



OSSIPEE LAKE REPORT

Volume 8, Issue 1 • January – March 2009

KEY DATES:

- Tuesday, March 10: Ossipee elections. Town Hall, 10AM–7PM.
- Tuesday, March 10: Effingham elections. Town Hall, 11AM–7PM.
- Tuesday, March 10: Freedom Town Meeting (9AM) and elections (9AM–7PM). Town Hall.
- Wednesday, March 11: Ossipee Town Meeting. Town Hall, 6:30PM.
- Saturday, March 14: Effingham Town Meeting. Elementary School, 9AM.

DECREASED TRANSPARENCY IS AMONG THE FINDINGS IN WATER QUALITY REPORT

OSSIPEE — Water quality in the Ossipee Lake system remains good, but with the caveat that decreased transparency, or water clarity, suggests the need for beefed-up efforts to prevent nutrient loading.

Both Broad Bay and Leavitt Bay have experienced a significant worsening of transparency, down more than 3% in Broad Bay and by more than 2% in Leavitt Bay. Since both bays have been monitored for more than a decade, the results are considered to be statistically significant.

The findings are part of the latest report on water quality in the Ossipee Watershed, a

long-term monitoring effort led by Green Mountain Conservation Group (GMCG) in association with state agencies and local organizations.

Ossipee Lake Alliance participates in the program by conducting annual deep water tests in the lake and bays, the data from which GMCG combines with other samples it collects from the lake system.

Nutrient inputs to the lake come primarily from non-point pollution sources, such as surface runoff, groundwater and shoreline erosion. The amount of nutrients coming

Continued on page 3



DRED official Don Kent (center, rear) leads the first meeting of the 17-member panel that is advising the state on implementing the Natural Area management plan. See story on page 6. *Alliance Photo*

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OSSIPEE LAKE, THE BAYS, THE RIVERS
AND CHANNELS, DANFORTH POND, LOON
LAKE AND ROUND POND

David Smith, Executive Director
Susan Marks, Development Director
Board Members: Howard Bouve, Perry
Fine, Barre Hellquist, Bob Reynolds

SEEDLING PROGRAM STATE'S BEST KEPT SECRET

FREEDOM — Thinking of spring? Winter has barely started, but lake residents who love to garden and landscape are already leafing through a publication that's one of the state's best kept secrets.

It's the 2009 Seedling Catalog from the New Hampshire State Forest Nursery, a tiny speck of a business buried deep within the Forest Management Bureau of the Division of Forests and Lands, which is part of Concord's sprawling Department of Resources and Economic Development.

Each year the State Forest Nursery sells more than 350,000 seedlings from its headquarters

in Boscowen, where there are 16 acres of irrigated outdoor seedbeds and 20 acres of seed orchards and hybrid species test areas. Since the nursery was founded 97 years ago it has sold more than 80 million tree and shrub seedlings to state residents.

Many of the sales to homeowners are for specific purposes, such as providing wild-life food and cover, aiding in reforestation or controlling lake and stream erosion. But for weekend gardeners, no purpose is needed beyond the delight of planting a tiny seedling and watching it thrive over the years.

Continued on page 2

STATE SEEDLING CATALOG A WINTER FIRESIDE TREAT FOR WEEKEND GARDENERS

Continued from page 1

Thrive is the right word. Everything at the nursery is grown in the state from native seed, meaning the seedlings are already adapted to New Hampshire's climate and soil conditions. Since nothing is imported from out of state, the nursery's managers are confident their seedlings are free from pests and disease.

The New Hampshire State Forest Nursery was established in 1910, by the authority of the New Hampshire Forestry Commission, on a small parcel of land in Pembroke from which it dispensed white pine seedlings.

Much of New Hampshire at the time was cut-over, burned or otherwise in need of reforestation, according to the nursery's web site.

The State Forest Nursery filled the need for reforestation by supplying planting stock and working with towns and private landowners to establish planting programs.

From the beginning, the nursery worked solely with native seedlings to avoid the possibility that out-of-state trees could introduce diseases to the state.

In the nursery's first year of operation more than 50,000 seedlings were sold for \$3 per thousand. But since the demand that year was for 200,000 plants, the program expanded swiftly.

Diverse Species

Today the nursery carries more than 50 different species, from softwoods to hardwoods to native and non-native types.

