

**TOWN OF OSSIPEE
CONSERVATION COMMISSION
MEETING MINUTES
March 22, 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 7:01 PM.

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

Guest: resident's Elizabeth Gillette, and Rich Fahy, and from GMCG were Matt Howe and Blair Folts.

Election of Chairman:

A **Motion** by K. Eldridge to nominate Marie McConarty as Chairman for the Conservation Commission. Buchanan seconded. McConarty accepted the nomination. No discussion. McConarty abstained. All others voted in favor. **Motion passed.**

Election of Vice-Chairman:

A **Motion** by McConarty to nominate Ralph Buchanan as Vice-Chairman for the Conservation Commission. A. Eldridge seconded. Buchanan accepted the nomination. No discussion. Buchanan abstained. All others voted in favor. **Motion passed.**

Reappointment of Krystal Eldridge:

A **Motion** by McConarty to send a letter to the Board of Selectmen to re-appoint Krystal Eldridge to the Conservation Commission for a three-year term. Buchanan seconded. No discussion. K. Eldridge abstained. All other's voted in favor. **Motion passed.**

Meeting Minutes: Review to approve February 9, 2022 Minutes

A **Motion** by K. Eldridge to approve the meeting minutes of February 9, 2022, as submitted. A. Eldridge seconded. No discussion. Buchanan abstained. All others voted in favor. **Motion passed.**

Financial:

- Society for the Protection of NH Forest – Annual Membership of \$150.00

A **Motion** by Buchanan to render payment in the amount of \$150.00, payable to the Society for the Protection of NH Forest for annual membership. A. Eldridge seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Old Business:

- Windows on the Ossipee Mountains:
 - Plans to record – Received final plan on February 22, 2022. Buchanan informed those attending the meeting and asked if the plan has been recorded with the Carroll County Registry of Deeds. The secretary is follow up with White Mountain Survey & Engineering, Inc.
 - Landscaping project – picnic table/bench repair on hold until Spring.

New Business:

- GMCG: Water Quality Report – 2021

Matt Howe did not realize the Water Quality Report topic was on the agenda for discussion. He will contact us to re-schedule with Joy Emerson.

- Effingham Planning Board: Letter of Development of Regional Impact for Meena, LLC request for Site Plan Review for a gas service station, convenience store, and existing apartments on the property formerly under the name of “Boyle’s Market” at 41 NH Route 25.

Matt Howe was present to discuss the Development of Regional Impact for 41 Route 25, former Boyle’s Market. Matt Howe is co-author/signer of the letter submitted by Ossipee Lake Alliance. Explaining since Effingham Planning Board has deemed this project “Development of Regional Impact” and the approved variance is being challenged in the court system, Matt Howe, Blair Folts, and Rich Fahy wanted to encourage the Town of Ossipee to express their concerns about allowing this gas station to be built.

McConarty explained the topic was placed on hold at the last meeting when Tim Otterbach presented because Buchanan was absent that evening and the committee had not met to discuss the proposal with him.

Blair Folts gave a presentation explaining their concerns and reasonings for stopping the gas station from going forward and are requesting the Conservation Commission to please speak with the Selectmen to make them aware of the impact to Ossipee residents that about the proposed property.

McConarty explained the Selectmen are aware and have spoken with NHDES. The Selectmen have submitted a letter to the Conservation Commission stating, they do not intend to render a decision either way but are going to let Effingham officials make their own decisions based on the material submitted to them from the applicant.

Blair Folts claims that NHDES has two divisions and there is a disconnect. One part of DES is tasked with protecting the water resources and the second with issuing permits. But claims the two divisions do not communicate with each other to verify that a project does not affect any other resources. Blair Folts showed a map of the Water Resource Protection District and its proximity to the proposed gas station. Blair Folts explained 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/)

Buchanan commented that Ossipee has six gas stations and every one of them is on the aquifer and the whole town is in the Water Resource Protection District. Blair Folts noted these restrictions are for new gas stations not the existing “grandfathered” gas stations.

McConarty explained per the email from Selectmen, Smith, who spoke with NHDES about what the safeguards are going to be and in the email of which Tim Otterbach was cc, he is fully aware of what the Town has researched and done to ensure safety for its residents. Ultimately, the monitoring is done by NHDES, and any restrictions imposed by the Effingham Planning Board to ensure safety of all surrounding residents. McConarty stated the CC will take it under advisement and appreciates their passion for the project.

Rich Fahy stated if this project was proposed in Ossipee it would be denied because it’s not a permitted use. But Buchanan and McConarty stated in Ossipee a gas station requires a Special Use Permit to operate a gas station within the aquifer.

Rich Fahy feels like nobody in Ossipee is paying attention to this issue and it’s incumbent upon all the Boards given the DRI status to take a stand either for or against or offer safety concerns, but Ossipee is leaving it to Effingham to decide for themselves.

