

**TOWN OF TUFTONBORO
CONSERVATION COMMISSION**

**May 21, 2018
MINUTES**

Members Present: Steve Wingate, Chairman, Mike Phelps, Vice-Chairman, Lloyd Wood, Selectman's Representative, Nancy Piper, Larry Gil, Mark Howard, Kate Nesbit, Members, Ian Whitmore, Ray Everest, Alternate.

Member Absent: Nancy Byrd, Member.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chairman Wingate opened the meeting at 6:33 PM.

Chairman Wingate appointed Ray Everest, Alternate, to sit in for Nancy Byrd, Member.

I. Consideration of Minutes

March 19, 2018

Corrections: Page 2, Correspondence; change "ungagged" to "ungauged"
Page 2, Former Town Landfill; change "possibly" to "possibility"
Page 3, GIS Map Training; change "tax" to "road"
Page 3, Nancy Byrd Resignation/BOS Letter of Thanks; change "hand" to "had"

It was moved by Larry Gil and seconded by Nancy Piper to approve the March 19, 2018 Tuftonboro Conservation Commission minutes as amended. All members voted in favor. The motion passed.

II. Discussion Items

A. Libby Park Proposal

Steve Wingate stated the BOS have been informed that trees have been cut and the trail has been built and marked with paint; noting no soil has been disturbed. He stated he informed Alana that because the work was unauthorized that he could no longer support the project. He informed the BOS he would advise the Commission of the recent developments.

Nancy Piper asked if Ms. Albee was aware of the trail construction.

Steve Wingate replied yes and noted she was less than forthcoming when he was speaking with her.

Lloyd Wood stated a Wolfeboro citizen made a film of it and posted it online.

Kate Nesbit asked if there is anything that can be done relative to enforcement.

Mike Phelps recommended the Town place a "Pass at your own risk" sign on the property.

Larry Gil agreed with Mr. Phelps.

Steve Wingate stated he would like to speak with Ms. Albee's supervisor.

B. Town of Wolfeboro RIB

Larry Gil stated the Town of Tuftonboro should be concerned about the pharmaceuticals that are not recognized and feels the Town should know what is in the water. He stated the Town of Wolfeboro purchased the property in Tuftonboro rather than taking it by eminent domain and USGS proposes to do a study of the effluent from the treatment plant for pharmaceuticals/emergent pollutants. He stated he spoke with Joe Ayotte; noting Mr. Ayotte is on board with the testing in 2019.

Ian Whitmore asked if the testing is required/part of Federal and/or State standards.

Steve Wingate stated the testing is above and beyond Federal and State standards.

Ian Whitmore stated the Town of Wolfeboro can't be held to different standards.

Steve Wingate stated they are not being held to a different standard rather, collecting additional information. He stated the BOS supports such as long as the Commission puts the costs associated with such in the Commission's budget.

Ian Whitmore stated the end goal should be to drive State and Federal standards.

Larry Gil stated the State has taken an aggressive approach however, there are not a lot of Federal standards; noting that establishing standards is very difficult.

C. Rick Van de Poll; Great Meadow Consulting

Rick Van de Poll reviewed the information submitted in his letter, dated 4/30/18, see attached. He noted that per the application process, an appraisal is required within 12 months of the closing therefore, a second appraisal will be needed because the one prepared by Russ Wakefield will have exceeded the 12 month requirement. He stated he is meeting with George Lamprey tomorrow regarding a second appraisal.

****Mike Phelps left the meeting at 7:06 PM.*

Steve Wingate stated he stated he met with the Land Bank today and received confirmation that they would financially support the projects.

Rick Van de Poll stated the NH Drinking and Ground Water Trust Fund is a fund that allocates money for land conservation with public drinking water supply potential and infrastructure; noting he is submitting an intent for such.

Larry Gil asked if a Level I Environmental Hazard Assessment has been done.

Rick Van de Poll replied no; noting that if there is no compelling reason to do one, then there is no need to do it.

Larry Gil questioned the impact of the landfill on such; noting the landfill at the transfer station has a seep that has been monitored and sampled on a regular basis.