Native species, which the nursery defines as species that were present when European settlers arrived in the early 1600s, include the familiar - Bayberry, Arrowwood and Common Elderberry - and the not-so-familiar, such as

Juneberry and Fox Grape. You can also find three types of dogwood species that are hardy for our area, including Yellow Twig, Silky and Gray.

Available softwood conifers include Blue Spruce, Douglas Fir and Red Pine and are arrayed by age, size and price in the catalog and online.

Non-native species include Crabapple, European Highbush Cranberry, Rugosa Rose and Hawthorn. Also, Fragrant Sumac, Winterberry Euonymous and European Mountain Ash.

Price is clearly a selling point. \$45 is the rack rate for Blue Spruce - and it will get you 100 two-year old seedlings 6-10 inches high.

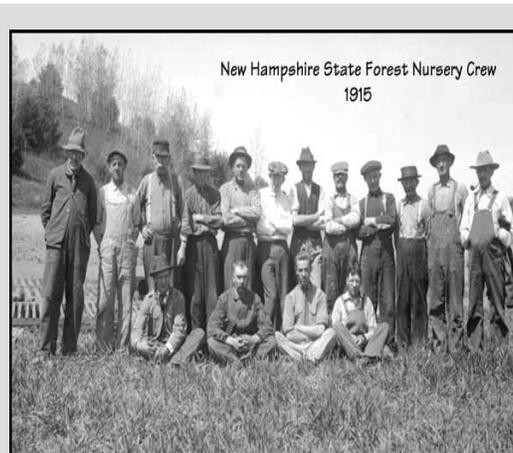
For lower quantities, the nursery's packages are an inventive option.

The Winter Survival Package, for example, contains bare-root seedlings which produce fruit that remains on the plant into winter to provide wildlife with survival food above deep snow cover and through strong winds and freezing temperatures.

Specialty packages are \$25 each and typically consist of 25 assorted seedlings (5 plants of 5 species) that are color coded for easy identification. Each seedling averages at least 6 to 12" tall. Other packages include plants for songbirds and wetlands, and there is a Christmas Tree sampler.

The 2009 seedling catalog can be ordered from the State Forest Nursery by calling (603) 271-2214 or by writing to Nursery Mailing List; P.O. Box 1856; Concord, New Hampshire 03302-1856.

You can also order online at the nursery's web site at www.nhnursery.com.



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OSSIPEE LAKE NEWS delivers
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about the lake by e-mail, as
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New Hampshire Lakes Association
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DECREASED TRANSPARENCY AMONG FINDINGS IN LAKE WATER QUALITY REPORT

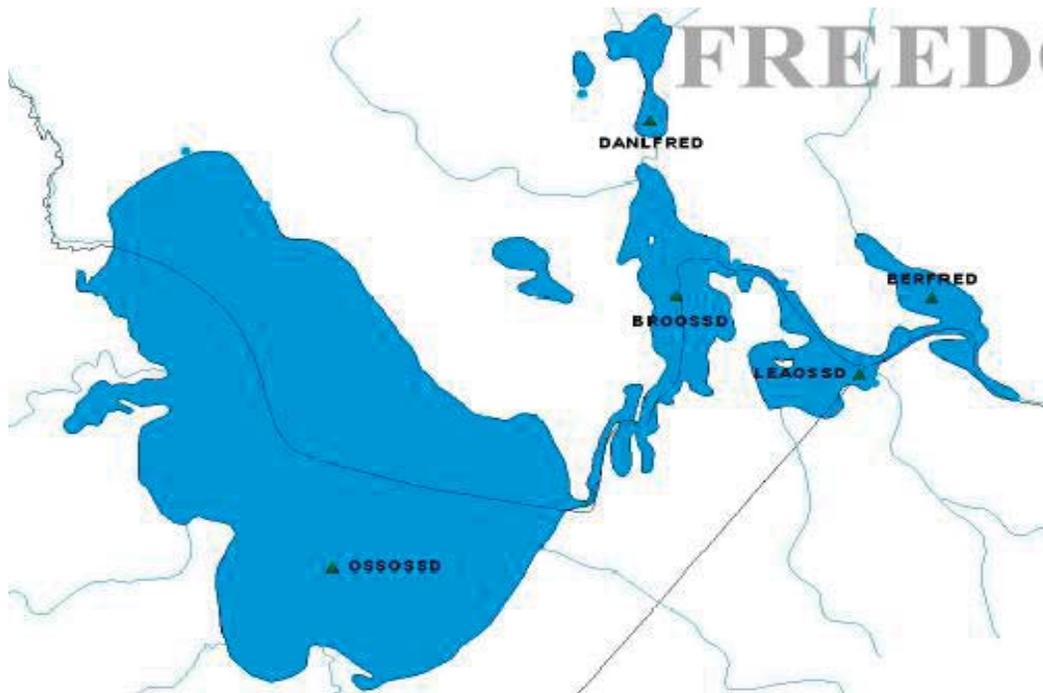
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from an area is largely dependent on the predominant land use - developed land versus wetlands and forests, for example.

