



# Mountain Lakes District Master Plan

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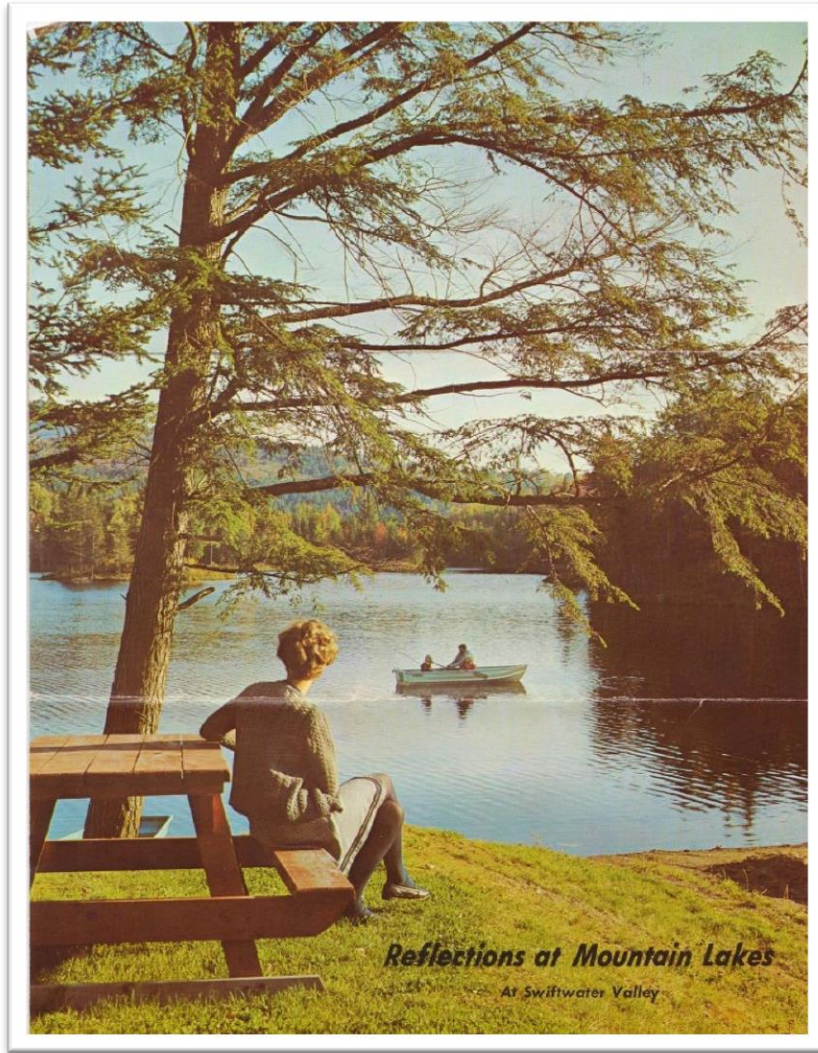
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## I. INTRODUCTION TO MOUNTAIN LAKES DISTRICT

The naturally scenic Mountain Lakes District is located in the western part of the White Mountains of New Hampshire, in the town of Haverhill in Grafton County. Mountain Lakes was developed by a Boston-based corporation, Town & Country Homes, Inc. The Corporation initially purchased about 1550 acres in the 1960s in the towns of Haverhill and Bath. The land was subdivided into approximately 1260 building lots, with about 1235 in Haverhill and the remaining 25 in Bath. After the developer filed bankruptcy in December 1975, the Haverhill portion of the development was established as the town's fourth village district in 1976. During Mountain Lakes District's forty-plus years of existence, it has stayed small and rural, with a mix of full and part-time residents. The two man-made lakes and wooded surroundings dominate the character of this four-season recreational community.