Rick Van de Poll asked if there are results of the sampling.

Larry Gil replied yes and questioned whether Mr. Van de Poll should physically inspect such.

Rick Van de Poll replied yes and noted it appears the seep is approximately 600-800' from the Great Meadow property.

Lloyd Wood stated Dave Allwine, Stantec and Clay Gallagher are involved with the testing.

Rick Van de Poll stated a conservation easement amendment on existing Town land on two lots needs to be done and there needs to be a resolution for proper stewardship; noting the State requires a certain procedure to be followed. He stated the Town has to pass a resolution and noted the Commission can make a motion relative to such and without the BOS approval if the applicant is the Conservation Commission. He stated LCHIP requires such (Land Trust Standards and Practices) and it needs to be done prior to closing.

Steve Wingate requested language for the conservation easement amendment with Lakes Region Conservation Trust.

Rick Van de Poll stated he is meeting with Alison Lovett on 5/31/18.

****Mike Phelps returned to the meeting at 8:01 PM.*

D. Member Appointments

The Commission discussed member appointments for the upcoming year and noted the following;

- Ray Everest; appointed as full member to complete Nancy Byrd's term
- Nancy Piper; not requesting reappointment
- Ian Whitmore; appoint as full member (replacing Nancy Piper)
- Larry Gil request reappointment for 3 years
- Mark Howard request reappointment for 3 years
- Request BOS to advertise for two alternate positions

It was moved by Steve Wingate and seconded by Nancy Piper to request the BOS to appoint Ray Everest as a full member to complete Nancy Byrd's term, appoint Ian Whitmore as a full member, reappoint Larry Gil for a three year term and reappoint Mark Howard for a three year term and advertise for two alternate positions. All members voted in favor. The motion passed.

E. 2018 Well Water Testing Initiative

Nancy Piper stated she placed an article in the Tuftonboro Times regarding postponing the program for this year.

The Commission agreed to place a banner announcement on the Town's website.

F. Mirror Lake Protective Association Report

MLPA Annual Meeting scheduled for 6/16/18 at 8:30 am.

III. NH DES Applications

Robert Murray

63 Little Bear Island

TM #11-1-56

New Standard Dredge & Fill application to remove an existing permanent deck/seasonal "L" shaped docking structure, construct a new "U" shaped seasonal docking structure anchored to two 7'x3' concrete pads constructed behind legal full lake elevation. Reviewed by Steve Wingate; no objection. Applicant received NHDES Notice of Acceptance.

Christopher & Melissa Anderson

32 Sawyer Point Road

TM #28-3-20

New Permit By Notification application to repair an existing docking structure in-kind that has been damaged due to ice flow. Reviewed by Nancy Piper; no objection. Applicant received NHDES Notice of Acceptance.

Ronald G. Hooper
Brown Road
TM #68-2-9

New Minimum Impact Expedited application to impact 2400 SF of a forested wetland for the construction of a 16' wide access driveway to a single family dwelling site by the placement of fill materials and the installation of a 30' long 18" diameter HDPE culvert. Reviewed by Steve Wingate; no objection. Received Letter of Acceptance.

Lane's End, Inc./#2017-02930
Lanes End Road
TM #2-1-71

NHDES approved Standard Dredge & Fill application to remove existing fingers and replace with 9 fingers and eliminate two fingers to be supported by 2 pilings each.

Pritchard Living Trust/#2017-03543
274 Governor Wentworth Highway
TM #27-1-8

NHDES approved Standard Dredge & Fill application to construct a 896 SF dug-in boathouse, dredge 380 SF in approach area and install a 6'x39' permanent dock with tie-off and ice cluster piles with four boatslips.

IV. Correspondence

- Lakes Congress
- LRPC Annual Meeting scheduled for 6/25/18
- LWA Annual Membership

It was moved by Larry Gil and seconded by Kate Nesbit to renew the Commission's membership to the Lake Winnepesaukee Association in the amount of \$50.00. All members voted in favor. The motion passed.

V. Old Business

Wetland Regulations Update

Steve Wingate stated the update is ongoing.