In the lake system, which is highly developed, nutrient loading from human activities can be the result of failing to maintain septic systems or removing shoreline vegetation buffers. Fertilizers used for lawns and other non-na-

These sites include Square Brook in Freedom, which runs under the Ossipee Lake Road and enters Berry Bay, and Phillips Brook in Effingham, which runs under Route 25 and enters Leavitt Bay at a site infested with variable milfoil.

The report suggests that the elevated levels found at the two sites are likely attributable



tive shoreline landscaping can leach into the groundwater and migrate into the lake.

Water testing has been ongoing since 1990 in Broad Bay and Leavitt Bay and since 2002 for all other parts of the lake system. Water quality trends can be examined year to year, but ten years of data is required before changes can be considered to be statistically significant.

The big lake also showed worsening transparency in the latest report, while Berry Bay and Lower Danforth Pond showed a variable transparency trend. While the results are not considered to be statistically significant, they underscore what appears to be a trend throughout the lake system.

There was news of concern off the lake as well. The GMCG report cited elevated nutrient, turbidity, sodium and chloride, and conductivity levels occurring at several monitoring sites on lake tributaries.

to human activities such as road salting, dirt road runoff and sedimentation, snow dumping in surface waters and possibly faulty septic systems.

Other human activities that can add nutrients to the water include bathing in the lake, construction runoff, car washing, shoreline erosion from high water levels and sand dumping or beach construction.

The report recommends promoting Best Management Practices to prevent non-point source pollution, including stabilizing stream banks, lake shorelines and disturbed soils along dirt roads located immediately adjacent to the edge of rivers, tributaries and the lake.

The complete report is available through GMCG's website (www.gmcg.org) or directly at www.gmcg.org/administration/pdf/2008_GMCGWQMPresentation.pdf.

“FREEDOM CARES” TAKES LONG-TERM VIEW

By Jennifer Molin

FREEDOM — Company is coming again. How are we going to entertain this group? What to do? Where to go? I have some volunteer duties to fulfill and local activities I want to attend that they will probably find dull. After all, this company is from the city.

The company is enthralled. In fact they love Freedom so much that they tie their future visits around local events so that they can volunteer and be a part of the community. This is when you know that what you personally feel about Freedom is not just your reaction; it is everyone's.

What creates this wonderful, enveloping, caring, vibrant atmosphere? Is it our sense of place? Is it the drive along Cushing Corner Road overlooking the Ossipee Mountain Range down Andrews' Hill into the village center? Is it this most gorgeous group of buildings, the river, the activities that are still centered in this little town? Is it the rural atmosphere from the dirt roads, the still active farms, and the many trails through the woods or maybe just the new town forest?

What is it that makes us feel the way we do? Is it us or is it what we have? Whatever it is, whatever has given us this most blessed bit of joy, we do not want to lose it. Because of that, many residents of the town have come together as “Freedom Cares” to look into how the decisions of today will affect the Freedom of tomorrow.

The group has already met with representatives of Plan NH, the NH Preservation Alliance, National Trust for Historic Preservation and NH Division of Historical Resources, and has learned of funding sources and organizational tools that should be created to help with any future plans. At one of their first meetings, Maggie Stier, of NH Preservation Alliance, walked in and asked, “Why isn't this town on the National Historic Register?”

Freedom Cares found out that this is an honorarium that has no restrictive building requirements, but does make the town and individuals of private property eligible for a certain class of grants.

Many of the ideas that are being talked about in the meetings of Freedom Cares had already been expressed, though the members did not know it, in the town's recently adopted 2008 Master Plan. In order to see if their ideas are similar to the larger community, and to get a consensus of how to proceed, the group is in the process of applying for a grant that would sponsor a Charrette for 2009.

A Charrette brings in professionals that look at what a town can and cannot do with its ex-

isting infrastructures, as well as how to fund it; listens to all aspects of the community, and then helps the community develop a direction, a plan that all have bought into.

