

CENTER HARBOR CONSERVATION COMMISSION
MEETING MINUTES
Wednesday, August 16, 2023

Commissioners present: Maureen Criasia, Chairman
Harry Viens, Selectmen's Representative & Voting Commissioner
Karin Karagozian
Mark Hildebrand

Absent with Notice: Commissioner Don Carey

Public Attendance: None

Call to Order: The meeting was called to order in the Cary Mead Room of the Municipal Building by Chair Criasia at 8:06 am.

Approval of Draft Meeting Minutes: A motion was made to approve the draft meeting minutes of February 15, 2023 by Commissioner Viens, seconded by Commissioner Hildebrand. All in favor. A motion was made to approve the draft meeting minutes of August 4, 2023 by Commissioner Viens, seconded by Commissioner Karagozian. All in favor.

Old Business:

- a. Project Plan for Development Requiring Wetlands Crossing – TML 215-32, Keewaydin Road – Chairman Criasia reported that at the request of Code Enforcement Officer Bill Doucette, an informal site walk on the property was made on August 3, 2023 by Chair Criasia, Mr. Doucette, and the property owner's agent, Matt Daughdrill from Chris Williams Architects. The current version of the project plan was reviewed, and the proposed access to the site of the wetland crossing and site of proposed structures (house & garage) beyond it were visited. It was noted that selected trees on the property that wish to be preserved have been identified and marked. Also discussed were alternative accesses to the proposed site of the structures, which would have significantly created more negative impact to the property's multiple wetlands' buffers. At the conclusion of the walk, Chair Criasia requested the property's Wetlands Delineation Report from Ilex Wetlands Consultants be forwarded to her and Mr. Doucette for review. Mr. Daughdrill will email the report.

Commissioners Hildebrand and Karagozian expressed an interest to attend future site walks of this kind. Chair Criasia noted that up to two commissioners could attend at a time, otherwise a quorum of the Commission would be present and the walks would require to be noticed as a formal meeting, etc. That said, she would alert Commissioners to future walks if and when they come up.

New Business:

- a. Correspondence to Planning Board – Proposed Amendments to Chapter 10 of the Zoning Ordinance – Chair Criasia reports that she sent a letter dated June 6, 2023 to the Planning Board, along with an accompanying word document that outlined suggested revisions and edits to be made to Chapter 10 of the Zoning Ordinance (Water Resources Conservation Overlay District). These materials were sent electronically to the Conservation Commissioners in advance of this meeting. The Commissioners have no further edits or suggestions to be made to the Planning Board in preparation for its ordinance review this coming fall.

Commissioner Hildebrand, also a Planning Board member, suggested that “tracking changes” be utilized in conjunction with the ordinance document, which will show how the ordinance currently reads and how the proposed change would be incorporated into the body of the document. Chair Criasia replied that the Planning Board Clerk would need to generate that with a version of the ordinance document that is not in pdf.

Commissioner Hildebrand motioned to support the suggested revisions and changes forwarded to the Planning Board as noted above, seconded by Commissioner Viens. Vote unanimous.

- b. Revised Mapping Endeavor – Water Resources Overlay Map – Commissioner Viens has approached the Select Board, outlining the need for an update of the Water Resources Overlay Map. He requests that Chair Criasia provide him with a “ballpark” approximate cost for this endeavor. Chair Criasia states she previously reached out to Certified Wetland Scientist Rick Van de Poll by email earlier this year; in response, he supplied that budget number and she had shared it with Commissioner Viens. She will forward Van de Poll’s email to Commissioner Viens and cc the Select Board. Chair Criasia suggests contacting Barbara Richter at the NH Association of Conservation Commissions (NHACC) to see if they have a list of “Natural Resource Consultants” who would be qualified to complete this work. Commissioner Viens agrees that is a good avenue to pursue. Chair Criasia will send an email link to the Commissioners re: a mapping presentation given by the NHACC this past spring that discusses the most current mapping techniques and tools utilized to update these types of maps. A Request for Proposal for this project will be generated by the Board of Selectmen.
- c. Update – Selectman’s Representative Consultation with Municipal Attorney – in follow up to a memo sent by request from Chair Criasia to Selectmen’s Representative Viens on August 3, 2023 and subsequent to a Conservation Commission meeting held on August 4, 2023, Commissioner Viens contacted Attorney Chris Boldt re: scope of recourse options available to a Conservation Commission as an entity “in standing”. The option for “Appeal from an Administrative Decision” under RSA 676:5 was discussed. Commissioner Viens reports that, in this instance, the construction permit related appeal period has expired. Commissioner Viens also reports that the Conservation Commission cannot file an Appeal from an Administrative Decision on a decision that

