

# OSSIPEE LAKE REPORT

## LAKE RESEARCH PREPPED FOR LEAP 2003 PROGRAM

### Key Dates:

- **Saturday, July 12:** "Tales of Ossipee Lake" series presents Lionel Chute and Dan Sperduto on the globally rare Ossipee Lake Natural Area. A Watershed Weekend event at Camp Calumet, Freedom, at 4 PM. Info @ 603-539-1859.
- **Saturday, August 9:** "Tales of Ossipee Lake" series presents Janice Petrie and Barry Hill on the legend of the ghost of Florence Small. A Freedom Old Home Week event at Camp Calumet, Freedom, at 8 PM. Info @ 603-539-1859.

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In one of its most important initiatives of the year, Ossipee Lake Alliance will deploy dozens of volunteers to establish a benchmark for quality of recreation on Ossipee Lake this summer.

The program is called LEAP 2003, an acronym for lake environment assessment program, and it is connected to several state initiatives whose objective is to ensure that New Hampshire's lakes remain among the most desirable places in New England for boaters, visitors and residents.

The idea for LEAP 2003 came from meetings with lake property owner associations last summer, according to Alliance executive director David Smith.



Dozens of boats are seen last August at Cassie Cove sandbar in violation of a 2000 state ruling that limits to 10 the number allowed there. Rafting is one of the quality of recreation issues to be quantified in the Alliance's LEAP field research project. Photo: Broad-Leavitt Bay Association.

"The consensus was that the character and environment of the lake were changing," Smith says, "with reports of dangerous boating conditions in the bays, rafting, erratic op-

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## IN THE MATTERS OF QUICKSAND, QUAKES AND QUACKERY

Anyone who has spent time on the lake has heard the stories. The lake was the epicenter of the state's worst earthquake and the site of a fire that burned all the way to Maine. There is a hydroplane at the bottom of Broad Bay. Pools of quicksand await the unwary near Pine River. A ghost haunts a

cottage on the big lake.

These are among the mysteries and legends of Ossipee Lake that will be explored and explained in an ongoing series of events that Ossipee Lake Alliance is sponsoring with Green Mountain Conservation Group begin-

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## OSSIPEE LAKE MARINA CASE HEADS TO STATE COURT

In what is likely to be a long process, five different appeals of decisions made by Freedom's Zoning Board of Adjustment (ZBA) regarding Ossipee Lake Marina will start making their way through Carroll County Superior Court on Friday, July 18th.

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 has been filed by a homeowner represented by attorney Fay Melendy and a second has been filed by a group represented by attorney Glen Graper, who is also a plaintiff.

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

On July 9th, 2002, 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. According to Melendy and Graper 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 specifically 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.

The town also faces three appeals by the Marina in regard to the town's decision to deny additional boat storage buildings on the Marina property based on it being an impermissible expansion of a non-conforming use.

The attorney for the Marina, Randall Cooper, believes 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 court system 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.

After Price filled wetlands and expanded his business without required approvals, lake residents documented the situation and organized Broad Bay Alliance in February, 2002, to bring public attention to the matter.

A history of the case, including public documents, pictures, and the legal filings of both sides in the dispute may be found on Ossipee Lake Alliance's website, [www.ossipeelake.org](http://www.ossipeelake.org).





## WATER QUALITY MONITORING PROGRAM IN MOTION

While most of the lake was still asleep on Monday morning, June 23rd, Ossipee Lake Alliance field coordinators Sarah Van-Cor Hosmer and Moselle Spiller and program director Rebecca Hanson boarded pontoon boats at Camps Huckins and Calumet and headed off into the foggy summer morning to launch the most ambitious environmental program ever undertaken on Ossipee Lake.



Part of the large water quality monitoring team assembled by the Alliance and Green Mountain Conservation Group spent a rainy day on the lake in May identifying the locations of this summer's sampling sites.

With the assistance of campers and counselors the coordinators obtained water samples from several of the lake's 14 tributaries and performed initial tests while reserving samples for later analysis by laboratory technicians at the University of New Hampshire's Cooperative Extension Service in Durham.

It was a process that continued throughout the week with other camps, including Cody, Marist, Robin Hood and Tohcomeupog, and which will continue throughout the summer as part of the Ossipee Lake Protection Program, a multi-year monitoring, research and education initiative funded by the state Department of Environmental Services (NHDES) and managed by the Alliance in association with Green Mountain Conservation Group.

During the program water will be sampled twice monthly at the points where the tributaries enter the lake and monthly at the deep water spots of the main lake, the bays and Danforth Pond according to Alliance development director Susan Marks. While the tributary samples are being analyzed by University of New

Hampshire laboratories, samples from the deep spot tests are being analyzed by the NHDES Limnology Center in Concord as part of their Volunteer Lake Assessment program, known as VLAP.

