

**TOWN OF OSS�PEE  
CONSERVATION COMMISSION  
MEETING MINUTES  
February 9, 2022**

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 7:02 PM.

**Roll Call:** Marie McConarty – Chair, Krystal Eldridge and Angela Eldridge

**Absent:** Ralph Buchanan

**Guest:** Tim Mr. Tim Otterbach and Elizabeth Gillette, Matt Sawyer, Jr.

**Meeting Minutes:** Review to approve January 12, 2022 Minutes

A **Motion** by K. Eldridge to approve the meeting minutes of January 12, 2022, as submitted. A. Eldridge seconded. No discussion. All others voted in favor. **Motion passed.**

**Financial:**

- White Mtn. S & E, Inc. – invoice for Windows on the Ossipee Mtns. = \$7,500.00 – Pending response from White Mountain S & E, Inc.

The Committee reviewed letter and the invoice submitted by Jim Rines of White Mountain Surveying & Engineering, Inc. McConarty explained that Buchanan did visit the site and it's all flagged.

A **Motion** by K. Eldridge to render payment in the amount of \$7,553.00, payable to White Mountain Surveying & Engineering, Inc. for surveying and pinning the boundaries at the Windows on the Ossipee Mountains and payment includes the recording fee and the L-Chip fee for recording the plans with the Carroll County Registry of Deeds to be done by White Mountain Surveying & Engineering, Inc. A. Eldridge seconded. No discussion. A unanimous vote was taken. **Motion passed.**

**Old Business:**

- Beech River & Annie Nichols Rd Parking: Continues to be on hold.
- Windows on the Ossipee Mountains:

- Landscaping project – McConarty noted the project is on hold until spring 2022 and repair of the table and bench will occur at that time. McConarty asked Mr. Tim Otterbach if he was still going to do the repairs, as he previously offered to do. Mr. Tim Otterbach confirmed he would if the CC provides the wood.

**New Business:**

- SPNHF – John Plummer, Conservation Easement Steward for Society for the Protection of New Hampshire Forests on the Town of Ossipee's Sumner Brook and Depot Road in Tamworth.

The Committee reviewed the letter and monitoring report from Peter Maciaszek of SPNHF. In the report Peter Maciaszek identified some trees which had been cut but Board noted this was from the Town of Ossipee having it logged in 2021. Peter Maciaszek had concerns that the Gun Club has placed a building either too close or has crossed over to the Conservation Boundary line

McConarty and Buchanan walked the site, and the Gun Club may have crossed the Conservation Boundary line. But without having the property surveyed McConarty stated it's hard to tell. Power Company has cut a

swath of trees through the woods and with the pins now being exposed, and it's a new gentlemen monitoring, he may think the boundary lines have been encroached.

McConarty commented that SPNHF has not had concerns in the past, the CC has no issues or concerns at this time.

- Spring Cleanup Day – Long Sands and Constitution Park: Friends of Constitution Parks on May 14 and/or 21, 2022 is having a volunteer clean-up day for anyone who would like to help. More info to follow when the dates get closer.

**Master Plan:** Status quo

- McConarty review chapter 4 – commented there's not much in this chapter for her to review and she has no suggestions to offer to the Planning Board for revisions.
- Buchanan reviewed chapter 3 - pending

**NHDES Land Resources Management:** The CC reviewed and discussed each application as noted.

- **File # 2021-03252:** Jeffrey & Elyse Barton of 40 Remle Rd. Tax Map: 033 Lot: 030 has been given approval to remove a T shape dock and install a 6 ft. x 30 ft. seasonal dock on approximately 355 linear ft. of Ossipee Lake shoreline with subsequent conditions.
- **File #2022-00078:** Alan Lajoie of 26 South Shore Rd. Tax Map:052 Lot: 003 received a Disqualified Seasonal Dock Notification for Lakes and Ponds.

**Other Business:**

- Tobey Reynolds – Route 16 culvert project: After the last meeting Mr. Reynolds sent the following email concerning the request for a letter waiving the 90- day notification requirement. Mr. Reynolds wrote, ***“After learning the location of Conservation Easement held by Moose Mountain Greenways and that the impacts being proposed by the reconstruction project were not within the easement area, I consulted with the DOT’s Right-of-Way section today to see if a waiver for the 90-day notice of a Public Hearing was still required. They informed me that because the impacts were outside the conservation easement the 90-day notice would no longer apply. Therefore, the waiver I requested last night is no longer needed.”***

- Kevin Martin – Book on Hikes to Big Trees in Northern NE. McConarty acknowledged that Kevin Martin walks the Sumner Brook area and has found some rare Red Pines that apparently have a short life span and the is nearing an end. Kevin Martin is subsequently adding the information into a book he's written.

**Intent to Cut:** The CC reviewed and had no concerns with the projects.

- **Tax Map: 275 Lot: 009:** (Original Cut) on 109 Foggs Ridge Rd. Owner is Paul Marconi; to cut 10 +/- acres of 22 acres by Michael Eldridge of Eldridge Logging anticipated start date is January 11, 2022. Approved by the Board of Selectmen. Taxes are paid. Discussion ensued over if a cemetery is on the property.

