

OSSIPEE LAKE REPORT

ALLIANCE RECEIVES GRANT FROM GRASSROOTS FUND

Broad Bay Alliance has been awarded a grant in the most recent round of funding by the New England Grassroots Environment Fund (NEGEF).

NEGEF is a small grants program designed to foster and give voice to grassroots environmental initiatives that encourage civic engagement and local activism in New England.

Broad Bay Alliance was one of 54 organizations selected by the NEGEF grantmaking committee in what was described as the most competitive application process in the group's history.

The Alliance was cited for its work in documenting and ensuring enforcement of violations of environmental and land use



Trees on North Broad Bay frame Mt. Shaw in late autumn. Mt. Shaw, in the Ossipee Mountains, is one of the most familiar sights on the lake.

laws at Ossipee Lake Marina in Freedom. BBA will use the grant to help expand its membership and to support ongoing education programs and activism in 2003.

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Notable Dates:

- January 7: Pre-trial hearing on the Ossipee Lake Marina appeals. Carroll County Superior Court, Ossipee.
- January 25: Green Mountain Conservation Group annual meeting, potluck dinner and speaker, Black Bear specialist Ben Kilham. Runnells Hall, Chocorua, 6-9 pm. (Info @ 539-1859).

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DANFORTH POND CONSIDERS FORMING A LAKE ASSOCIATION

Freedom's Danforth Pond is best discovered by kayak or canoe but it can also be seen from the Ossipee Lake Road. As you drive west it will appear on your right at the foot of the hill just past the intersection with Bennett Road.

The view from this vantage point is deceiving, however, for all that can be seen is

Lower Danforth. Hidden from view to the north is Upper Danforth, connected by a slender channel known as The Narrows.

Danforth Pond is one of the gems of the Ossipee Lake system and it straddles two very different worlds. To the north is Huckins Pond, a pristine, undeveloped body of water

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STATE SUPERIOR COURT WILL HEAR MARINA ISSUES

Five separate appeals of decisions made by Freedom's Zoning Board of Adjustment (ZBA) regarding Ossipee Lake Marina will start making their way through the state court system on January 7th.

Among the appeals the state will hear are two filed by Broad Bay property owners seeking to overturn the town's decision to grant "after the fact" zoning approval for the use of bathrooms and parking lots that the Marina illegally constructed between 1998 and 2000 on adjacent residential property known as Lot 42.

One appeal in that matter was filed by Kathleen Keenan while a second appeal was filed jointly by Mary Smith, Charles DePew and Glen Graper.

The appeals allege that the ZBA made a procedural error and violated state law when it approved requests that were "not materially different" from what the board had previously denied.

On July 9th the ZBA granted special exceptions to the Marina to use the bathrooms and parking lots after denying approval of the same uses on May 28th. State law prohibits resubmission of applications for special exceptions that are essentially the same as what has already been denied.

The appeals also state that in addition to making a procedural error the ZBA misinterpreted the zoning ordinance by granting special exceptions for marina "accessory" uses on Lot 42 that are not accessory to the property's "primary" use.

In its May 28th ruling the ZBA specifi-



In 1997 Freedom's ZBA mandated that Ossipee Lake Marina plant trees to screen its boat storage operations. Trees were finally planted in the fall of 2002 as a result of persistent efforts by lake homeowner groups working with BBA.

cally rejected the use of Lot 42 for "marina" use. As a result of that ruling the town cannot legally approve marina accessory uses on the property, according to the attorneys for the plaintiffs.

The town is also facing three appeals by the Marina in regard to the town's decision to deny additional boat storage buildings on the pre-existing Marina property as an impermissible expansion of a non-conforming use.

The attorney for the Marina claims that the language of the town's 1997 approval of a special exception to construct two boat storage buildings implies approval for the construction of additional buildings at a future date. The town has rejected that interpretation.

The shift of the appeals to the state is the latest development in a matter that began when the Marina was purchased in 1997 by a group of investors that includes Kevin Price of Londonderry.

Price's efforts to expand the business resulted in opposition by lake property owners and led to the formation of Broad Bay Alliance in February, 2002.

"Appeals by Broad Bay property owners allege that Freedom's ZBA made procedural errors and violated state law."

DANFORTH POND CONSIDERS A LAKE ASSOCIATION

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where the predominant sounds are buzzing dragonflies and jumping fish. To the south, connected by a shallow brook, is busy Broad Bay and the main body of Ossipee Lake.

As if to reflect their location of being in-between, the property owners of Danforth Pond are in the middle of an important decision: whether or not to form a property owners association.

