

**Minutes of June 11, 2009 Meeting**

**Members Present:**

Earl Bagley (Co-Chairman), Justine Gengras (Co-Chairman), Gene Young (Vice-Chairman), Dave Lawrence, Tom Hoopes, Peter Bolster (Selectmen's Rep.)

Also Present: Thomas E. DiPace

**Members absent:**

Roger Burgess (Treasurer)

**Call Meeting to Order:**

Co-Chairman Earl Bagley called the meeting to order at 7:02 p.m. at the Alton Town Hall.

**Approval of Agenda:**

**Motion made by D. Lawrence to accept the Agenda as amended, seconded by J. Gengras. Motion passed with all in favor.**

**Approval of Minutes of May 28, 2009:**

**Motion made by J. Gengras to accept the minutes as printed, seconded by D. Lawrence. Motion passed with all in favor.**

**Planning Board/ZBA Agenda Items:**

1. **Stephen & Mary Lee Spicer**- Map 48, Lot 7, 43 Basin Rd., Request for an Area Variance from Article 300 Section 327 to replace a pre-existing, grandfathered deck, which was removed and replaced with a 12x20 new deck and a 3 season room.

**Discussion:**

The Commission reviewed the Dept. Head Review and finds that the proposal does not have Commission issues. Commission signed the Review commenting that there are no Commission issues.

**Standard Dredge and Fill Applications:**

1. **Fred Browning** – Map 36, Lot 42, 154 Mount Major Hwy. Replace one (1) deteriorated foundation wall to boathouse. Replace parking area retaining wall, (3) three sides. Remove concrete steps. All on bank of the lake. Impact area is 715 sq. ft. Lot is 0.02 acre. Work is not within waterbody.

**Discussion:**

The Commission reviewed the application and also the comments and pictures from an abutter, Mr. Mario Ranieri and finds that there are questions raised by the abutter regarding compliance issues and property lines that will be brought to the attention of the Wetlands Bureau. The Commission requests that an inspector view the property as the Commission does not have the expertise or background on the property to comment further. DES is in a much better position in this particular case to do an inspection.

**Motion made by T. Hoopes to advise NHDES Wetlands Bureau that they will be shortly receiving a letter from an abutter (attached copy) that raises compliance issues and questions which can only be checked within the DES files, seconded by G. Young. Motion passed with all in favor.**

2. **Town of Alton ROW** – Map 71, Lot ROW, 31, 32, 138, 139. Alton Shores Rd. near intersection with Wendy Rd., Town of Alton is proposing to replace an existing 48-inch CMP Culvert on Alton Shores Rd.

**Discussion:**

The Commission investigated the property and finds that the application submitted accurately portrays the proposed project area. The Commission finds this project is reasonable within Wetlands Bureau rules and therefore has no objection to a permit being granted.

**Motion made by J. Gengras to send Standard Letter of No Objection to NHDES Wetlands Bureau, seconded by T. Hoopes. Motion passed with all in favor.**

**Permit By Notification:**

1. **DiPace, Thomas E.** – Map 38, Lot 41, 19 Litch Lane, Installation of 2 Seasonal Boat/Jet Ski Lifts, In-kind repair & Replacement to a 10' x 34' Crib Docks supporting a Boat House, Replace 6 Existing rotted Dock Pilings.

**Discussion:**

The Commission reviewed the application and questioned whether the Crib Docks supporting a Boat House would warrant a Minimum Impact Expedite Application instead of a PBN. The Commission finds that the application submitted accurately portrays the proposed project area. Mr. DiPace explained the need for the proposed repairs.

**Motion made by G. Young to sign the application with no objections, seconded by D. Lawrence, Motion passed with all in favor.**

**Minimum Impact Expedited Application:**

1. **Alan & Anne Posnack** – Map 64, Lot 18, 166 Smith Point Rd. The proposal will have no impact in lineal or square feet. Replace two tie-up pilings in same place. Perform future maintenance/repairs to existing dock as needed. Add a “Jet-ski lift” in innermost slip-depth is 1-3 feet.

**Discussion:**

The Commission investigated the property and finds the application submitted accurately portrays the proposed project area. The Commission finds the proposal “Perform future maintenance/repairs to existing dock as needed” is open-ended, non-specific and does not appear to meet NH Wetlands Bureau Rules for Expedited Application.

**Motion made by J. Gengras to send Application to NHDES without signature and with a note stating why the Commission didn't sign the application. Seconded by T. Hoopes.**

**Motion passed with all in favor.**

2. **William Ashford** – Map 63, Lot 38, Interlakin Rd. Request for re-approval of work approved on permit no 2004-509 (expired) which was never completed. Proposed work consists of repairing/replacing the existing docking (Permanent) and replacing the existing timber walls with allan block walls. All repair/replacement to be done with no change in size, Location or configuration.

**Discussion:**

The Commission reviewed the application and finds this project is reasonable within Bureau rules and therefore has no objection to a permit being granted.

