

**MINUTES OF THE
CENTER HARBOR CONSERVATION COMMISSION**

November 10, 2009

The meeting convened at approximately 10 am.

Attending were: Bruce Bond, Chairman, Ellen Bennett, Maureen Criaisia, Karin Karagozian, Harry Viens, and JoAnn Wood, Secretary. Randy Mattson represented the board of Selectmen.

Also attending were:

- Lisa and Mark Olsheskie, who had requested time to address statements in prior minutes concerning development of their land on Waukewan
- Carol Thompson, who has been asked to consider joining the commission

I. Commissioners were unable to read and approve minutes from the October meeting. It was agreed that Bruce's draft minutes would be forwarded to Robin anyway and that they would be formally approved at the December meeting.

II. On-going business.

A. Prime Wetlands Update

- Maureen read Rick Van de Poll's memo to DES chivvying them along. So far, he has had no response.
- Harry stressed the Planning Board's need for the approved study to ensure that the designated wetlands as well as potential new ones (e.g., Snake River and Fog Hill Bog) are factored into the master plan.
- Randy agreed to send an email to Rick from the SB urging timely action. Rick could then forward the email to the DES as an added prod.

B. Planning Board. Harry reported that the master plan is the all-consuming task at present (see above).

C. Energy Committee. Our exhausted Harry reported that

- The Jordan Institute will submit its draft proposal at the SB meeting on November 18. In essence, the proposal breaks down costs associated with

implementing energy-saving recommendations for town hall, library, and the fire station. By far, the biggest savings opportunity is in cutting electricity usage.

- The EC is close to recommending that a single boiler system be installed for the above three buildings plus the new police station.
- Finally, the EC is close to preparing a final draft of energy savings opportunities that could be handed out with each new building permit.

D. The Dane Forest Project. JoAnn and Harry reported that

- Solicitation letters and email/telephone follow-ups have been sent out and that the response has been excellent.
- The December 1 cocktail party is set and invitations have gone out.

E. The NHACC Annual Meeting and Workshop. Karin and JoAnn reported general dissatisfaction with the caliber of some speakers. Their consensus was that the workshops might be of use to new commissioners but was of minimal value otherwise.

III. The Olsheskie property issues. Lisa and Mark Olsheskie then joined the meeting to clarify statements made about their building plans in CC minutes of October, November, and December, 2008.

A. In their introductory remarks, they emphasized

- Their appreciation of the commission's work
- Their love of, and sense of responsibility for, Lake Waukewan

B. Referring then to specific minutes, they wished to understand what regulations they might have violated. Specifically,

- **In the October 14, 2008, minutes,** they disputed the second sentence under the first dot point: "...Yet *they plan to use the same septic system....*"), claiming that they prepared and submitted to DES a plan for a new system in 2005. When it was pointed out that the current commission was seated only in August, 2006, Mark stated that, as Bruce had objected to their work in '05, he must have known that they had prepared a plan for a new system. The commission agreed to correct the above statement to read "...Yet *the commission is uncertain whether they plan to use the same septic system....*")
- **In the November 18, 2008, minutes,** Mark and Lisa objected to the first dot point under "Permits and Applications" (Page 2), which reads:
 - - *Bruce gave a brief history of the Olsheskies' non-compliance with local environmental regulations – e.g.,*
 - ○ Clear-cutting violations
 - ○ What appears to be a permanent dock
 - ○ New-construction violations (Ken Balance has already denied several building permits)

- As to the charge of **clear cutting**, the Olsheskies produced two documents from the 2005 SPA Commission
- - A “summary of Olsheskie Project, Meredith”, dated October 20, 2005, giving a timeline, from December 2004 to April 2005, of meetings, walk throughs, inspections. The DES found in April, that the cutting complied with CSPA regulations.
- - A letter to Mark and Lisa Olsheskie from Jeffrey D. Blecharczyk of DES, referring to “Wetlands Bureau Complaint File #2005-00281, 28 Brookside Drive, Center Harbor.” The letter stated that “...no violation of RSA 483-B, The Comprehensive Shoreland Protection ACT (CSPA) has occurred on the subject parcel and therefore, no further action is required....” This letter was copied to the Center Harbor Conservation Commission, the Center Harbor Board of Selectmen, and the Center Harbor Code Enforcement Officer.

Lisa further explained that she and Mark walked the property with a DES representative inspecting the flagged trees (some were diseased or dead). She Said they did not remove all the flagged trees. However, respecting a neighbor’s septic system, which had been built under their driveway, they had to Take out additional trees to allow alternative access to the property. They Subsequently replaced as many trees as they could.

- As to the question of the **dock**, after initial concerns, which were stated in the minutes, Bruce and Maureen reported that the dock was lifted in early November. This was so stated in subsequent minutes.
- As to the question of **new-construction violations (i.e., setback violations)**, Lisa pointed out that there were no violations because nothing has as yet been built. Further
- - Ken Balance denied only one building permit, not “several” as was stated in the minutes
- - Mark and Lisa did go to a Zoning Board hearing in November ’08 to make a case for hardship variances and were granted approval at that time.
- And on this subject, Mark also wished to know when and how Bruce and Maureen were able to make a site visit without his permission, as is required by law. He pointed out that Brookside Lane is private and that they were, therefore, actually on his property.

In light of this discussion, the commission wishes to state for the record that **The Olsheskies were at all times in full compliance with existing CSPA/DES regulations regarding the cutting and replacing of trees on their property and that they were, in fact, used as an example of good Stewardship in subsequent CSPA slide presentations.**

Their dock is and has always been intended to be a seasonal dock.

They would have been in violation of setback regulations if their building project as originally presented had gone forward. But subsequent plans have been approved by the Zoning Board.

- In the December 9, 2008, minutes, Mark and Lisa took issue again with the statements (Page 2, second dot point under Permits and Applications): *Bruce brought the CC up to date on the on-going saga of the Olsheskie's application to replace the existing 100 sq. ft. summer camp with a 3000 sq. ft. year-round house. The new structure would violate at least five zoning regulations.* It was agreed that the statement should be corrected to read that the Olsheskie's **appear** to be replacing **an estimated** 1000 sq. ft. summer camp with **an estimated structure of 3000 sq. ft.** And, as stated above, the Olsheskie's have received ZBA approval for current building plans.

In summary, Mark and Lisa reiterated their appreciation of the role the Commission plays in the community but would request that in the future, the CC

- Make a greater effort to separate fact from prejudice
- Communicate with the landowner before reaching conclusions on his intent regarding his land
- Use more respectful language when preparing the official record of meetings.

Randy, speaking for the commission, expressed regret for the misstatements contained in the above cited minutes. The commission's dedication to protecting the town's precious shorefronts may have led it to an excess of zeal.

After the Olsheskie's left the meeting, the commissioners summed up the lessons learned from the meeting. It was agreed that in future, every effort would be made to work with the landowner whenever issues of concern arose.

With no time remaining, the meeting adjourned at 12:20 pm.

Respectfully submitted,

JoAnn Wood
Secretary