Former Town Landfill (Update)

No report.

Watershed Management Plan (Update)

Steve Wingate stated a contractor has been selected and approved; noting the contractor is GeoSyntec. He stated the kickoff meeting is scheduled for 6/20/18, 6-8 pm at the Town House.

VI. New Business

Larry Gil stated he met with Joe Ayotte who stated he is willing to meet with the Commission and discuss the Wolfeboro RIB project; noting he would schedule such.

Steve Wingate stated both Linda Murray, Wolfeboro BOS, and Dave Ford, Wolfeboro Director of Public Works, stated they are committed to the additional testing sites for 2019; noting the Commission needs to budget for such. He noted the Town of Wolfeboro will pay for the fixed costs however, the Commission will have to pay for the additional test sites.

GIS Map Training

Mark Howard stated the training session he held two weeks ago was successful; noting he would be scheduling another training session, date to be determined.

Kate Nesbit Conservation Easement

Kate Nesbit stated he owns a 15-acre parcel that abuts her property (which currently has a conservation easement on it); noting she would like to place a conservation easement on the parcel. She stated by doing so, the two properties combined would total 47 acres.

It was moved by Steve Wingate and seconded by Larry Gil to accept Kate Nesbit's offer to place a conservation easement on her abutting parcel. All members voted in favor. The motion passed.

Nancy Piper

Lloyd Wood thanked Ms. Piper for her years of service.

It was moved by Lloyd Wood and seconded by Larry Gil to thank Nancy Piper for nine years of service to the Conservation Commission, specifically to water quality issues and the Well Water Testing Initiative. All members voted in favor. The motion passed.

VII. Non-Public Session

N/A

It was moved by Kate Nesbit and seconded by Nancy Piper to adjourn the May 21, 2018 Tuftonboro Conservation Commission meeting. All members voted in favor.

There being no further business before the Commission, the meeting adjourned at 8:42 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson



Ecosystem Management Consultants, LLC
c/o Rick Van de Poll, Ph.D.
30 No. Sandwich Rd.
Center Sandwich, NH 03227

April 30, 2018

Steve Wingate, Chair
Tuftonboro Conservation Commission
PO Box 98 240 Middel Road
Center Tuftonboro, NH 03816

Dear Steve;

As you know, I attended the LCHIP Grant Workshop today as is required for all grant applicants. I sat through the half-hour introduction by Dijit Taylor and Barbara Beers, and then the 2.5-hour review of application requirements with natural resource applicants led by Paula Bellemore. It was very instructive and provided nearly all of the answers I had to a number of questions I came with.

I want to summarize the LCHIP grant process for you in this letter and give you a short report on the prospects to date. I intend to follow-up this report with a personal appearance at your next TCC meeting on the 21st of May in order to review some of the questions I am providing below.

As you are aware the Land Conservation and Heritage Investment Program reallocates a portion of the monies the state collects through its real estate transfer tax. This year the estimated amount of available funds is \$3.5 million. Authorized in 2000 through RSA 227-M, this program has awarded \$46.6 million among 426 grants in 70 communities in New Hampshire. The overall leveraged amount of funds provided by matching dollars has nearly exceeded \$300 million. To date, the program has help protect 283,000 acres and 272 historical heritage projects.

One of the fascinating facts I learned at the workshop was the point Dijit made about LCHIP funding ecological assessments. When the slide popped up on the screen I noted that the primary (and only full) EA report was on the Great Meadow! This 2002 report was apparently the only EA they have fully funded since the program began. Paula was thrilled that this early project was finally bearing fruit in terms of adding conservation land to the Great Meadow. She intends to work with us closely to ensure that we get funded(!)¹

The Intent to Apply form is due on May 18th. I will prepare this on the basis of the budget we prepared for the ARM Fund with one slight modification: all expenses for the Great Meadow project the TCC has expended since May 1, 2016 can be counted as "in-kind" expenditures that can be added to the matching funds amount. This will include not only my allocated budget of \$2K for this grant round but the \$1162.50 expended by the town for my services since that date.

¹ I have a scheduled appointment with her on May 21st before the TCC meeting to discuss the project particulars.