A heritage commission in Freedom would also make the town and private individuals eligible for another class of grants. Heritage Commissions are established in towns because they do for buildings what conservation commissions do for land.

The commission would be structured the way the town wanted, with its implementation being voted on at our 2009 Town Meeting. Currently several members of Freedom Cares are looking into the different types of heritage commissions so that they can make a recommendation on what they feel would be in Freedom's best interest to adopt.

All of these ideas, as well as many more, are being bandied about due to the concerns of the relocation of Freedom's Town Offices in the near future. The present offices do not meet all of the building codes and need to be upgraded for today's energy standards.

Then of course there is the parking issue. Does the town hire professionals to help them find a way of upgrading existing structures to resolve all of these issues, since it has not been able to see the solution on its own?

Does the town continue down the path of building a new structure, a Butler building, on the outside of the village proper? What are the alternatives that will be certain to address as well the growing space needs of our town employees? What really is the most cost effective thing to do?

The movement of a building that has activities that are so critical to a town's infrastructure is not a minor thing. Its effect can be more than we can even presently fathom. This fact is represented by the towns that have lost vital buildings to the outskirts and are now fighting to bring them back.

There are also new areas of construction (Boston Globe Nov. 11 “Raising a Village from Scratch”) that are creating communities like we already have. So before Freedom does anything that our descendants are going to rail against us for, we have to think about all the aspects of this very important decision.

A sense of place is much more than words, it is a lifestyle. For more information on planning for the future while conserving, contact Lee Fritz (539-4868 or leefritz@hotmail.com); Gale Morse (539- 5449 or gale@freedom-designs.com); or Jennifer Molin (539-4587 or jennifer-molin@roadrunner.com).

Jennifer Molin is a lake resident in Freedom.

STATE BATS FACE DEBILITATING DISEASE

CONCORD — Bats in the Northeast are facing one of the most devastating threats ever: a new disease named White Nose Syndrome (WNS), according to the N.H. Department of Fish and Game.

WNS affects bats in their winter hibernacula, causing them to use up the stored fat they need to get through the winter. Desperate bats will sometimes leave the hibernacula and fly in search of food, but there is none to be found when there is snow on the ground.

First found in New York in 2007, last winter WNS was also found in Vermont, Massachusetts and Connecticut. According to Emily Brunkhurst, conservation biologist for Fish and Game's Nongame and Endangered Wildlife Program, this could present a serious problem for New Hampshire's bats.

"There are few caves here that are suitable for the four hibernating species in New Hampshire, so they must fly to caves or mines in these other states," Brunkhurst said.

"Even though we don't know anything about how the syndrome is transmitted, it's definitely moving fast, and we want to know right away if it is infecting New Hampshire's bats in significant numbers."

In some caves up to 97% of bats have died from WNS. The syndrome seems to have the biggest impact on the little brown bat, which

is common in N.H. "This is the bat we often see cruising over a lake, eating insects," Brunkhurst said. "Our evening skies might be emptier next summer."

Researchers don't yet know what causes WNS, or what effect losing all these bats might have on insect populations – especially agricultural pests and nuisance species like mosquitoes, which bats eat thousands of pounds of each summer. More than a dozen research labs are currently studying the syndrome and trying to learn more about what it is, what's causing it, how it is transmitted and how to prevent it.

The lab research has focused on the possible causes of WNS, which is named for a white fungus that is often seen on the muzzle and other parts of the bats. So far there have been no viruses, bacteria, or other pathogens found, but the fungus has been identified. It appears not to be the cause of the illness, but simply a symptom.

There are many ways to help bat researchers with their work, says Brunkhurst. If you have bats roosting in your barn, shed or attic, leave them there so they can breed. If you would allow a researcher to study the bats in your barn or shed, contact Brunkhurst at emily.brunkhurst@wildlife.nh.gov. If you cannot allow them to remain where they are, please do not evict them during the time they have pups, which is late May-August.

CONTEMPT MOTIONS TO BE HEARD IN LEE CASE

OSSIPEE — A State Superior Court judge this month will hear a Motion of Contempt charge filed by the Ossipee Bluffs Association against serial environmental violator Donald Lee.

In July, attorney Jed Callen asked Judge James D. O'Neill for civil damages and a lien on Lee's property for failing to comply with the court's April 2008 order to remove millions of tons of sand and debris from Ossipee Lake.

Callen said the remediation plan Lee submitted to DES is not the plan the judge specified, and it would remove just a fraction of the debris Lee is responsible for cleaning up.

