

**TOWN OF TUFTONBORO
CONSERVATION COMMISSION
November 20, 2017
MINUTES**

Members Present: Steve Wingate, Chairman, Mike Phelps, Vice-Chairman, Lloyd Wood, Selectman's Representative, Larry Gil, Nancy Byrd, Nancy Piper, Members, Ray Everest, Alternate.

Members Absent: Mark Howard, Kate Nesbit, Members.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chairman Wingate opened the meeting at 6:36 PM.

Chairman Wingate appointed Ray Everest, Alternate, to sit in for Mark Howard, Member.

I. Consideration of Minutes

October 16, 2017

Correction: Page 3, NHDES Applications, Lane's End; change "Steve Wingate" to "Nancy Piper"

It was moved by Nancy Piper and seconded by Ray Everest to approve the October 16, 2017 Tuftonboro Conservation Commission minutes as amended. All members voted in favor. The motion passed.

November 13, 2017

Correction: Page 1, 3rd paragraph; add "at the Libby Museum" following "1:04 PM."
Page 1, Libby Park Proposal, 5th paragraph; add "She stated the Libby Park property is held in trust by the Town of Tuftonboro."
Page 2, 11th paragraph; add "on Mirror Lake" following "property."
Page 2, new 13th & 14th paragraph; "Larry Gil asked Ms. Albee if she is related to Selectman Albee. Alana Albee replied yes."

It was moved by Nancy Piper and seconded by Mike Phelps to approve November 13, 2017 Tuftonboro Conservation Commission minutes as amended. All members voted in favor. The motion passed.

II. Discussion Items

A. Libby Park Proposal

Alana Albee, Director, Libby Museum, stated she submitted a letter to the BOS on 10/3/17 asking consideration of the Libby Park proposal. She stated the proposal includes a narrow, low-impact footpath on the property to be used primarily for educational and conservation purposes and does not include parking, picnicking, boating or swimming. She stated the footpath would be re-established within the restrictions of the Fiduciary Deed (2007); noting a desire to maintain the property in its natural state. She stated the property consists of 1.28 acres with 390' of shore frontage on Mirror Lake. She stated Dr. Libby originally bequeathed the property in 1933 as one of two parcels of land; one is where the museum is located, including the vista to the Belknap range and the second parcels starts at the entrance to The Lodge where there was a pass way/old carry on Mirror Lake leading beyond the Tuftonboro Town line. She stated Dr. Libby intended for this land to be called "Libby Park" with the public allowed a clear view of the Ossipee Range and stipulated "no cottages or any building for mercantile or business purposes shall be erected therein at any time in the future." She stated the proposal is for the stewardship of the Libby Park by the Town of Tuftonboro.

Referencing the latter statements, Mike Phelps asked if such is in writing.

Steve Wingate replied yes.

Ray Everest confirmed the walking trail would cross the right-of-way.

Mike Phelps asked if the Libby Museum is asking the Town to take over stewardship of the property.

Alana Albee replied no. She stated she used the term stewardship to encourage the Town to steward the property because the property has been neglected.

Mike Phelps requested the term stewardship be removed from the proposal.

She stated she would change the word to “care” because the context of the term stewardship means care.

Mike Phelps disagreed with the context of the term stewardship as noted by Ms. Albee and recommended review by Town Counsel.

Larry Gil stated the proposal is more complicated than installing a pathway because of the number of issues with the property such as slope and potential intrusion to abutting properties.

Steve Wingate recommended review of the actual location of the path once determined.

Larry Gil questioned safety issues and the Town’s liability related to such; noting the path the Commission walked was not easy.

Mike Phelps noted the Town has a blanket liability for all Town properties.

Nancy Byrd volunteered to assist with the layout of the trail; noting such should be designed without doing undue damage to the environment.

Larry Gil questioned the difference between the plan dated July 1990 and the boundary line adjustment plan dated 2006.

Mike Phelps stated the boundary line was adjusted to include the driveway to an abutting property solely on that person’s property.

Ray Everest stated the Commission is about conservation; noting the proposal is for a simple trail and does not see such hurting anything. He stated he did not observe more than a 15% slope on the site walk and is surprised by the Commission’s reaction to the proposal.

Steve Wingate stated the parcel is a great opportunity and place to sell conservation, respect for nature and the importance of nature. He stated the property is marginal with regard to doing other things.

Nancy Piper stated the property is Town land the Town’s people should be able to share in the benefit.

Seamas O Scalaidhe, 767 North Main Street, Wolfeboro, NH questioned the use of outdoor furniture.