**Informational Newsletters:**

- NH F&G – Wildlines: Winter 2022
- Granite State Tree Farmer – Winter 2022
- The Watershed News – Winter 2022

**Any Other Business that May Come Before the Commission:**

- Mr. Tim Otterbach informed the Board of an email sent from the Ossipee Lake Alliance that on

February 3rd, the Effingham Planning Board will hold a meeting regarding a variance that would allow a gas station to be built on Route 25 in a former gravel pit. The property is located upgradient of several private wells in Ossipee and Philips Brook which feeds Ossipee Lake. Because the gravel overburden has been removed to within 10 feet of the groundwater table, there is a significant potential for the nearby wells and brook to be impacted and result in costs to Ossipee taxpayers to provide potable drinking water to these residents. Approval of the variance would be in violation of the Effingham's Town ordinance that prohibits gas station in a groundwater protection district.

Because of the regional impacts that this variance would have, he wanted to encourage the Town of Ossipee to express their concern about allowing this gas station to be built. The tanks are already in the ground despite not having had Effingham Town's final approval to install the tanks. Below is a link to Green Mountain Conservation Group's video prepared by Dr. Robert Newton that provides the hydrogeological setting that the gas station is located in and the threat it poses to the ground and surface waters. He would appreciate if the CC could pass this on to the Selectmen, Planning Board and Conservation Commission members.:  
[https://www.gmcg.org/effingham-gas-station/.\\*](https://www.gmcg.org/effingham-gas-station/)

McConarty's understanding is that this case is in the court system currently. Mr. Tim Otterbach noted that case is on the variance, which was granted, but it violates Effingham's ground water protection ordinance. Discussion ensued. After discussion, McConarty informed Mr. Tim Otterbach that the Board did discuss this issue the last time he (Mr. Tim Otterbach) came to the CC to discuss and request the CC to write a letter. The CC decided to entrust Effingham to handle its own business accordingly.

Matt Sawyer, Jr. requested to address Mr. Otterbach. Matt Sawyer, Jr. inquire if Ossipee Lake Alliance has submitted anything to Superior Court or has done anything to generate results, aside from venting to other boards and towns to join you in sending letters. Mr. Otterbach noted the case is being heard on Friday in Superior Court. Matt Sawyer, Jr. clarified that no variance should have been granted for a gas station within the Water Resource Protection District, but Effingham's Zoning Board of Adjustment did in fact grant a variance, thus violating their own ordinance. Mr. Otterbach confirmed.

Nash inquired the reason the variance is needed and was determined that a variance was required in order to put a gas station in the Water Resource Protection District. The case is in Superior Court being contested for the Effingham ZBA's granting of the variance decision and is asking the judge to throw out that decision and send it back the Effingham ZBA for a Re-Hearing. Effingham will then re-hear the case and render a decision, and if the variance is denied, the applicant cannot obtain a Site Plan Review approval to operate the gas station business without first getting approval (via the variance) to have the business at this location. McConarty stated the committee will take this under advisement.

Mr. Tim Otterbach encouraged every Committee member to review the video and express their concerns to Board of Selectmen.

- **NONPUBLIC COMMUNICATION SESSION PER RSA 91-A: 3, II(d)**

**Members Present:** [Marie McConarty] ☒ [Krystal Eldridge] ☒ [Angela Eldridge] ☒

**A Motion** to enter into a Nonpublic Session made by K. Eldridge and seconded by A. Eldridge under **RSA 91-A:3, II(d)** *Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.*—

Roll Call vote to enter nonpublic session:

[Marie McConarty] Y [Krystal Eldridge] Y [Angela Eldridge] Y **Motion: PASSED.**

**Entered nonpublic session at 7:40 p.m.**

Other persons present during nonpublic session: Matt Sawyer, Jr. Ossipee Town Administrator

A **Motion** to leave nonpublic session and return to public session by K. Eldridge. Seconded by A. Eldridge.

Roll Call vote to enter nonpublic session:

[Marie McConarty] Y [Krystal Eldridge] Y [Angela Eldridge] Y **Motion: PASSED**

**Public session reconvened** at 8:20 p.m.

**A Motion was made to seal these minutes.** A **Motion** made by K. Eldridge to seal the minutes. A. Eldridge seconded, because it is determined that divulgence of this information likely would...

- ☐ Affect adversely the reputation of any person other than a member of this board
- ☒ Render a proposed action ineffective
- ☐ Pertains to preparation or carrying out of actions regarding terrorism

**Roll Call Vote to seal minutes:**

[Marie McConarty] Y [Krystal Eldridge] Y [Angela Eldridge] Y **Motion: PASSED**

Chairman McConarty noted the schedule change for the next meeting as follows:

**Next Meeting Date:** Rescheduled to **March 16, 2021** due to Annual Town Meeting on the regularly scheduled date.

- **Budget Committee: February 10, 2022 - --at the Town Hall Bud Avery Gymnasium for the Public Hearing on 2022 Proposed Budget -**
- **Town Election: March 8<sup>th</sup>, 2022 --at the Town Hall Bud Avery Gymnasium**
- **Annual Town Meeting: March 9<sup>th</sup>, 2022 --at the Town Hall Bud Avery Gymnasium**
- **CC meeting: March 9<sup>th</sup>, 2022 has been Rescheduled to March 16<sup>th</sup>, 2022 – 7:00 PM – Freight House**

**Adjournment:**

A **Motion** made by K. Eldridge to adjourn the meeting. A. Eldridge seconded. No discussion. A unanimous vote was taken. **All voted in favor, motion passed.** The meeting ended at 8:23 PM.

Minutes approved by majority vote of the Commission on \_\_\_\_\_  
Date

\_\_\_\_\_  
Marie McConarty, Chairperson

or

\_\_\_\_\_  
Ralph Buchanan, Vice Chairperson  
(In the absence of the Chairman)