In response, Lee's attorney, Finis Williams, said his client was forced to create a different proposal because one of the documents in the court-ordered plan would require him to tear down the home of an abutting property owner, Jim Lamm.

Both sides in the case acknowledge that the state-ordered plan contains an exhibit with an error, but the agreement ends there. Callen said the exhibit in question, one of hundreds submitted into evidence in Lee's 2006 trial, is clearly marked "not for construction or per-

mitting" and that the error was quickly caught and explained. He said Lee obviously understood the court did not expect him to tear down Lamm's house to dredge the lake.

In response, Williams accused Callen of purposely "submitting an improper exhibit" and taking "totally inconsistent" positions in explaining it.

Williams also said his client wants to present testimony by his engineer and hydrologist that questions whether the state-mandated plan will work, something Callen said is an attempt by Lee to re-open a case that was decided in court more than two years ago.

In 2006, Lee was found guilty of causing environmental damage to the lake by repeatedly altering the course of the Lovell River and ignoring state directives to stop. Specialists say the clean-up could cost Lee \$1 million.

Bluffs Association spokesman Steve Foley says the group sued Lee after waiting 18 years for DES officials to hold the Massachusetts resident accountable. Foley says pursuing the case has cost his group more than \$250,000 to date.

NATURAL AREA WORKING GROUP SETTLES INTO TASK OF ADVISING STATE

OSSIPEE — There was a mood of optimism and cooperation in Ossipee Town Hall in November as boaters, environmentalists and state officials settled into the task of finding common ground in implementing the first-ever management plan for 400-acre Ossipee Lake Natural Area.

The 17-member Natural Area Working Group was formed by DRED in September as a way to involve lake stakeholders as advisers in the plan's deployment next summer.

Setting the stage for the group, Don Kent, administrator of the N.H. Natural Heritage Bureau, said all eyes in the state are on the Natural Area project, which seeks to balance recreation and preservation at the fragile site.

The basics of the proposed plan are clear, with a portion of the shoreline to be designated for low-impact recreation and education, and the interior and the remainder of the shoreline to be closed for restoration and preservation.

But the devil is in the details, and as head of the Working Group, it's Kent's job to capture and assess ideas on how to address issues ranging from water quality to swimmer safety to nuisance behavior. By winter's end, the agency will present its final recommendations to the governor.

Kent said the state's primary responsibility is to protect the site's natural and historic resources, which he said are found throughout the property and near-shore waters. But he added he's optimistic that recreation interests can be accommodated if there is public awareness and cooperation.

"We're not here to look backward and assign blame to boaters or to the state for the damage that's already been done," he said. "Our job is to look forward and make this plan work."

To clear the air about what he said was "a lot of misinformation" about the property, Kent and DRED environmental information specialist Melissa Coppola presented a chronology of research studies, from the early 1960s to the present, documenting the site's rare plants and species richness.

Asked how unusual the site is, Coppola said some of the property's natural communities are not known to exist elsewhere.

Public Use Area

After the presentation, the group got down to work with a discussion about how to manage the public use portion of the property, a long stretch of sandy shoreline interspersed with rare plants and natural communities that have been under stress. Kent said the goal of

the state is to permit recreation at that location while fulfilling its statutory preservation requirements.

Wayne Killam, who said some of his Lakeside Landing Marina customers use the site, suggested low fencing in addition to signs to keep people in designated areas and away from the interior land.

A question from environmentalist Susan Slack asking whether the state assumes it has a responsibility to provide bathroom facilities prompted a lengthy discussion about public health issues.

Alliance director David Smith suggested that land and water sanitary issues be considered separately. He said members of the boating community have been discouraging people from using the woods as a bathroom, and those efforts combined with the fences and signs can potentially help resolve the onshore issue.

In regard to the water, Jacquie Colburn of DES' Lakes Management and Protection Program said large numbers of boaters using the lake as a bathroom during the course of a long day is not unique to the Natural Area. She said DES has been looking at innovative solutions to the problem state-wide, including whether portable floating bathrooms can work.

Bud Berry, also from DES, said water tests next year may not immediately show if there is a bacteria problem. He said bacteria usually builds up over time and requires long-term monitoring to determine the environmental impact. Boater Allen McKenney said some people already bring portable on-boat toilets to the site, and he thinks the state should encourage others to do so.

