

**Alton Conservation Commission Approved by the Conservation Commission 9-13-07  
Minutes of August 23, 2007**

Members Present: Justine Gengras, David Lawrence, Gene Young, Roger Burgess, and Earl Bagley. Tom Hoopes arrived at 9:30 pm.

Members absent: Steve McMahon as Selectman's Representative

Others Present: Dale & Nancy Hammes, Mr. & Mrs. Thomas DiPace

**Call Meeting to Order:** Co-Chairman E. Bagley called the meeting to order at 7:00 p.m.

**Approval of Agenda:**

**Motion made by G. Young and seconded by D. Lawrence to approve the agenda as amended. Motion passed with all in favor.**

**Public Input:**

None at this time

**Approval of Minutes:**

Approval of minutes from August 9, 2007 meeting.

**Motion made by G. Young to accept the minutes, second by R. Burgess. The motion passed with all in favor.**

**Presentations/Consultations:**

Dale & Nancy Hammes to discuss to discuss NHDES Wetlands Bureau denial of their wetlands permit application to construct a pond on Map 9 Lot 17.

Mr. Hammes explained that NHDES suggested he consult with the Conservation Commission regarding his pond proposal problems. He provided the Commission with details of the process he had followed in submitting his application, including having Irene Garvey, certified wetlands scientist delineate wetlands where the pond would be constructed and prepare his application. I. Garvey also provided additional information to NHDES, but NHDES wanted the pond moved to reduce impacts to the wetlands. Mr. Hammes said he then consulted with Michael Lynch, Dist. Conservationist, NRCS, who inspected the proposed pond site and said the pond site had no wetlands. By then, the timeframe set by NHDES for submitting additional information had expired, and the application was denied. He expressed frustration with the process and how much he had spent, only to have the project denied.

J. Gengras explained the Commission's role in the application process, noting that the Commission could only comment and/or make recommendations for a permit application and could not do anything about a denied project. She noted the Commission had not objected to the pond, but had commented to NHDES, asking how much of the wetlands functions could be impacted by constructing the pond. She explained that a plan with wetlands delineated by a certified wetlands scientist and carrying a signed stamp, generally can only be disputed by another certified wetlands scientist. She noted that the NHDES permit denial found that 3000 sq. ft of impact to the wetlands was excessive.

Mr. Hammes said it was not feasible to construct a pond in a 100% dry location.

J. Gengras asked if the pond location could be shifted, vicinity of the delineated wetlands, to impact less wetlands. She suggested Mr. Hammes consult with NHDES to determine how much wetlands impact would be acceptable to NH DES.

Mr. Hammes said he now understood the Commission's role in reviewing applications. He said there was room to shift the pond location in the vicinity of the wetlands and would consider his options. He thanked the Commission for their input.

**Planning Board/ZBA Agenda Items:**

Good Steward Map 15 Lot 3 – Department Head Review – FYI

**Standard Dredge and Fill Applications:**

2. Fred Gallant Map 38 Lot 27-1 – Build 4'x25' permanent dock off front of the boathouse to accommodate 2 boat slips (see attached deed restriction) – Letter from abutter (continued from 8/9/07 meeting)

**Discussion:**

J. Gengras - J. Fortin, secretary, talked with D. Forst, NH DES Shorelands Inspector regarding correspondence on this case. D. Forst said file on the request for reconsideration was being reviewed by the Legal Department, hence file correspondence was not available to send to the Commission. She said NH DES would not act on the current application until the request for reconsideration was resolved.

J. Gengras - The Town tax map shows the property has 108 ft of lake frontage. Per NH DES rules, the property is entitled to only 2 slips. The boathouse provides 2 slips. Docks on each side of the property each provide a slip. It appears that the property currently has 4 slips.

Abutter – Thomas DiPace – Submitted to the Commission a photo taken Aug 11, 2007, showing the boathouse as viewed from the lake. The photo showed use of 3 slips: 1 jet ski in a boathouse slip, one rowboat at dock on one side of the property, 1 power boat at the dock on the other side of the property. He said he'd measured the current dock, and it was longer than the dimensions shown on the plan.