NHDES is also conducting a two-part, summer and winter scientific survey to determine the current physical, chemical, and biological condition of the lake system, the first such survey of the lake in close to 20 years.

While the data obtained in the summer testing program will provide a baseline of essential information for a long-term assessment of the health of the lake, the early results can also help pinpoint areas where pollution issues can be addressed in the near term, says Marks.

The program, announced in April, marks the first time that the lake's summer camps have worked together on an lake environmental program. Danforth Bay Campground is also assisting in the program as are individual members of the lake community.

The results of the sampling will be made public on the Alliance's website, at [www.ossipeelake.org](http://www.ossipeelake.org).





## QUALITY OF RECREATION WILL BE MEASURED ON LAKE

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eration of jet skis and a shortage of marine patrol officers."

The Alliance's response was that the issues the property owners were describing needed to be documented before they could be addressed. What followed was a series of meetings with the New Hampshire Lakes Association and the New Hampshire Department of Environmental Services, both of which are studying the economic and environmental impact that a deterioration of quality of recreation would have on state lakes.

After considering a number of options the Alliance decided to conduct a summer of observational research as the starting point for its fact finding. Simply stated, observational research involves deploying volunteers at various locations on the lake at specified hours and days using a checklist to count boats and record lake recreational activities, such as swimming and water-skiing.

The information collected in the program will be analyzed and combined with data from this summer's water quality monitoring program, the Lake Host program and other Ossipee Lake initiatives to provide a baseline portrait of the lake in 2003. "The LEAP program will allow us to draw some initial conclusions but what we are really interested in are the long-term trends on the lake," Smith says.

One of the most important statistics to be gathered is the number of boats on the lake at specific times such as holidays and weekends. "The lake's carrying capacity is a big issue for the groups we have spoken with," according to



Alliance directors Susan Marks and David Smith flank Jacqui Colburn of the NHDES Lakes Management and Protection Program at a planning session in Concord.

Smith, "but there is certain to be disagreement about how many boats on the lake is too many. The right starting point for involving everyone in such a discussion is to get an accurate count."

In addition to boats owned by lake property owners there is public access to the lake at the state's Pine River boat ramp and at the lake's three marinas. Last year more than 600 power boats accessed the lake on July and August weekends at the Pine River site alone based on Lake Host program data.

The Alliance has provided its survey document to associations on other lakes in the state and has received interest from several in participating in the program next year. "We can learn from the two or three groups that have been conducting lake surveys for the past few years and we want to encourage others to join us as well."

The LEAP surveys will be completed by campers and counselors from the lake's children's summer camps and by members of the Broad-Leavitt Bay Association, Berry Bay Association, and North Broad Bay Association. Individual property owners from around the lake community will also participate.





## "TALES OF OSSIPEE LAKE" TO BE HOSTED BY ALLIANCE

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ning this summer with presentations during Watershed Weekend and Freedom Old Home Week.

First in the "Tales of Ossipee Lake" series is a presentation about a parcel of land unlike any other in the world. Its official name is the Ossipee Lake Natural Area but residents and visitors alike know it as Long Sands.

Ossipee Lake Natural Area is a sandy pondshore community, a wetland habitat where a gravelly or peaty shoreline and seasonally fluctuating water levels com-



bine to foster an array of unusual plant species that are specifically adapted to difficult growing conditions.

Sandy pondshore communities are rare and in decline in New Hampshire; yet as rare as they are as a category, the one found at Ossipee Lake Natural Area is rarer still, nurturing a plant environment that exists nowhere in the world other than Ossipee Lake.

Lionel Chute and Dan Sperduto of the state's New Hampshire Heritage Inventory program have studied Ossipee Lake Natural Area extensively and will explain why it is important and should be protected at 4 PM on Saturday, July

12th, as part of Watershed Weekend at Camp Calumet in Freedom. Arrive early to attend one of the narrated pontoon boat trips to the site, leaving hourly starting at 1 PM.

On an entirely different note, a turn of the century murder case and claims that the victim's ghost continues to haunt the lake will be the focus of a presentation at 8 PM on Saturday, August 9th, as part of Freedom Old Home Week.

The brutal murder of Florence Small at her Ossipee Lake cottage in 1916 shocked residents of the Granite State, and the subsequent investigation and trial of her husband, Frederick, was a steamy newspaper story that kept all of New England in suspense for months.

Does Florence Small's restless ghost continue to haunt the site of her cottage as reported in various accounts over the years? Author Janet Petrie explored those claims while detailing the murder investigation in her book "Perfection To A Fault: A Small Murder in Ossipee, New Hampshire, 1916."

On August 9th Petrie and Ossipee historian Barry Hill, who assisted with research for the book, will describe what life was like on the lake in the early part of the 20th century while discussing the case, which was noteworthy for forensic work that was highly sophisticated for its time.