Representing the Town of Freedom, John Shipman said the "carry in, carry out" principal of preventing litter can also be applied to the bathroom issue. He said purchasing a portable on-boat toilet and knowing where the public bathrooms are on the lake, such as at marinas, should be a matter of personal responsibility.

Enforcement Issues

Enforcement, perhaps the most difficult issue the state faces in making the management plan successful, has assumed an even larger importance in the current economic climate.

Josh Dirth, from the state's Marine Patrol, said his agency can help, but only so much. Once parts of the shoreline are officially closed to the public, Marine Patrol officers can arrest trespassers in addition to enforcing boating regulations.

Continued on page 7

PUBLIC USE AREA WILL LIKELY SHIFT WEST

Continued from page 6

Unfortunately, fewer Marine Patrol officers are likely to be on the lake next year since two positions have already been cut.

As far as enforcement on the public use part of the shoreline is concerned, DRED official Kent was blunt, telling the group his agency isn't budgeted to fund compliance in natural areas. Beyond an initial period of creating public awareness, he said, local resources and the boating community will have to assume a large part of the responsibility for making the plan work.

To underscore the importance of such a volunteer effort, Kent said the state will likely close the entire shoreline if the public does not cooperate with the plan.

The Alliance's Smith said he thought compliance with this year's restrictions was good and that most boaters will comply if the state's rules are clear, adding that there is still a lot of confusion about what is permitted and what isn't.

Boater John Panagidakos agreed, saying people who rent or are visiting the lake for the day are the ones most likely to break the rules because they are unaware of them. He said it is important to reach out to such people.

Consensus Items

Kent said the state has been rethinking the location of the open portion of the shoreline, which now runs from the tree known as Lone Pine east to the buffer zone with the Long Sands residential community.

He said DRED favors shifting the open-use part of the shoreline to the west based on practical and environmental considerations, including

maximizing the protection of the property and obtaining the largest possible gain in restoration efforts.

Boaters in the Working Group said the sandy area of the new location has more beach-like space and will make it easier to block the interior property with fences.

Jean Hansen of Long Sands Association said that since the new area is further removed from residential properties, it could stop people from illegally accessing the site from Long Sands Road.

On a voice vote with no objections, the Working Group recommended that DRED shift the open shoreline toward the west, and that it fence restricted areas in addition to posting signs showing use regulations.

The group also established a sub-committee to detail sanitation options. Town of Effingham representative Sheila Jones and DRED Parks and Recreation official Kevin Donovan will report to the group at the next meeting, tentatively scheduled for mid-January.

Kent said the state wants the final plan to be measurable, and toward that goal the Working Group decided informally that volunteers should be organized to conduct a spring shoreline clean-up. Once the shore is certified as free of litter and human waste, it will be easier to determine how well the rules work next summer.

Additional agenda items for January include discussions about permitted recreation, public education and awareness, and the potential for a designated area for kayaks and canoes. §

OSSIPEE ZBA DENIES WEBCAM CASE APPEAL

OSSIPEE — The Ossipee Lake Webcam may be wildly popular, but it's not a commercial use. That means it's not a violation of zoning, according to an October ruling by Ossipee's Zoning Board of Adjustment (ZBA).

The ZBA met to consider lake property owner Doug Brown's appeal of a finding by Code Enforcement Officer Dave Senecal that any issue created by the device is a civil matter, not a town matter.

In August, Brown complained to town officials that the webcam, owned by his neighbor John Rowe, was a safety hazard and a nuisance because it was drawing crowds of boaters. Brown argued that the webcam is a commercial use because viewers access it from Rowe's Canoe King business website.

At the October appeal, Town Attorney Richard Sager said the webcam could not be considered a commercial use because Rowe isn't using it to sell anything or to generate business on his Broad Bay property.

Rowe's advisor, Parks Christenbury, added that any boater safety issues created by the camera should be handled by the Marine Patrol.

ZBA member David Babson said there is nothing in the Zoning Ordinance or the Master Plan covering webcams, and said he believed the complaint is a civil matter.

Other Board members said they sympathized with the Browns but agreed with Babson. Bruce Parsons made a motion to deny the appeal and it passed unanimously on a voice vote.



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OSSIPEE LAKE REPORT - WINTER 2009

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INSIDE:

- Water Transparency Declines
- State's Best Kept Secret
- Natural Area Advisers Begin Work
- State Bats Face Debilitating Disease
- "Freedom Cares" Has Long-Term View

Preserve. Protect. Educate.