E. Bagley - How accurate is the information provided in the application? Is the dock 17 ft long or longer? Does the depth of water at the end of the current dock conveniently start at 36" as shown on the plan?

D. Lawrence - If the 36" depth does not start until the end of the dock, then the length of the current dock has no bearing on the length of the proposed dock.

Abutter - Thomas Dipace - The length of the proposed dock will be a navigational hazard to him as abutter. Also, he'd talked R. Pelletier, NH DES, who said NH DES is close to approving the proposed permanent dock, that they would forbid use of the boathouse slips and that NH DES would approve any requests for permanent docks on Alton Bay.

J. Gengras - Are there many seasonal docks in the vicinity of Mr. Gallant?

Abutter - Thomas DiPace. At least two nearby cottages have seasonal docks.

E. Bagley - The Mt. Washington makes only 2 trips a week to Alton Bay, so wake from the Mount shouldn't be an issue for docks.

The Commission discussed the issue of the existing boathouse slips. If the requested dock is approved, what happens to the boat slips? Will they be converted to another use, such as living quarters or storage? Who will be responsible for making sure the boathouse slips aren't used anymore for any purpose? Also, the plans in the Land Use file for the lot show that the boathouse footprint was expanded for residential use after 1989.

J. Gengras - The application is incomplete as item 6, says, "see attached deed restriction," but this attachment is not included in the application.

Abutter - the applicant will place a deeded restriction on use of the boathouse slips.

R. Burgess - if the applicant wants the extended dock, which gives him 2 slips, he'd also have to remove the dock on the other side of the cottage.

R. Burgess volunteered his boat to view the property from the lake, and D. Lawrence will go with him and photograph the property.

J. Gengras and D. Lawrence will check accuracy of dock length and water depth and take additional photos, if necessary.

**Motion by Earl Bagley for J. Gengras to draft and send letter of objection to the proposed application to NH DES Wetlands Bureau, including property photos, noting any deficiencies in application data as determined by the site inspection, also noting the missing the deed restriction in the application and commission concerns regarding the boat house slips, seconded by D. Lawrence. Motion passed with all in favor.**

**Permit By Notification**

None at this time

**Minimum Impact Expedited**

Alton Bay Christian Conference, Map 34, Lot 33, Repair cribbing under grandfathered dock.

**Discussion:** The Commission reviewed the application and found it meets NH DES Wetlands rules.

**Motion by J. Gengras to direct a Chairman to sign the application, second by D. Lawrence. Motion passed with all in favor.**

**Commissioner Reports:**

None at this time

**Other Business:**

1. Letter from Glen and Nora LaRue pertaining to complaint filed. - No action taken at this meeting.
2. List of Conservation Lands - J. Gengras - this is an updated list of conservation land in Alton that the Commission manages or provides stewardship for. Please note the addition of the RR ROW that runs between Rte 11 and Woodlands Road. The Town of Alton deeded the ROW to the Commission in 1970. It has not been on our list before.
3. UNH Cooperative Extension Service – bill for Lay Lake Monitoring.

**Motion by G. Young to pay \$1500 for Lake Winnepesaukee Lay Lake Monitoring. Second by D. Lawrence. Motion passed with all in favor.**

**Correspondence:**

1. Robert Bahre Map 21 Lot 5-5 – Permit Approval - FYI
2. Longview Trust Map 18 Lot 38-1 – Permit Approval - FYI
3. Lake Winnepesaukee Watershed Association - no action required.
4. 2007 Watershed Conference - no action required.
5. Newsletter, "the Source." - no action required.

**Adjournment:**

**Motion by R. Burgess, second by E. Bagley to adjourn the meeting at 9:55 pm. The motion passed with all in favor.**

Respectfully submitted,

Justine Gengras, Secretary pro tem

Conservation Commission Co-Chair