The question is being posed by the Broad Bay Alliance, which hopes to involve Danforth Pond in environmental programs that would link it to efforts by groups in other parts of the lake system. To facilitate that objective, BBA has offered administrative and logistical help for Danforth's property owners to establish and launch their own group. That is, if they want one.

To find out, BBA began surveying Danforth's property owners in November about their use of the lake, their environmental and land use concerns and their interest in an association as a way of dealing collectively with significant lake issues. The results of the survey are expected by the end of January.

Danforth Pond is one of the largest communities in the Ossipee Lake system without a homeowners association, according to BBA's director of development, Susan Marks, who is also president of the Berry Bay Association. That is not to say that its property owners have never banded together to take action on significant lake issues, however.



Danforth Pond after a winter storm is captured in this picture by photographer Allegra Boverman (aboverman@cs.com).

Two years ago an ad hoc group was formed to oppose Purity Springs Resort's application to create 54 boat slips as part of its purchase and expansion of the former Shawtown Campground. Although the group did not prevent new boat slips from being approved, its actions limited the number of slips to 36 and ensured that applicable state and local land use laws were followed.

Danforth Pond property owners have also been active in preventing the spread of milfoil in The Narrows, one of two locations in the lake system where the weed has been documented, and they have been well represented in opposition to the expansion of Ossipee Lake Marina.

The New Hampshire Lakes Association has identified 264 lake organizations in the state with missions ranging from the purely social to serious environmental activism. Most associations balance a bit of both, providing a way for seasonal neighbors to stay in touch while creating a forum to discuss significant

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DANFORTH POND ASSOCIATION DISCUSSED

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issues that have the potential to harm the environment and diminish property values.

The oldest such group on Ossipee Lake is North Broad Bay Association, which was formed in the late 1940s. Other long-standing groups include the Broad-Leavitt Bay Association, which has the largest membership, and Berry Bay Association. In 2002 Broad Bay Alliance was formed to link the various lake organizations with one another.

BBA is raising the question of forming a Danforth Pond association in advance of its launch of the first comprehensive lake-wide water quality monitoring program this summer, in partnership with Green Mountain Conservation Group and state agencies. Water quality monitoring is one of a number of programs planned for the

next two years that will require organizing volunteers to implement and manage activities in all parts of the lake on a scale that has heretofore never been accomplished on Ossipee Lake.

“Danforth Pond residents have historically risen to the occasion whenever necessary,” Marks says, “but volunteer programs of this magnitude require a leadership structure and depth of back-up personnel. It’s difficult to accomplish that without a formal organization of some type.”

As for the likelihood of a Danforth Pond lake association, Marks says the decision is strictly up to the property owners. “We can help residents organize and fund a new group and we know what has worked for other groups. We believe the time is right for Danforth homeowners to take the next step.”

“Volunteer programs of this magnitude would be difficult to accomplish on Danforth Pond without a formal organization of some type.”

BBA RECEIVES NEGEF GRANT

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Acknowledging the award, BBA’s executive director David Smith said “We are delighted to be recognized by NEGEF at such an early stage in our development and we are looking forward to working with the NEGEF team in the coming year.”



BBA’s David Smith and Susan Marks were participants, with Ed Reed and Chuck DePew from Friends of Trout Pond, in an NEGEF-sponsored workshop in October at Antioch New England in Keene.

Vermont-based NEGEF was founded in 1996 and awards annual grants based on the premise that “the key to long-term community health is the passion of citizen groups who are motivated by a par-

ticular local concern and take direct action on it.” Freedom-based Broad Bay Alliance was formed in February, 2002.

ALLIANCE LENDS SUPPORT TO NHLA INITIATIVES

Broad Bay Alliance has announced its support of legislation to be proposed in January by the New Hampshire Lakes Association that would mandate water access permits and standardize the state's definition of personal watercraft.

The water access permit proposal is designed to address the environmental impact and costs associated with the estimated 20,000 to 60,000 out of state boats that use New Hampshire's lakes and ponds annually.

Under the current law, out of state boaters may use state waters for 30 consecutive days without registering or paying a fee.

Under the terms of the proposed program a water access permit would be required for all motorized boats over 12-feet in length. The permit would cost \$13 if purchased from the state and \$15 if purchased from a marina.

Revenue from the permit program would be used to ameliorate the impact on water quality and the recreational value of the lakes that is attributable to out of state boaters, according to David Schaarsmith, NHLA's director of environmental policy.

Permit revenue would also be used to help offset the incremental costs of enforcing boating laws, including providing marine safety patrol officers and equipment and maintaining public access for out of state boaters.