The overall direction, leadership, and administration of the Mountain Lakes District are the responsibility of the three Commissioners elected by the District voters under New Hampshire Law. The Commissioners, elected at the annual meeting for staggered three-year terms, are responsible for the administration of the District, including matters involving personnel supervision, policy making, enforcement, fiscal matters, and management of the District-owned facilities. The Commissioners oversee year-round and seasonal staff, and appoint members to the Planning Board, Zoning Board of Adjustment, and three advisory committees -Water Committee, Recreation Committee, Budget Committee and Forest Committee.

*In the beginning, there was just a beaver pond there, surrounded by woods and hills, until in 1963 it was excavated and dammed, creating a thirty-acre lake. The sponsors were Morris Olsen, Luigi Castello, and Karl Bruckner. The designers were William Callahan of Bath and the engineers of the U.S. Soil Conservation Service, and the contractor was Carl Moulton of Lebanon. By Labor Day, 1963, it had progressed to the stage where special events were scheduled...on Saturday having children's Olympics and a cookout on the beach, then on Sunday a pancake breakfast, tennis tournament, and softball game. In 1966, Town & Country Homes, began development of the area and sale of lots...." (Katharine Blaisdell, Haverhill New Hampshire in the Twentieth Century)*



## II. THE MASTER PLAN

In New Hampshire, planning boards are required to "prepare and amend from time to time a master plan to guide the development" of the community. A master plan is a living document that can guide the overall character, physical form, growth and development, and provide guidance to local officials as they make decisions on all growth-related issues. Writing it provides the impetus to look ahead, establish new visions and directions, set goals, and map out plans for the future. Change is inevitable, and careful planning is the only way to manage that change and keep it from destroying or endangering the quality of life or character of the community.

The first master plan, Mountain Lakes Five Year Plan, was adopted in 1988 and updated in 1992. That document was developed by the Mountain Lakes Community Association who strove to represent the interests of all property owners.

In October 1994, the New Hampshire Legislature provided the District with the authority to establish a planning board and enact a zoning ordinance. The zoning ordinance is one of the most important tools used to implement the master plan. Implementation also takes place through the budget process, programs and partnerships. The Mountain Lakes Planning Board named a committee in April 2008 who led the development of the 2009 Mountain Lakes Master Plan, a document designed to guide planning and facilitate implementation for the next five to ten years.

The next update began in 2016. A Master Plan Committee was established by the Planning Board comprised of:

- Robert Roudebush, Chair
- Don Dubrule, Past Chair
- Mike Bonanno
- Mark Johanson
- Mike Roberts
- Don Vogt

Valuable contributions were also made by Randy Berenson, Dan Brady, Chris Demers, Tom Eighmy, Fred Garofalo, Kristi Garofalo, Ken King, Laraine King, Bob Long, David Martella, David Selent, and Laura Sjolander.

The District contracted with North Country Council to provide the services of lead planner Tara Bamford to facilitate the planning process and draft the plan document.

To ensure that the plan continues to be founded on community input, a master plan opinion survey was developed with the assistance of North Country Council. Each property owner and registered voter in the District was notified of the opportunity to fill out an on-line survey and

offered assistance with obtaining a paper copy to fill out if desired. The results guided the development of the plan and are included in their entirety in Appendix B.

A public meeting was held on August 13, 2016 in conjunction with the District Annual Meeting to discuss survey results and a vision statement. A public hearing was held on a draft plan on August 12, 2017. The 2017 Mountain Lakes Master Plan Update was adopted by the Planning Board on August 12, 2017.

### III. VISION AND GOALS FOR MOUNTAIN LAKES DISTRICT

Land is any community's most basic resource, especially in Mountain Lakes, where the high quality natural resources are what make this community unique and desirable. This is the central guiding principle of the Mountain Lakes Master Plan.

#### Vision Statement

In ten years...