Alana Albee replied no.

Seamas O Scalaidhe expressed concern for the potential impact to other people on Mirror Lake and lack of public knowledge; noting that they do not know anything about the proposal. He stated the land is narrow and acts as a bridge between Tuftonboro and Wolfeboro; noting animals traverse the land bridge. He stated the land is a sheltered path.

Tiina Urv, 767 North Main Street, Wolfeboro, NH, stated they have a wildlife cam on their property; noting the property is a lively route and not neglected by animals. She stated the property is one of two undeveloped areas on the lake and noted that if the property gets enough human traffic that the animals will reroute. She stated Mirror Lake already has two public access areas which have issues with litter; noting a loss of a significant pristine area as a result of litter. She noted existing safety issues with southbound traffic and expressed concern for additional traffic. She stated the deed includes a list of restrictions which include maintaining in perpetuity the property in its natural state, no construction of buildings, no removal or disturbance of soil and no cutting or trimming of brush.

Referencing the latter comment, Nancy Byrd stated the deed also states “except if necessary”.

Nancy Piper read the deed.

Tiina Urv stated the deed reflects language that grandfather’s the snowmobile path and questioned whether MLPA is aware of the proposal.

Steve Wingate stated the Commission could recommend to the BOS that the MLPA is consulted.

Nancy Byrd stated she has observed an excess number of dead animals on the road in that location.

Nancy Piper asked Ms. Urv how the proposal causes an increase in traffic.

Seamas O Scalaidhe stated the deed prohibits a trail; noting there is already public access because the property is not posted.

Steve Wingate stated the deed speaks to recreation and public use; noting that through the succession of deeds, public use is evident.

Mike Phelps expressed concern that if someone else takes over the stewardship of the property, the Town loses control of the property.

Alana Albee stated she would put in writing that control of the property would not be transferred. She stated the desire is to have the Town of Tuftonboro involved in the conservation of the property as originally intended.

Tiina Urv asked if MLPA has been contacted.

Alana Albee replied no. She stated she has spoken to many people regarding the proposal and was encouraged to speak to the BOS and the Conservation Commission. She stated the Museum is trying to honor the wishes of Dr. Libby; noting a lot of work is done relative to conservation and education of young people. She stated she saw this proposal as an opportunity.

Nancy Byrd asked Ms. Albee what she envisions the Museum’s role in the proposal.

Alana Albee replied a walking path that keeps within the deed restrictions and care of the path May through October.

Steve Wingate requested Ms. Albee to consult with the Commission if other things are proposed.

Mike Phelps asked where, in the will, does it speak to the view of the Ossipee Range.

Alana Albee stated such is not noted in the will rather, it is noted in other documents.

Tiina Urv requested the MLPA be consulted.

It was moved by Mike Phelps and seconded by Larry Gil to table action on the Libby Park proposal to allow for review of Dr. Libby's will, for Ms. Albee to submit evidence that supports the keeping the property open for view of the Ossipee Range and for Ms. Albee to consult with the MLPA.

Discussion of the motion:

Ray Everest stated much ado about nothing is being made; noting the intent of the Museum is to work with the Conservation Commission.

Nancy Piper stated there is no parking lot or picnic table proposed and the property would be a great place for kids and scavenger hunts. She stated the existing trail on the Museum property is limited. She stated there would not be hordes of people walking the trail and the proposal provides adjunct activities to the Museum.

Lloyd Wood stated the public has access to both the Cow Island and the Gould properties (both Town owned); noting he is not aware of any issues with either property or impact to wildlife. He noted the Town has interacted with two generations of the Albee family and he has never known there to be any issues.

It was moved by Mike Phelps and seconded by Larry Gil to table action on the Libby Park proposal to allow for review of Dr. Libby's will, for Ms. Albee to submit evidence that supports the keeping the property open for view of the Ossipee Range and for Ms. Albee to consult with the MLPA. Mike Phelps voted in favor. Steve Wingate, Ray Everest, Nancy Byrd, Nancy Piper, Larry Gil, Lloyd Wood opposed. The motion failed.

It was moved by Steve Wingate and seconded by Ray Everest to recommend the Libby Park proposal, in principle, to the BOS with involvement of the Conservation Commission with the layout, design and maintenance of the trail and request the BOS to seek input from the MLPA prior to their decision.

Discussion of the motion:

Larry Gil stated the location of the trail is critical and should be located to provide distance from the abutting properties.

Ray Everest disagreed with Mr. Gil.