**Motion made by G. Young to sign the application and send a letter of no objection to the NH Wetlands Bureau, seconded by T. Hoopes. Motion passed with all in favor.**

**Commissioners Report:**

1. **Earl Bagley** – Reported he had been questioned regarding whether Town of Alton had a Prime Wetlands Ordinance. An Ordinance could change the usage of the land and the value of the land. Alton does not have a Prime Wetlands Ordinance. The Town Meeting rejected a Prime Wetlands Ordinance in the 1980's. The original Prime Wetland study data is available. A Green reference binder lists 135 different wetlands listed in Alton greater than 4 acres. A ranking process was done looking at all the wetlands uniqueness, size, critical areas and etc.
2. **Peter Bolster** – Reported on proposed State Legislation regarding timber harvest in prime wetlands. Read MEMO from the Selectmen, “Conflict of Interest” (**see attached memo**) to the Commission and answered questions. Also reported that a Milfoil Committee has been formed.
3. **Justine Gengras** – Reported on two phone conversations regarding use of Permit By Notifications (PBN) for lakefront retaining wall repairs.
4. **David Lawrence** – Reporting on Clear-cutting in protected shoreland on Rum Point. Pictures were taken. There was an Administrative order issued which in-fact only involved one lot which was not the lot with our Conservation Easement. There was a stop work ordered to stop all that they were doing. Dave phoned NHDES and found that there was no restoration plan submitted. There is nothing else being done on it, they are still in negotiation. The Administration order was

issued in April of last year. The request for restoration was issued in Oct of 2007. There is no schedule. They can't force people to do things. Fines are done after negotiations. This process seems to be going on for a long time. J. Gengras mentioned that the Commission should follow up the phone call with a paper trail to NHDES which might get some results.

**Other Business:**

1. **Cons. Comm. Postage**
2. **Cons. Comm. Expenses**
3. **Knowing the Territory 2009 Edition**
4. **Comprehensive Shoreland Act**- Saturday, June 20, 2009 10:00 @ Moultonborough Academy Auditorium on Blake Rd.

**Correspondence:**

**The Commission reviewed the following correspondence and no action was taken.**

1. **Douglas Lamson Rev. Tr.** – Map 73, Lot 11, 70 Sleeper Island, Deadline Extension Request for More Information. Ames Assoc. is requesting a 60 day extension.
2. **Town of Alton**- Map 1, Lot ROW, Cooke Rd. Wetlands Permit #2008-00667. Stoney Ridge Env. is submitting letter on behalf of the Town of Alton to request an amendment to the Wetlands and Non-Site Specific Permit.
3. **Robert Holmberg KLH Rlt Tr.** – Map 52, Lot 37, 172 Rte 11D, Install 2 seasonal PWC lifts in the northern slip, install a seasonal boat lift in the center slip, install a 14'x30' seasonal canopy over the center slip on an existing permanent dock consisting of a 8' x 38' piling supported dock connected to a 6'x40' piling supported dock by a 11' permanent walkway on 105' of frontage on Lake Winni. **NHDES Approval date 5/29/09 Subject to the project specific conditions.**
4. **Ken Macleod Peggys Cove Assoc.**- Map 40, Lot 9, Peggys Cove Rd., Replace one three pile ice-cluster and one piling on the lakeward end of a 6'x20' dock attached to a 10'x60' dock with seven 20'x2' seasonal piers on 168' of frontage on Lake Winni. **NHDES Approval date 5/29/09 is subject to the project specific conditions.**
5. **Richard Smith** – Alton Bay Conference Center- Map 34, Lot 33, Rand Cove, Wetlands Bureau Files #2004-01798 and 2003-02509, **NHDES requests that additional shrubs be planted between the wall and access path by the primary structures.**
6. **Jason Drouin** –Ames Assoc. Map 55, Lot 9A, 52 Woodlands Road, NHDES File # 2009-00753, **NHDES has reviewed the Shoreland Permit App and has determined that additional info is needed to clarify and complete it. (Response to Request for More Information.)**
7. **Charles Liberty** – Map 76/77, Lot 134A, File #2009-00896, NHDES acknowledges receipt of the Cons. Comm. Report.
8. **Alan & Anne Doherty** – Map 39, Lot 9, Rte 28A, File #1999-00995, DES has conducted a review of the file and determined that work was conducted on the property without an approval. Specifically, a concrete pad was constructed in the lake and lakebed, a docking structure was relocated and a section of wharf was expanded over the lake.
9. **James Connelly** – Map 66, Lot 31, 28 Acorn Dr., Overview of Map 66, Lot 34A, Permit by Notification Application.
10. **M2DK LLC , Formerly Marie Lawson/Peter Rice**– Map 56, Lot 1, 60 Woodlands Rd., Construct a 6'x40' seasonal dock connected to a 6'x40' seasonal dock by a f'x12' seasonal walkway, construct a 398 sq. ft. perched beach with wooden stairs over the bank on an average of 161' of frontage on Lake Winni. **NHDES Approval date 6/4/09 subject to the project specific conditions.**

**Adjournment:**

**Motion made by G. Young to adjourn the meeting at 9:25 p.m. seconded by D. Lawrence.  
Motion passed with all in favor.**

Respectfully Submitted,

Cindy Calligandes  
Secretary to the Conservation Commission