"The Ghost of Ossipee Lake" will be presented at 8 PM at Calumet Conference Center in Freedom. Several autographed copies of Petrie's book will be given away and others will be available for sale at the event.

For more information on the Tales of Ossipee Lake speakers series, please check the Ossipee Lake Alliance website at [www.ossipeelake.org](http://www.ossipeelake.org). Info is also available by phoning Sarah or Moselle at 539-1859.

**"The brutal murder of Florence Small at her Ossipee Lake cottage and the subsequent investigation and trial kept all of New England in suspense for months."**



## LAKES LEGISLATION FAILS TO EXCITE IN CONCORD

Spring's optimism turned to summer's disappointment as two bills designed to address substantive lake issues in New Hampshire failed to take hold in the current legislative session.

First to fall was SB-106, the third attempt in as many years to address a loophole in the state's jet ski regulations that has hampered marine patrol officers and rendered the law moot. The bill was proposed by the New Hampshire Lakes Association (NHLA) and sponsored by Senator Carl Johnson.

In 1989 New Hampshire became one of the first states to acknowledge the disproportionate impact of jet skis on its lakes by regulating the craft differently from boats. The law remains a worthy model except that it defines jet skis, or personal watercraft as their manufacturers prefer to call them, as two-passenger craft. All current models are designed to accommodate more than two persons. Since a two-passenger model is visually indistinguishable from a three-passenger model, the current law is unenforceable.

SB-106 proposed addressing the loophole by adopting the definition of personal watercraft established by the Personal Watercraft Industry Association (PWIA), the trade group representing the manufacturers. The PWIA definition defines the craft by its design and operating characteristics.

After the PWIA mounted what the *Concord Monitor* described as "vigorous opposition" to the use of its own definition of its products, the Senate Wildlife & Recreation Committee voted 3-2 not to recommend the bill to the full Senate. As a result New Hampshire remains the only state in the nation with a law that regulates personal watercraft based on seating capacity.

Next up was SB-159, the Water Access Permit bill which was also proposed by NHLA and supported by vari-

ous lake associations, including Ossipee Lake Alliance. The philosophy of SB-159 was that out of state boaters using New Hampshire's lakes should pay a fair share of the state's cost of providing



marine law enforcement, preventing the spread of milfoil and implementing programs to ameliorate the environmental impact of intensive boating.

With SB-159 all motorized vessels operating in the state would have had to purchase and display a modestly priced water access permit. The cost to in-state boaters would have been deducted from the annual boat registration fee, meaning no increase to in-state boaters and new revenue from the estimated 20,000 to 60,000 out of state boaters using the state's waters annually. SB-159 met with a lukewarm interest from the legislature and has been set aside for further study and consideration at a later date.

Speaking to the Berry Bay Association at their annual spring meeting, NHLA environmental policy director David Schaarsmith discussed the difficulties of securing lakes legislation in New Hampshire and noted that the timeline for passage is typically three to five years. He also underscored the importance of grassroots activism by individual lake property owners and lake associations to the political process. His remarks to the group are summarized on the Newsroom page of the Alliance website.



## LAKE HOSTS RETURN TO PINE RIVER BOAT RAMP

They are deployed all across the state, young and old, college students and retirees. Decked out in shorts, shades and t-shirts sporting bold chunky letters, they greet boaters with a smile, a brochure and a free boat inspection.

They are Lake Hosts and they are back for a second year as the state's front line defense against the spread of milfoil, an invasive weed species that has devastated a number of lakes in the state.

On May 23rd Ossipee Lake Alliance was selected

to manage this year's Lake Host program at the public boat ramp on Pine River as part of the Ossipee Lake Protection Program.

In contrast to last year's program which started late and had limited staffing, this year's program began on June 14th and will operate every weekend and holiday through Labor Day.

The program is especially important for Ossipee Lake since it is infested with milfoil in two locations, at Danforth Brook in Broad Bay and

in the channel between upper and lower Danforth Ponds. Many boaters using the public ramp are from outside the area and may be unaware of the presence of milfoil and the threat it presents.

The Lake Host program is managed by the New Hampshire Lakes Association with funding from NOAA and the New Hampshire Department of Environmental Services.

Last year 535 power boats were inspected by the program's staff at the Pine River ramp.

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Ossipee Lake Alliance  
P.O. Box 173  
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# OSSIPEE LAKE REPORT

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## Contact Us

Ossipee Lake Alliance  
P.O. Box 173  
Freedom, NH 03836  
E-mail: [info@ossipeelake.org](mailto:info@ossipeelake.org)  
Fax: 509-271-3838

Officers:  
David Smith, Executive Director  
Susan Marks, Development Director



[www.ossipeelake.org](http://www.ossipeelake.org)  
webmaster: [host@taylorsmith.net](mailto:host@taylorsmith.net)