- Mountain Lakes will have strengthened its position as a four-season recreation-oriented community where the desires of both year-round and seasonal residents are respected.
- Amenities are adequate, attractive and well maintained.
- Community events, the website, the email list and emerging social media continue to be used to create an informed inclusive community.
- Protection of water resources is a shared community value, recognized as central to the quality of life in Mountain Lakes.
- Regulations are reasonable and fairly enforced.
- Growth continues at a pace that is consistent with the community character.



#### Goals

1. Identify, understand and protect the natural resources of Mountain Lakes.
2. Decrease the risk of natural hazards and protect residents.
3. Protect Mountain Lakes from environmental hazards.

4. Provide a varied program of recreation that encompasses all seasons, interests, and ages.
5. Pursue additional/expanded sources of water.
6. Work with the residents of Mountain Lakes to establish a strongly bonded and committed community.
7. Have well-maintained and utilized facilities that are treated with respect by the public.
8. Improve the roads, and improve the management of the stormwater runoff associated with the roads.
9. Have a budget process which plans for existing needs and future improvements.
10. Give careful consideration to the potential property tax impacts of alternative approaches to meeting the needs of the community.
11. Encourage the increased involvement of residents and other property owners in both the District and the Town budget process.

#### **IV. EXISTING LAND USE**

The Mountain Lakes development lies primarily in the valley formed by Waterman Brook and its tributaries. The land is covered with mixed hard and soft wood regrowth. The Brook was dammed to form Mountain Lake South (Upper Lake, or inlet lake) and Mountain Lake North (Lower Lake, or outlet lake). A relatively large wetland complex is associated with Waterman Brook just upstream from the Upper Lake. Much of the land is steep, wet, or close to the shorelines of the reservoirs or of intermittent or perennial streams. These elements give the community its unique scenic character and isolated feel, as well as some development challenges.

Approximately one-fourth of the lots existing today in Mountain Lakes have been developed with single-family homes. The community is a mix of about half full-time residents and about half seasonal residents. A few homes are owned for the purpose of vacation rentals. Mountain Lakes District-owned common green belt areas currently total about 418 acres. Recreation activity on common areas is concentrated between the two lakes and in the Lodge area. Mountain Lakes is known for its scenic and recreational amenities, not just within the District, but also in the nearby White Mountain National Forest and Connecticut River Valley. Growth has been slow over the past decade with about one single-family home permit issued per year.

The history of the development provides both benefits and challenges. Most of the lots are less than one acre. In some cases, adjoining lots have been merged. The small lots provide a recreational-community feel not found in today's large lot developments. Restrictions included in the deeds by the original developers continue to provide protection from incompatible land uses. However, although the lots are considered to be grandfathered for development purposes, meeting today's setbacks and wastewater disposal requirements can be a challenge. There is also inadequate room for vegetated shoreland buffers. Buffers are the most effective tool for maintaining surface water quality. In addition, areas for stormwater management from homes, yards, driveways and roads are inadequate for proper treatment.

Development at Mountain Lakes is controlled by multiple layers – private covenants, village district zoning, town zoning and subdivision regulations, and state regulations.

##### **Private Covenants**

Covenants are in existence regarding the appearance, size, setbacks and use of property.



### **Village District Zoning**

The Mountain Lakes District (MLD) is one of two village districts in Haverhill granted zoning power by the state legislature. Single family homes and accessory uses are the only permitted use within the District. For the few lots not limited to residential use by protective covenants, special exceptions can be granted for commercial uses consistent with the character of the area.

### **Town of Haverhill Wetland and Aquifer Protection Ordinance**

This Ordinance was adopted in 1996. Wetlands and a 75 foot buffer are protected from development. Wetlands are indicated by the presence of poorly drained or very poorly drained soils. The aquifer district is based on the maps of stratified drift aquifers that identified areas with potential as public water supply. Those proposing land uses involving toxic or hazardous materials must apply for a special exception and show that contamination of groundwater will not result.

### **Town of Haverhill Flood Prone Area Ordinance**

This Ordinance was adopted in 2006 to enable the town to enroll in the National Flood Insurance Program. It requires development in the 100 year floodplain to be floodproofed or elevated, and prohibits development in the actual floodway.