the Zoning Board of Adjustment has made, which is good information to retain for future reference, but not relevant to the matter that prompted the original request for input from the municipal attorney.

- d. Update – Groundwater Withdrawal Community Well Testing Report – Bean Road Condominium Project, Moultonborough - Commissioner Viens updated the Commission that the Center Harbor municipal attorney contacted a hydrology expert consultant to conduct a comprehensive review of a report filed by the property owner to NHDES re: the safety of the drinking water to be pumped from the two site wells (see report from Edgewater Strategies dated July 8, 2023). The hydrology expert consultant generated a report of findings in rebuttal; that “Letter of Report and Opinion on Well Impacts” has been received by the Select Board and will also be sent to the NHDES Groundwater Bureau (see letters dated August 11, 2023 from Credere Associates LLC and Attorney Boldt). These documents are posted on the Town’s website once they are available for public review. Once the NHDES Groundwater Bureau makes a decision, it will be followed by a 30-day appeal period. The Commission will continue to monitor the outcome and the decision made by NHDES Groundwater Bureau.
- e. Update – Zoning Board of Adjustment (ZBA) Hearings Held on August 14, 2023 – Chair Criasia reported that a case involving shoreland impact was withdrawn by the applicant. The other case, pertaining to TML 104-016, involved comments and recommendations made by the Conservation Commission in a report submitted to the ZBA, subsequent to the Commission’s meeting on August 4, 2023. This report was requested by the ZBA Chair to be read aloud during the public hearing by Chair Criasia. The Zoning Board membership expressed its appreciation to the Commission for its report.

Other Business:

- a. Discussion re: Water Resources Related Question to be Considered for Inclusion on the Construction Permit Application – Chair Criasia discussed with the Commission her frustration with receiving NHDES Shoreland Permits, but not having access to the Shoreland Application and other supporting documents and materials sent to NHDES that triggers the permit. The Shoreland applications are sent directly from the applicant to NHDES, and the applicant is not required to submit the same materials to the town in order to be permitted by NHDES. Included in those applications are worksheets for calculating impervious surface etc.

Chair Criasia wondered if there could be included on the Town’s construction permit application a statement or clause that requires a property owner to submit the shoreland application and materials as part of the municipal construction permit process. Commissioner Viens states that suggested changes to the municipal construction permit application need to be reviewed and approved by the Code Enforcement Officer and Board of Selectmen.

- b. Resources and References for Conservation Commissioners – Chair Criasia distributed for review a copy of NHACC’s New Hampshire’s Municipal Conservation Commissions Handbook (updated in 2021) and NHDES’ “Wetlands Best Management Practice Techniques for Avoidance and Minimization” (2020). Chair Criasia said that she has used both of these manuals frequently in order to conduct the business and work of the Commission and wondered if commissioners would benefit from them as well. The Commission has monies in its 2023 operating budget to purchase these resources for its commissioners. A motion was made by Commissioner Karagozian and seconded by Commissioner Hildebrand to purchase the manuals for the benefit of the Commission and the vote was unanimous.

Adjourn: Hearing no further business to come before the Commission, the meeting was adjourned at 9:52 am.

Respectfully submitted,

Maureen Criasia, Chairman

(The next scheduled meeting of the Conservation Commission will be held on Wednesday, November 15, 2023 at 8:00 am)