

## **Moultonborough Conservation Commission Meeting Minutes July 6, 2010**

**Members Present: Marie Samaha, chairman, Paul Stinson, Paul Schmidt, Judy Ryerson**

**Members Absent: Bob Patenaude**

**Alternate Present: Bill Gassman**

**Others present: Nancy Wright, Peter Jensen, Herb Farnham, Dan Merhalski, Town Planner**

The Conservation Committee convened at 7:00 in the Moultonborough Town Hall NB the meeting was held on a Tuesday because of the 4<sup>th</sup> of July Holiday on Monday, and was duly noticed.

### **Meeting Minutes**

The minutes from the meeting of June 7 were unanimously approved as written. The minutes from the Non-Public Session of April 5, 2010 were presented to the Commission and approved by those who had been in attendance, Paul Schmidt, Bill Gassman, and Marie Samaha.

### **Wetlands Restoration and Mitigation Inventory—Paul Stinson**

Paul reported on progress of developing information and language needed to produce an RFP for a Wetlands Restoration and Mitigation Inventory being prepared for the Commission by wetland scientist Gregory Howard and he handed out a revised draft, which is included as part of these minutes. Paul could report significant progress, but the Commission was concerned about the potential high cost of the contract, estimated at \$8,000, which would have to come from our reserve fund as we have no budgeted money for such work. Paul Stinson argued that if we were able to produce such an inventory—to be used primarily by potential developers who might be disturbing more than 10,000 sq ft of protected wetlands to avoid paying a mitigation penalty—we would be the first town in the state to have such a list, we might be able to use the list ourselves, either as a Commission or by other departments in town, and it could be used by others in the same watersheds, and if developers were to do the projects on the list, we would keep the mitigation money in our town. Dan Merhalski pointed out that if we go ahead and put out the REP we will be obligated to spend the money. There was discussion about what lands could be included on the list, and it was pointed out that at the last meeting the Commission had agreed to limit the projects on the list to town owned lands. That being established there was discussion as to if and when the town should be brought in on this as they may not wish some projects to be included. It was also pointed out that the Commission does have the money in its account which will still leave money for other projects and it will be useful to have spent the money for this to show that we have a need for funding when we go to the town to ask for Current Use penalty money. Paul Stinson moved that the Commission proceed with this project, it was passed unanimously.

### **Permit/Applications/Correspondence—Marie**

Marie and Bob meet each Tuesday to review permits, etc. Marie handed out a sheet showing the types of applications reviewed, permits granted, and correspondence received relative to work in jurisdictional wetlands or other projects Con Com is asked to comment upon. There were no major concerns. The handout is included as part of these minutes.

The Commission reviewed a two lot subdivision to come before the Planning Board. There was wetland on one of the two proposed lots but the wetland setback was noted and no building was proposed. The Commission made no comment.

### **Membership—Marie**

Marie reported that Bob Patenaude has been appointed by the BoS as a permanent member and that Bill Gassman has been appointed an alternate. Marie will write a letter asking that Bill be named a permanent member as Paul Stinson has formally resigned as a permanent member. Paul Stinson has been appointed an alternate. She also reported that Herb Farnham has applied to be an alternate, with the desire of becoming a permanent member and that she will write a letter to BoS asking that he be appointed an alternate. She handed out a sheet showing the names and terms of current members and alternates.

### **Land Use Tax—Bill Gassman**

Bill reported that we are generally agreed on the wording although still need to discuss whether we will ask for 100% with a cap to be decided, and perhaps negotiated with BoS or ask for some percentage to be determined, with no cap. The time schedule is such that we should have our final proposal ready for September so we will have to make a final decision next month.

### **Milfoil Committee—Peter Jensen, Chairman**

Peter reported that the first treatments have been made, and that additional treatments are to be made soon. He reported that the treatments in Lee's Mills will be done in September because they missed a filing deadline. He reported also that a portion of Green's Basin that was to have been treated appears to be on hold because of intervention from a scientist at Fish and Game who claimed that an threatened or endangered fish, the Bridle Shiner, in Green's Basin, might be harmed by treatment. Even though the State (DES) had issued permits for the treatment, the private company, faced with possible law suite, has backed off. Peter hopes that that possibly treatment could happen after spawning period. Marie asked about Milfoil Committee sub-groups and whether they should be appointed by Con Com. Peter said that if that were required it would make their work very much harder, perhaps impossible. The Con Com did not feel that the subgroups—which are not official committees—needed to be appointed by Con Com. Peter provided information on the Committee's progress and this has been included as part of this report. Peter also reported on the good work of the Lake Host program and said that more volunteers are needed.

### **Steep Slopes—Dan Merhalski, Town Planner**

Dan handed out a copy of the Steep Slopes ordinance which the Planning Board, after public hearing in January, decided not to approve and send on to Town Meeting. At that time the Board said it would make a few changes, in light of public comments, and

resubmit it for this year. Dan pointed out that at its workshop in March, the PB did not put this item on its agenda. Judy Ryerson and Peter Jensen, members of the PB, however, felt it was the clear intention of the Board that it be on the list for this year. Dan said he did not think it would take much work to get it into shape and would not pose a problem. Paul Stinson objected to the wording about no building on slopes of 25% or greater, saying it lacked materiality. He said he could correct it by using wording used earlier in the ordinance and volunteered to do that. The other concern was about the inconsistency between the proposed ordinance language on not building roads on slopes of 10%, for residential subdivision driveways, or 8% for non-residential. This seems to conflict, in a couple of ways, with the Board's subdivision regulations. Dan endorsed the idea of removing this section (c of performance standards).

#### **Prime Wetlands Designation—Paul Schmidt, and Dan Merhalski**

Paul spoke with Dan about this as background. Dan passed out a copy of a power point document prepared by DES on Prime Wetlands designation and process. Dan said that it would not be necessary to go through an extensive process to document all our wetlands (our NRI is not sufficient) if we want to do the analysis on one or two that we pick for other reasons, but he questioned how we would arrive at those. He also said that he thought our own 50' setback, initially presented to the PB by the Con Com, and which we have good local control of, would be better than even 100' setback (the State Prime Wetland protection) because it would take the oversight out of local hands and give it to the State. The Commission agreed by consensus not to pursue the issue of Prime Wetlands in 2010, in part because we have "a lot on our plate."

#### **By-Laws for Conservation Commission—Paul Stinson**

Paul said that he had had so much to do, including continuing with the Wetlands' Mitigation list, that he was not able to get to this. Con Com agreed to put it off until next time.

#### **Discussion and vote on funding Phosphorus test—Bill Gassman**

Bill presented information, included as part of these minutes, relative to hiring a firm that will provide us information—gathered by satellite—about phosphorus levels and locations in Moultonborough. Despite the late hour, there was considerable discussion of this including concerns about cost—with arguments similar to those around the mitigation list—reliability of the data, use of the data once gathered, and scope of work. The Board voted on a motion by Paul Stinson, and passed unanimously, to contract with Bluewater (BWS) for a single scan for total phosphorus up to 1,000 acres, covering upper waters of Moultonborough Bay, Lees Mills and parts of Greens Basin, at a cost of \$2,900. This initial pass can evaluate the service (and we may need to proof the results by hand sampling) and if the information seems good, we will use it as part of a public information initiative and to try to get other towns in the area to join with us on a larger study. Bill Gassman will be the lead in a subsequent public information campaign if the data turns out to be of good quality. The money will again come out of our unrestricted funds.

Meeting adjourned at 10:10