### **Town of Haverhill Subdivision Regulations**

The town's subdivision regulations contain road standards and require a minimum lot size of 0.69 acre (30,056 square feet). This needs to be a contiguous area with at least 3 feet of soil (natural) above bedrock, slopes less than 25%, and may not be wetland. This minimum lot size would apply to any new lots created in Mountain Lakes, including by re-subdivision or lot line adjustments.

### **Town of Haverhill Driveway Permit**

Within the subdivision regulations, there is a requirement for a driveway permit. This would apply in Mountain Lakes for lots located on town roads.

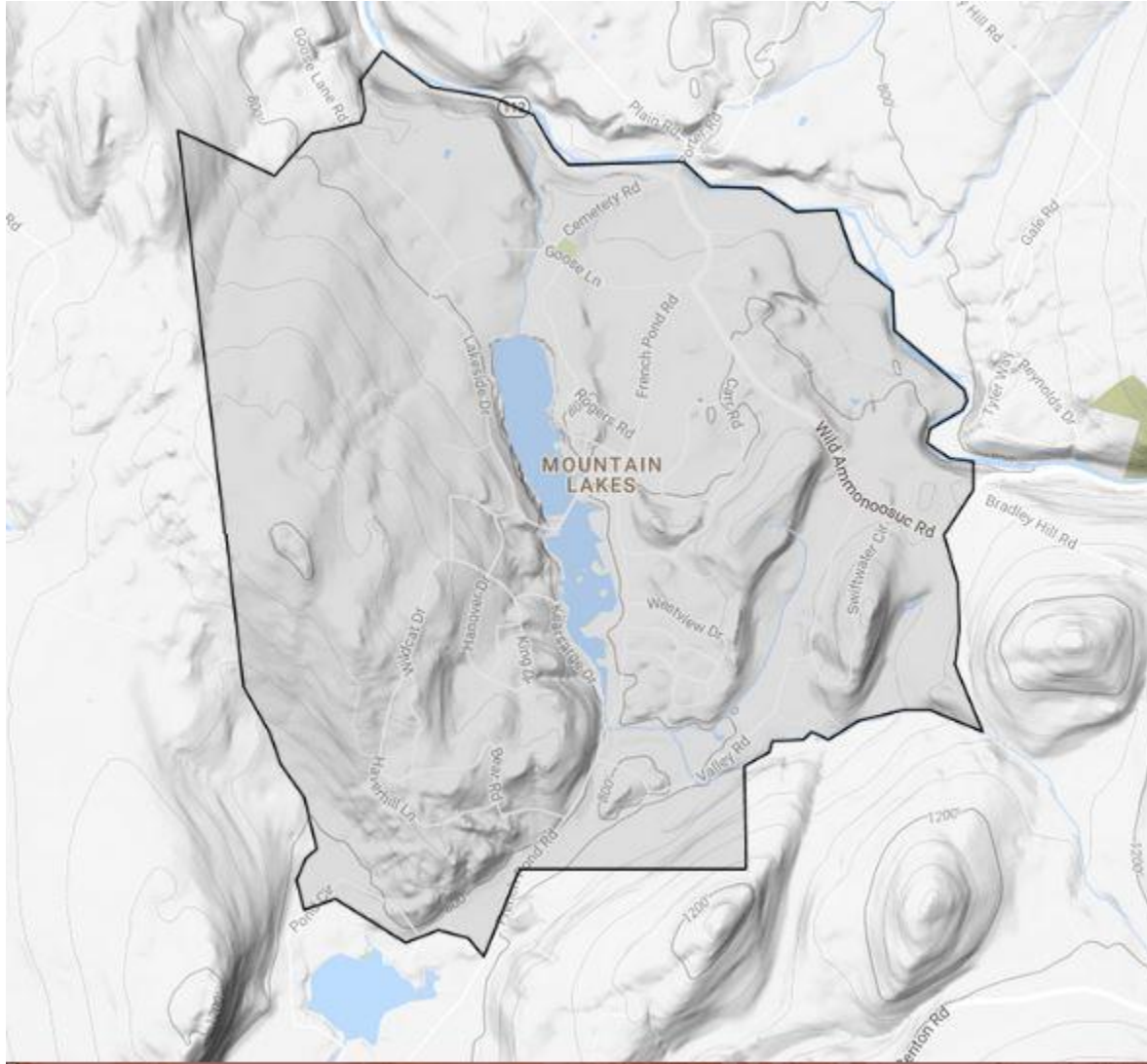
### **NHDES Septic Permit**

Prior to obtaining a local permit to begin construction, landowners must obtain a permit documenting approval of a septic system design by the NH Department of Environmental Services Subsurface Systems Bureau. Strict requirements are in place regarding soil types and disposal area. In Mountain Lakes, with its small lots and challenging topography, the septic permit plays a key role in managing land use and protecting water quality.

## V. DEMOGRAPHICS AND TAX BASE

### Demographics

The U.S. Decennial Census represents the only complete count of people and residences. The boundaries of the U.S. Census Bureau's Mountain Lakes Census Designated Place (CDP) shown below do not completely coincide with those of the Mountain Lakes District. Nonetheless data from the 2010 Census provides a valuable picture of the Mountain Lakes District population and housing stock.



(Source: MapTechnica)

In 2010, the breakdown of the population of the Mountain Lakes Census Designated Place (CDP) by age group compared with the Town of Haverhill as a whole was as follows:

Age of Residents	% of Population Mountain Lakes CDP	% of Population Haverhill
Under 5 years	5.5%	4.7%
5-9	5.7%	5.4%
10-14	8.4%	5.6%
15-19	5.3%	5.8%
20-29	8.0%	10.6%
30-39	12.7%	11.5%
40-49	16.4%	14.5%
50-59	16.2%	16.0%
60-69	14.1%	12.5%
70-79	4.5%	6.9%
80 years and older	3.0%	6.6%
Median Age	43.1	45.0