It was moved by Steve Wingate and seconded by Ray Everest to recommend the Libby Park proposal, in principle, to the BOS with involvement of the Conservation Commission with the layout, design and maintenance of the trail and request the BOS to seek input from the MLPA prior to their decision. Steve Wingate, Ray Everest, Nancy Byrd, Nancy Piper, Lloyd Wood, Mike Phelps voted in favor. Larry Gil opposed. The motion passed.

B. Conservation Public Education Efforts

- **Conservation Commission Website/Social Media Demo**

The Commission tabled such.

C. Rick Van de Poll Contract

Staff reviewed the proposed contract relative to continued field work and grant applications; noting she would submit such to Mr. Van de Poll to execute the contract prior to yearend.

D. Joan Gale Conservation Easement

Staff noted that Ms. Gale forwarded three revisions that were incorporated into the easement.

It was moved by Larry Gil and seconded by Nancy Byrd to forward the Joan Gale Conservation Easement to the BOS for acceptance and adoption. All members voted in favor.

E. Nesbit/Lawall Conservation Easement

The Commission tabled such.

F. Mirror Lake Watershed Committee

Lloyd Wood stated the BOS have endorsed the Conservation Commission's implementation of the recommendations of the Watershed Plan. He stated NHDES approved the application for the boat ramp improvements on Route 109-A.

G. Mirror Lake Protective Association Report

Nancy Byrd stated members of the Association are aware of the Libby Park proposal.

Lloyd Wood stated he has spoken to six people regarding such.

Larry Gil stated the Board of Directors have exchanged emails. He stated the BOD are holding a meeting in December to look at properties within the watershed.

III. NH DES Applications

Anthony & Elizabeth Grappone

84 Cow Island

TM #38-1-5

New Minimum Impact Expedited application to construct a 365 SF perched beach with 6' wide access. Reviewed by Larry Gil; objection.

Laurie Jones/#2017-01959

37 Sawyer Point Road

TM #28-3-14

NHDES approved a Standard Dredge & Fill application to reduce breakwater dock by 8" in length in order to install two fender pilings 12' from the breakwater dock to provide a four-way tie, repair 10'x10' section of breakwater slope at the lake end of breakwater and install two seasonal PWC lifts.

Chase Realty Trust/#2017-02258

8 Foxwood Way

TM #38-3-1

The applicant provided a response to NHDES' request for additional information.

Lane's End, Inc./#2017-02399

7 Lanes End

TM #2-1-85

NHDES requested additional information.

IV. Correspondence

None.

V. Old Business

Invasive Species

Lloyd Wood stated he spoke with Jim Bean regarding the treatment of invasive species on Sodom Road and requested a cost estimate for such.

Watershed Grant

Steve Wingate stated the grant for the Watershed Plan was approved by the Governor's Executive Council. He stated a committee would be formed in January 2018; noting the Lake Winnepesaukee Association is requesting referrals from the BOS.

Well Water Testing Initiative

Lloyd Wood asked if the Commission would be hosting the program in 2018.

Nancy Piper stated such has not been decided.

The Commission requested Staff forward the NHDES report to the BOS.

VI. New Business

- Request member appointment to the BOS for Ian Whitmore
- NH Land Trust Coalition workshop Communicating About Climate Change scheduled for 12/7/17
- Wells at Five of the six Fire Departments were tested and phenol-formaldehyde was found; well water testing kits were recommended to Chief Thompson

VII. Non-Public Session

It was moved by Nancy Piper and seconded by Larry Gil to enter non-public session at 8:20 PM to consider the acquisition of real property (RSA 91-A:3,II(d)). Roll call vote; Steve Wingate-yes, Lloyd Wood-yes, Mike Phelps -yes, Larry Gil-yes, Ray Everest-yes, Nancy Piper-yes, Nancy Byrd-yes. The motion passed.

The Board re-entered public session at 8:42 PM.

It was moved by Lloyd Wood and seconded by Larry Gil to seal the November 20, 2017 Tuftonboro Conservation Commission non-public meeting minutes. Roll call vote; Steve Wingate-yes, Lloyd Wood-yes, Mike Phelps -yes, Larry Gil-yes, Ray Everest-yes, Nancy Piper-yes, Nancy Byrd-yes. The motion passed.

Chairman Wingate stated the nonpublic session minutes of November 20, 2017 were sealed by a 2/3 vote as required by law.

It was moved by Nancy Piper and seconded by Mike Phelps to adjourn the November 20, 2016 Tuftonboro Conservation Commission meeting. All members voted in favor.

There being no further business before the Commission, the meeting adjourned at 8:43 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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