In sum, the in-kind amount, if we are successful with the ARM Fund, will easily exceed the minimum 50% match required by LCHIP.

After the Intent to File is completed and submitted, the next step will be to prepare all of the due diligence documents, including but not limited to a Purchase & Sales (P&S) agreement with Mike Phelps and Fred Sargent, an updated appraisal, title search and insurance, and coordination with the LRCT for the assignment of the easement. The latter will also require a USPAP appraisal of the value of the easement being assigned. This latter amount is critical for a match amount in order to exceed the 50% minimum.²

Note that this due diligence does not include a level 1 Environmental Hazards Assessment as it is not required by LCHIP or ARM Fund unless a reasonable basis exists for any concern. Although I haven't walked out there with this in mind, I believe we can avoid this cost. That said, there are a few outstanding questions and concerns that I have that I will approach the Commission with on the 21st:

- 1) Survey – some legal document that we can register that indicates the plat of land we are acquiring is required; whereas a full-blown survey may not be required, a boundary sketch by a licensed surveyor will be and this has not yet been factored into the budget
- 2) Stewardship Contribution – I have estimated a \$5K contribution by the Town to the LRCT for stewardship; this includes monitoring, legal defense, and any trail work/maintenance that may be required in the future
- 3) Public Access – LCHIP has very strict public access rules wherein the public must be allowed to access the properties “for low impact, passive and/or transitory recreational foot travel”; the properties cannot be posted except for temporary, safety-related emergencies; we need to communicate this clearly to both landowners and ensure they are willing to sign an affidavit to that effect (Attachment 8); we also need to discuss whether or not the Town wishes to establish any kind of trail system out there in the future and coordinate that with the LRCT
- 4) Standards & Practices – LCHIP requires that the applicant adhere to what is known as “Standards and Practices” of the Land Trust Alliance (LTA); this guides all aspects of a conservation purchase and must be adopted through a policy resolution by the local governing body, i.e. the Selectmen; whereas the LRCT is an accredited institution and therefore has adopted the S&P's, they are not the purchaser and so the Town has to do this; apparently, Paula has a form that the BOS can sign to make this a fairly easy process
- 5) Tax ID Number – I will need this for the application
- 6) Town Prioritization – we will need to document through the Master Plan language and the support for the conservation of the town lands through the easement that the Town supports this project in kind; a record of the vote to this effect needs to be attached
- 7) LRCT Information – we need to provide the basis of “Future Strength” by documenting the land conservation statistics of the LRCT, as well as their capacity to property monitor and protect the natural and cultural resource values
- 8) Finally, we need to incorporate the findings of the 2002 EA report and highlight the property's value as drinking water supply lands

² I have already spoken with George Lamprey about this and we have a tentative meeting date in the end of May to go over particulars.

The full application with the above details is due by June 22nd. If accepted for review, a site visit will be scheduled for August-September by the Review Team. The Review Team will then rate the project according to 1 – 5 stars and make a recommendation to the full LCHIP Board. The final approval decision takes place in mid-November and checks can be cut by early December.

Note that the ARM Fund award will be known by late October so there will be a little time to adjust the final budget if the award amount is less than asked for from the ARM Fund. Paula indicated that the Review Team expects full disclosure about the funding sources and may adjust the amount of the LCHIP award if major contributions change. I would also note that as of today the ARM Fund pre-proposals totaled \$429K for the \$107K available in the Pemi-Winni watershed. Most of this is on the basis of a very large ask by another land trust that actually splits two watersheds. Without this ask, the remaining three projects could all be funded by the amount available in the watershed. We'll see how this plays out, but I believe we have the strongest project among the three 'smaller' ones.

That's about it for now. I know there is a lot of detail here to digest. I believe if we could allocate about 45 minutes for this topic at the meeting on the 21st we should be able to get through most of it. Let me know if you have any immediate questions. Please note, however, that I will be away for a week starting tomorrow afternoon so may be less able to get right back to you.

Sincerely;

A handwritten signature in cursive script that reads "Rick Van de Poll".

Rick Van de Poll, Ph.D.