(Source: US Census 2010)

Census data indicate that Mountain Lakes has a similar percentage of households with school age children as the rest of Haverhill, but a smaller percentage of households with residents 65 or over. This may reflect the movement of some senior residents to areas closer to services and to other types of living arrangements.

Households	Mountain Lakes CDP	Haverhill
Households with children under 18	26.9%	26.2%
Households with individuals 65 and older	24.5%	29.6%
Average Household Size	2.3	2.3

(Source: US Census 2010)

Haverhill as a whole also has a higher percentage of year-round housing units that are renter-occupied vs. owner-occupied: 28.4% renter-occupied for Haverhill vs. 13.2 % for Mountain Lakes CDP (US Census, 2010).

Master plan survey results provide another look at the demographics of the community. Fifty-four percent of year-round residents reported having lived in Mountain Lakes for more than 10 years, twenty-three percent for more than 5 years but less than 10, and twenty-three percent for 5 years or less. Twenty-seven percent of year-round households reported having children 17 and under, nineteen percent reported having household members 18-29, fifty-two percent reported having household members 30-54, and fifty-eight percent reported having household members 55 and older. Only 8% of those survey respondents who live at Mountain Lakes year-round reported having retired to the community.

The main difference between Mountain Lakes CDP and the town of Haverhill as a whole is the percentage of seasonal homes. Town-wide, the percentage of seasonal homes is only 12.4% (US Census 2010). Of the 306 homes in Mountain Lakes District, the percentage of seasonal homes in Mountain Lakes District is estimated to be about 56%. The 2009 Master Plan estimated the seasonal home percentage to be 65%. Another indicator that the percentage of homes utilized year-round may be increasing is the voter list. The 2009 Master Plan reported 103 registered voters in Mountain Lakes District compared to today's figure of 297.