Blair Folts and Rich Fahy commented on how many individuals and other Towns have written letters to

Effingham about this project. Rich Fahy questioned why is there a Conservation Commission in Ossipee if its not going to take a stand on this project.

Buchanan commented that the Selectmen, Planning Board and himself feel that the gas tanks being installed now a days are 98% safe. Buchanan noted he operated a gas station for 35 years and back then the tanks and piping were all single walled. But currents technology is all tanks and piping are now double walled and auto shut-off valves.

McConarty commented the Towns view is if they were to go to a meeting, their going to take a stand in favor of the gas station, as long as safe guards are put in place to maintain safety. McConarty noted she appreciates them coming in and appreciates their passion.

Blair Folts and Rich Fahy strongly encouraged the Conservation Commission to take a vote to write a letter and Fahy would like an example of what the CC would consider a Development of Regional Impact.

McConarty stated they will take it under advisement to discuss it as a commission and will make there decision at the next meeting.

K. Eldridge informed Rich Fahy about governmentoversite.com run by Ed Comeau, who videos all the Selectmen meetings and has the meeting on line when Tim Otterbach presented to the Selectmen.

McConarty clarified the next meeting is on April 13th, 2022 – 7:00 pm here at the Freight House.

Elizabeth Gillette is sure the Conservation Commission will take a stand on protecting the water.

Matt Howe encouraged the CC the take a longer look at the material submitted before rendering a decision.

NHDES: Wetlands Permit-by-Notification (PBN):

- Lakeview Lot Owners Association – Fred Ford, President of 20 Broad Bay Rd. Tax Map: 010 Lot: 032 is seeking PBN to repair a portion of an existing boat ramp with modular blocks to match existing, approximately 375 sq. ft. Work to be completed during lake drawdown period.

The Commission reviewed the application and have no objection to the proposed plan.

A **Motion** by Buchanan to inform NHDES that the Conservation Commission has no objections to the proposed plan. K. Eldridge seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Intent to Cut:

- **Tax Map: 115 Lot: 016:** (Original Cut) on Route 16 Owner is Chris Pryor, Director of New England Forestry Foundation; to cut 30 acres of 86 acres by Peter Farrell anticipated start date is February 28, 2022. Approved by the Board of Selectmen. Taxes are paid. Yes – Cemetery.
- **Tax Map: 130 Lot: 011:** (Original Cut) on Route 16. Owner is Curtis Allan; to cut 4 acres of 4.6 acres by Dale E. Crawford anticipated start date is March 1, 2022. Approved by the Board of Selectmen. Taxes are paid. No Cemetery.
- **Tax Map: 266 Lot: 007:** (Original Cut) on Route 16. Owner is Don Hayward c/o Ossipee Aggregate, Corp; to cut 25 acres of 1318 acres by Brian Reader anticipated start date is March 2022. Approved by the Board of Selectmen. Taxes are paid. No Cemetery.
- **Tax Map: 244 Lot: 002:** (Original Cut) on Polly's Crossing. Owner is John Jeddrey; to cut 60 acres of 106 acres by Richard Buswell anticipated start date is March 8, 2022. Approved by the Board of Selectmen. Taxes are paid. Yes - Cemetery on property.

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

Members Present:

☒ [Marie McConarty] ☒ [Krystal Eldridge] ☒ [Angela Eldridge] ☒ [Ralph Buchanan]

A Motion to enter into a Nonpublic Session made by Buchanan and seconded by K. 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 [Ralph Buchanan] Y [Krystal Eldridge] Y [Angela Eldridge] Y **Motion: PASSED.**

Entered nonpublic session at 8:16 p.m.

Other persons present during nonpublic session: Laura Nash, Boards & Commissions Secretary

A Motion to leave nonpublic session and return to public session by Buchanan. McConarty seconded. No discussion. A Roll Call vote to leave nonpublic session:

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

Public session reconvened at 8:37 p.m.

A Motion was made to seal these minutes. A **Motion** made by McConarty 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 [Buchanan] Y [Krystal Eldridge] Y [Angela Eldridge] Y **Motion: PASSED**

Any Other Business that May Come Before the Commission:

K. Eldridge asked for opinions on the gas station. Buchanan suggested whether to send a letter to the Selectmen. Discussion ensued.

A Motion by Buchanan instructing the secretary to send a letter to the Board of Selectmen stating the Conservation Commission has no objections to the gas station project proposed at the former Boyle's Market on Route 16 in Effingham as long as the Town of Effingham Boards ensure that all Federal, State and Local Regulations ensure safety standards. K. Eldridge seconded. No further discussion. A unanimous vote was taken. **Motion Passed.**

Next Meeting Date: April 13, 2022

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 8:47 PM.

Minutes approved by majority vote of the Commission on _____
Date

or

Marie McConarty, Chairman

Ralph Buchanan, Vice Chairman
(In the absence of the Chairman)