

**CENTER HARBOR CONSERVATION COMMISSION
MEETING MINUTES
WEDNESDAY, MAY 12, 2021**

Commissioners present: Harry Viens, Acting Chairman
Karin Karagozian
George Gurney
Don Carey
Maureen Criasia

Attending from the Public: Helen Heiner
Susan Patz
Edwin “Duke” Kline
Eric Taussig (attorney for Edwin Kline)

Call to Order: The meeting was called to order at 10:02 am by Acting Chairman, Harry Viens. Commissioner Viens briefly explained the necessity for his recusal for the duration of the meeting. At 10:04 am, he turned the meeting over to Commissioner Criasia, left the Commissioners’ meeting table and sat with the public attendees.

Approval of Minutes: The Commission reviewed the draft copy of the minutes of the April 20, 2021 meeting. A motion was made, seconded and the Commission voted unanimously to accept the minutes as presented.

The Commission reviewed a draft copy of the minutes of the April 24, 2021 site visit to the Kline property (TML 212-32). Commissioner Gurney had pointed out that the time of adjournment as noted in the draft was incorrect and needed to be changed to 10:57 am. Mr. Kline spoke up and said that under the “Attendees from the Public” section, it was incorrectly reflected that the Commission passed over the corner of the Hayes property, that is, in fact, the Commission was still on the Kline right of way at that juncture. Ms. Criasia agreed to omit that specific reference from the minutes and clarify. Hearing no further edits or changes to the minutes, a motion was made, seconded and voted unanimously to accept the minutes as amended.

Old Business: NHDES Standard Dredge and Fill Application #2021-01076 (TML 212-32, Kline Road):

Commissioner Criasia opened the discussion of this part of the agenda by reading aloud the “Purpose of the Center Harbor Conservation Commission” as reflected on the Commission’s section of the Town’s website. Criasia stated that this was a way in which to refresh the Commission’s memory, along with informing the public attendees at the meeting. She requested a motion to have it be placed into the minutes. A motion was made by Gurney, seconded by Karagozian and unanimously voted to do so.

“The Center Harbor Conservation Commission (CHCC) is a Select Board appointed volunteer organization, formed in 1965 as set forth per RSA Chapter 36-A, specifically to identify, preserve, and protect the Town's natural resources, to develop and maintain an inventory of those natural resources, to preserve open space and scenic views, to monitor conservation easements held by the Town, to protect water resources and water quality, and to develop and distribute information to the public on conservation issues.

The CHCC is an advisory group offering input on conservation matters to the Center Harbor Board of Selectmen, Planning Board, Zoning Board of Adjustment, and the New Hampshire Department of Environmental Services. The Commission may review and comment on NHDES Wetland and Shoreland permit applications and supporting documentation. The CHCC will maintain accurate records of its meetings and actions, and will submit an annual report to the Town.”

Commissioner Criasia informed the Commission that she had been in touch with Mary Ann Tilton and Kristin Duclos from the NHDES Wetlands Bureau. The purpose of these phone calls was to seek accurate information pertaining to the specific time frames allowed by the Commission to review an application of this nature under an Intend to Investigate option. She was told that the 40-day window was counted in calendar days and Day 1 is considered the date the application was filed with and signed by the municipal Town Clerk (in this instance, April 7, 2021). An Intend to Investigate notice needs to be filed within 14 calendar days (in this instance, that notification was filed by the Commission on April 20, 2021). Ms. Duclos pointed out to Ms. Criasia that the 40-day window concluded on Sunday May 16, 2021 but NHDES would accept written communication from the Commission pertaining to their investigation through Monday, May 17, 2021. Ms. Criasia was also told that the submitting of written communication to the NHDES by the Commission was “optional”; i.e., that the Commission was not “obligated to respond” to NHDES. After the 40-day window had been completed, NHDES would resume their internal review of the application.

The Commission discussed the above and strongly believes that a written communication from the Commission to the NHDES pertaining to this application is desirable. A motion was made to proceed with submitting a letter to NHDES, seconded, and the vote by the Commission was unanimous.

A draft version of a letter to NHDES was presented to, reviewed and discussed by the Commission. Attorney Taussig requested the verbiage be read aloud. Ms. Criasia declined, citing that the letter was in draft format and would most likely undergo a multitude of changes, revisions and edits during the meeting.

Commissioner Karagozian believes that she is uncertain what extent of overall impact would exist if “construction proceeds as proposed” and that the Commission does not possess a level of expertise to ascertain any definitive judgements about the project’s outcomes. She believes and others agreed that it was outside the Commission’s scope to evaluate and come to conclusions re: scientific details associated with the project. However, Commissioner Karagozian states that the Commission should outline the nature of its uncertainties in the letter. Subsequently, verbiage options were discussed among Commissioners.

Commissioner Gurney agreed with Commissioner Karagozian, but also expressed his concerns that without a context or clear vision of what would transpire on TML 212-32 (a 39+ acre parcel of land), it was impossible to make an accurate assessment of lasting impact.

Commissioner Carey concurred with both Commissioners. He believes that this is just the start of the process and surmises that NHDES will request more information and details from the applicant going forward, especially technical details pertaining to the engineering, drainage, etc.

Commissioner Criasia noted that there was no square footage of temporary impact reflected on the application, and given that heavy equipment would be necessary for construction and would be introduced into and working within the 20,000 sq. ft. wetlands complex for building the road and hammerhead, installation of underground utilities, etc., it would be helpful if that was evaluated and documented.

After much discussion pertaining to the wording and spirit of intent of the letter, Commissioner Karagozian moved that the drafted letter be sent to the NHDES with discussed and agreed upon changes and revisions. This motion was seconded by commissioners Gurney and Carey and the vote taken was unanimous. (A copy of the finalized and signed letter will be attached to these minutes.).

Having reached the end of the agenda for this meeting, a motion was made and seconded with a unanimous vote to adjourn the meeting at 10:54 am.

Respectfully submitted,

Maureen Criasia, Commissioner