NHLA points out that the program will establish a point of contact with out of state boaters where one does not currently exist. Such a point of contact would provide an opportunity to educate boaters on New Hampshire's boating laws and environmental concerns.

While all boaters would be required to purchase and display a permit, the cost of the permit for in-state boaters would be offset by a corresponding reduction in

the annual state boat registration fee.

Legislation to standardize the definition of personal watercraft (PWC) failed in a tie vote in last year's legislative session but is being proposed again by



David Schaarsmith, NHLA's environmental policy director, with BBA's David Smith at NHLA's annual meeting in November.

NHLA because of its significance as an issue for the state's lakes.

New Hampshire recognized the disproportionate impact of PWCs when it set stringent standards for them in 1989. At that time PWCs were generically called jet skis and accommodated just the operator and a passenger, motorcycle style.

In the intervening 14 years PWCs have morphed into a variety of vessel types that are capable of carrying as many as four passengers. Since state laws never acknowledged the evolution, the newer iterations of PWCs do not fall under the same rules as jet skis.

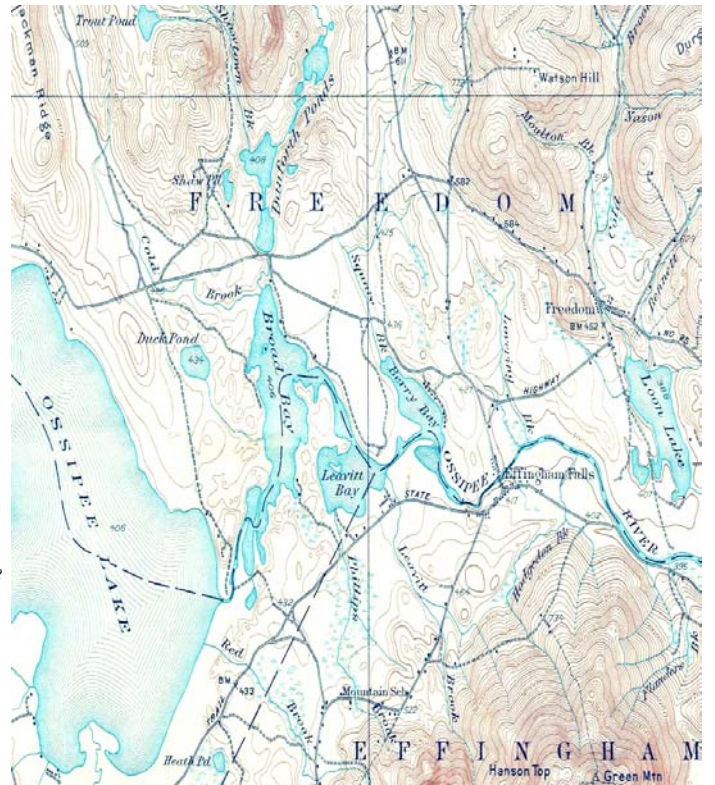
As a result of this disparity the original intent of the law of allowing the restriction of PWCs where they are inappropriate has been circumvented, rendering the law meaningless.

New Hampshire is the only state with

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Broad Bay Alliance was formed in February, 2002, to seek understanding and enforcement of the state and local laws that protect our natural environment, our enjoyment of the lake and the value of our property. In partnership with environmental groups, non-profit organizations and homeowner associations the Alliance is exploring how best to ensure the long-term integrity of Ossipee Lake and its bays and surrounding area.



BBA SUPPORTS LEGISLATION PROPOSED BY NHLA

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two separate categories of PWCs based on seating capacity, according to NHLA. Having separate categories has led to confusion among operators of PWCs and the safety officials assigned to enforce state boating laws. Most importantly it has allowed PWCs to be used without restriction in areas where they may be inappropriate.

Under the proposed legislation all PWCs would be united under the definition of personal watercraft used by the Personal Watercraft Industry Association. Standardizing the definition would eliminate confusion and allow the state to enforce PWC laws more uniformly.

The public would be allowed to petition the Department of Safety to restrict or ban PWCs on a given body of water regardless of the vessel's seating capac-

ity. That would restore the intent of the 1989 law by allowing lake users to determine the appropriateness of PWCs through a democratic public hearing process. The public would also be allowed to petition to remove restrictions or bans where they already exist.

“Broad Bay Alliance believes both proposals are common sense responses to issues that are directly relevant to the Ossipee Lake system,” according to BBA’s executive director David Smith.

“Once the bills have been introduced we will be working with members of the lake community to support them by contacting the appropriate state officials.”

More information on how to support the bills will be distributed by BBA via e-mail in January. You may also request to be added to NHLA’s e-mail update list by contacting dks@nhlakes.org.

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