lot: 007 is approved a permit to stabilize 1,047 square ft. of eroding bank in order to add 95 linear feet of riprap along the shoreline on Ossipee Lake.
- **NHDES Wetlands Permit-by-Notification File Number: 2022-03183** – for Jeffrey Applestein of 26 Channel Rd. Tax Map: 021 Lot: 003. NHDES determined the application was administratively incomplete, as it did not include the minimum information required for compliance review.
- **NHDES Wetlands Permit File Number: 22-03026** – Chocorua Forestlands, LLC of Gilman Valley Rd. Tax Map: 204 Lot: 003 is approved for the Forestry SPN is administratively approved.
- **NHDES Wetlands Permit File Number: 22-03140** – Terrace Pines RV, LLC of 44 Danville Rd. Tax Map: 229 Lot: 007 & 008 is approved for the Forestry SPN is administratively approved

Intent to Cut: The Conservation Commission has reviewed, discussed and has no concerns with the scope of work to be done.

- **Tax Map: 233 Lot: 002 & Tax Map: 236 Lot: 006:** (Original Cut) on 1110 Route 16 & 1100 Route 16. Owner is Monja Von Maxcy; to cut 80 +/- acres of 281.6 acres by Kevin Frankhauser of Wadsworth Woodlands anticipated start date is October 18, 2022. Approved by the Board of Selectmen. Taxes are paid. No Cemetery.
- **Tax Map: 201 Lot: 003, Tax Map: 204 Lot: 003 & 004, Tax Map: 207 Lot: 007 & 008:** (Original Cut) on Gilman Valley Road. Owner is Jeffrey Coombs of Chocorua Forestlands, LLC; to cut 150 +/- acres of 302.9 acres by Richard Gerard – Forester of Ossipee Mountain Land Co. anticipated start date is October 20, 2022. Approved by the Board of Selectmen. Taxes are paid. No Cemetery.
 - **NHDES File Number – 2022-03026:** Received Forestry Permit-by-Notification and determines it is administratively complete.
- **Tax Map: 207 Lot: 006, Tax Map: 207 Lot: 005:** (Original Cut) on Gilman Valley Road. Owner is Jeffrey Coombs of Chocorua Forestlands, LLC; to cut 100 +/- acres of 155 acres by Richard Gerard – Forester of Ossipee Mountain Land Co. anticipated start date is October 28, 2022. Approved by the Board of Selectmen. Taxes are paid. No Cemetery.
- **Tax Map: 229 Lot: 007, Tax Map: 229 Lot: 008:** (Original Cut) on Terrace Pines Road. Owner is Gerry Brown of NWRV Lodge; to cut 175 acres of 453 acres by Jenilee Barsanti of R. C. McLucas Trucking anticipated start date is October 25, 2022. Approved by the Board of Selectmen. Taxes are paid. No Cemetery.
 - **Forestry Statutory PBN – NHDES File Number 2022-03140:** Forestry SPN is valid through 11/07/2024
- **Tax Map: 018 Lot: 003:** (Original Cut) on 2145 Route 16. Owner is Henry Gelinis; to cut 3 acres of 9 acres by Stephen Bodkin anticipated start date is November 2, 2022. Approved by the Board of Selectmen. Taxes are paid. No Cemetery.

Notices: Notices were reviewed by the committee members.

- **NHF&G:** WildLines – Fall 2022
- **NHDES:** Supply Lines with the Source – Fall 2022
- **MMRG:** Invitation to Conservation Mixer – February 4, 2023 from 1:00 – 3:00 PM

Any Other Business that May Come Before the Commission:

Buchanan is going to try and find some volunteers.

McConarty inquire about the status of the gas station. McConarty read in part the latest notice from Ossipee Lake Alliance which read “ Zoning Board of Adjustment heard an appeal of the Planning Board’s ruling that the Conway real estate developer does not need to apply for a Special Use Permit to operate a gas station.

The ruling put the Planning Board at odds with North Point Engineering, the company it hired to advise it on the application, and resulted in an appeal to the ZBA and Superior Court by Meena neighbors Bill Bartoswicz and Tammy McPherson, joined by Ossipee Lake Alliance and Green Mountain Conservation Group

At issue is Section 2208 of the Groundwater Protection Ordinance, which authorizes the Planning Board to issue Special Use Permits for the “storage, handling, and use of regulated substances in quantities exceeding 100gallons.” Meena’s storage would be in the range of 30,000 gallons.

North Point twice advised the Planning Board that Meena should apply for the permit, while Meena's attorney argued against it, saying such permits only apply to situations where the use is permitted, not when the use is prohibited."

Nash explained that MEENA is arguing that gas stations are not allowed in the water resource protection district, but the gas station did receive approval. The court held up the ZBA's decision. Then it went to the Planning Board for a Site Plan Review to operate a gas station business. Usually with gas stations, and I'm referring to Ossipee zoning requires a Special Use Permit (SUP) to operate a gas station. In Effingham, the Planning Board told the engineers that it does not need a Special Use Permit but MEENA is saying they do require one but the Planning Board cannot issue a Special Use Permit because a gas station is not allowed in the Water Resource Protection District.

McConarty questioned if their going over the engineers head, McConarty's understanding is once the engineer stamps the plan, the engineer is held liable. So, once you override the engineer, the fault or liability is now on you because you have overridden the engineer. It's the engineers license certifying the plan and/or structure is safe.

Buchanan commented that if Ossipee Lake Alliance fights it long enough, the applicant will probably go away. McConarty doubts that is going to happen. Discussion ensued over whether or not the applicant/owner could hold anyone within the MEENA group or anyone holding up the progress of the application could be counter sued for holding up the progress.

Next Meeting Date: March 8, 2023 at 7:00 pm at the Freight House

Adjournment:

A **Motion** made by Buchanan to adjourn the meeting. McConarty seconded. No discussion. A unanimous vote was taken. **Motion passed.** The meeting ended at 8:10 PM.

Minutes approved by majority vote of the Commission on _____
Date

Marie McConarty, Chairman

or

Ralph Buchanan, Vice Chairman