

Lake Kanasatka Watershed Association Annual Meeting/Picnic

August 14, 2010

VonHurst Beach

Jane Fairchild, Vice President of LKWA, opened the meeting at 11:45 am, and stated that the President was out of town and would not be attending today. Thirty-six LKWA members were present.

Ted Hilton, LKWA Secretary, read the minutes of the June 10, 2010, Annual Meeting. Pat Martin moved that the minutes be accepted as read, seconded by John Scudder. The motion carried unanimously. Treasurer Doug Whitley is also out of town and so there was no Treasurer's Report.

Jane requested volunteers to serve on a nominating committee for elections for next year's officers. No volunteers came forward. She asked for volunteers to do the water quality sampling at the Deep Site to replace Jane and Peter Fairchild who have done it for many years. Carol Carlson volunteered for the monitoring. The Fairchilds and Carlsons will get together to make the transition.

Jane then indicated that there was only one additional item of business for this meeting, which was to discuss the recent expansion of the dock at Kilnwood. She said the purpose of this discussion was to share information between LKWA and Kilnwood members and give people a chance to ask questions and make comments. She also said that the discussion should be considered informal and in the spirit of providing information, not to take any formal actions.

Jane then asked Ted Hilton and Enid Burrows to provide some background on the situation, from the LKWA and Kilnwood perspectives respectively.

Ted stated that in 1972, Mr. Thompson, the developer of Kilnwood on Kanasatka condominiums, was trying to build a number of houses there. Ted got about 65 signatures to go to court to limit the development and stop them from filling wetlands and limit the number of houses to 29. This lawsuit resulted in a stipulation (legal agreement between LKWA and Kilnwood) that limited the number of houses, size of dock, number of boats, no powerboats on moorings off the shore, and various other restrictions. In 2008, Kilnwood proposed a plan for additional docking for more boats and other changes, even though the stipulation limited to dock to three fingers. John Scudder noted that LKWA officers were notified in 2008 that Kilnwood wanted to expand the dock. Abutters, including Ted, were called and the permit was denied. Kilnwood re-applied and after an internal legal review, DES reversed itself and granted the permit.

Enid Burrows spoke and wanted to clarify some points. Kilnwood did not re-apply but asked for reconsideration from DES. She believes she mentioned this at an LKWA meeting. DES later approved the request for reconsideration. The cover letter went to the Moultonborough Board of Selectmen, Conservation Commission and abutters, so as far as she was concerned, the appropriate parties were notified. From Kilnwood's

perspective, they did everything properly and they then received the approval so they went ahead to build the dock as per their approved plan. She noted that a copy of the DES approval letter stated that the above named entities also received a copy.

Paul Schmidt interjected that the Moultonborough Conservation Commission had not approved the permit application since they were aware of the stipulation.

Enid added that in the approval, DES stated there was no clear evidence that the application would cause a problem for the stipulation or cause an impact on the abutters and that it would avoid negative impacts by clustering the boats into one area. She stated that Kilnwood went through the proper steps and submitted a design to enlarge the dock to 16 slips and this is what was approved by DES and the Governor's Council. Only then did they go ahead with the construction. She noted that Kilnwood has tried very hard to be a good neighbor.

A question was raised about whether the abutters had proper notification. Ted Hilton stated that when he checked with DES, he found the letter had been returned marked "Return to Sender" and DES did not do anything else, so he never received the notice. Jane Fairchild stated that LKWA did not receive any notice as far as she knew.

Rob Baker noted that the court stipulation is mirrored in the 1973 Kilnwood condominium declaration. Others from Kilnwood believe that their declaration can be amended. It is not clear how amending the declaration would affect the stipulation in place with LKWA.

Baker then stated that the stipulation specifically says a maximum of sixteen (16) boats are allowed, not sixteen (16) slips, some of which can hold two boats. The stipulation also prevented powerboats from being moored. He said that the declaration states that these restrictions "run with the land". Baker stated that some people in Kilnwood are now trying to eliminate the paragraph that restricts moorings. There was some confusion about a boat in the cove that is moored now; Edid clarified that the boat is owned by a house that is not part of Kilnwood. There are no boats belonging to Kilnwood residents on moorings now.

Their attorney, P. Wood of Laconia, is reviewing the declarations document and it has not been filed. Fairchild noted that some of these discussion points seem to be internal matters to Kilnwood Association members. She would like to keep today's discussion to only issues that affect LKWA.

Ted Hilton stated that in 1999, Kilnwood had applied to DES and they built the expanded dock. DES contacted Ted in 2008 and they acknowledged that they had erred and that the 1999 expansion should not have been allowed. They asked if he wanted to have it removed but Ted said that in the interest of being a good neighbor, he would not require them to remove it.

Someone asked how many boats were there now and Enid said eighteen (18) but that the

plan that was approved was for 16 slips. John McCrae stated that the issue is not whether there are 16 or 18 boats but how this and similar matters are going to be handled in the future. Several people requested that Kilnwood keep LKWA better informed of their planned activities that may impact the lake before they are undertaken.

A general discussion of the current status and number of boats ensued. Joan Izen asked if we could get data on the impact of numbers of boats in the cove near Kilnwood. Jane stated that our current water-sampling program does not test for the type of pollutants that might be generated from excessive concentrations of boats in an area. It may be possible to ask the UNH Water Biology team if any such tests are available. Pat Martin commented that the Kilnwood dock looks like a marina on our small lake.

Kathy Stemkovski questioned: what are people afraid of? Do a few more boats make a difference? She stated that many people around the lake own two boats and does LKWA “police” them? Jane Fairchild stated that LKWA does not intend to “police” people but noted that the difference is that we have a court agreement in place with Kilnwood that limits the number of boats there. This does not exist for other lake properties.

Due to the late hour, Jane stated that we would wind up today’s discussion and have our pot luck picnic lunch. Jane stated that the Officers of LKWA could appoint a small committee to gather more information and formulate a plan. Ted Hilton volunteered to Chair such a committee and asked that anyone who wants to serve on it contact him. There was some discussion as to whether the committee should include a representative from Kilnwood; Jane stated that she believed a Kilnwood member should be present on the committee if someone volunteers.

The business meeting was adjourned by unanimous vote at 12:30PM.

Respectfully Submitted:

Ted Hilton, Secretary, LKWA