### **Tax Base**

Mountain Lakes' tax base is comprised of virtually all residential properties and undeveloped lots. This would raise concerns for a municipality who must provide roads, schools and other services to residents. Most municipalities seek to encourage some highly-valued commercial and industrial properties, which on average tend to generate larger tax revenues on a per acre basis than they cost the community in service, and/or conservation land, which demands very little in the way of services. However, in the case of Mountain Lakes, the Town of Haverhill provides schools and road maintenance for the District.

Haverhill property taxes are relatively high when compared with surrounding towns and with the rest of the state. In 2015, Haverhill's full value tax rate (equalized for differences in assessed value vs. market value) was \$32.50. This ranked #221 in the state with #1 being the lowest. Haverhill's rate is shown on the next page compared to other communities surrounding Mountain Lakes. This pattern is not a surprise as larger communities with more demand for services tend to be associated with higher tax rates.

Town	2015 Full Value Tax Rate	Rank
Haverhill	\$32.50	221
Landaff	\$21.54	97
Bath	\$18.52	61
Benton	\$17.19	54

(Source: NH Department of Revenue Administration)

Mountain Lakes tax bills represent an additional cost to residents on top of the Haverhill tax bill for the additional services provided, such as operation of the recreation facilities and programs, administration of the District's land use regulations, and Water Department debt service. In 2015 these activities were associated with a tax rate of \$4.64. The Water Department operating budget is supported by user fees.

## VI. Natural Resources

### The Lakes

Upper (South) and Lower (North) Lake were constructed in the 1960s by Town and Country Realtors as the focal point for a four-season resort community. The 30-acre Upper Lake (South) drains a 2,155-acre portion of the Lower Lake watershed. Lower Lake (North) is about 60 acres and drains a watershed of 2,318 acres to the southeast through Haverhill and into Benton (NHDES, 2015 VLAP Report). The Upper Lake is fed by Waterman Brook. From Upper Lake, water flows to Lower Lake through the dam on which travels White Mountain Road. The two lakes continue to be the center of community activity today, and the focal point for community identity.

The “word cloud” below shows the responses to the Master Plan survey question "What do you value most about Mountain Lakes?" The larger the word, the more people used it in their response. (Generated with Wordle.)

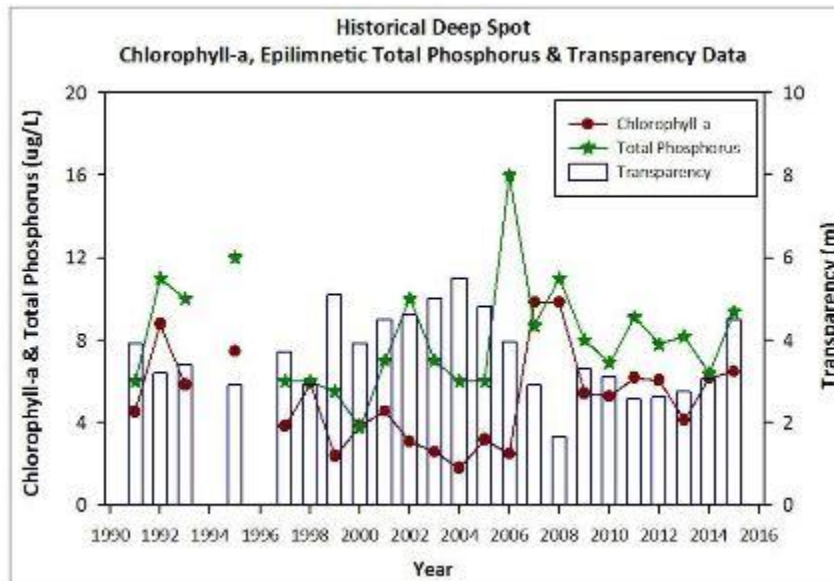
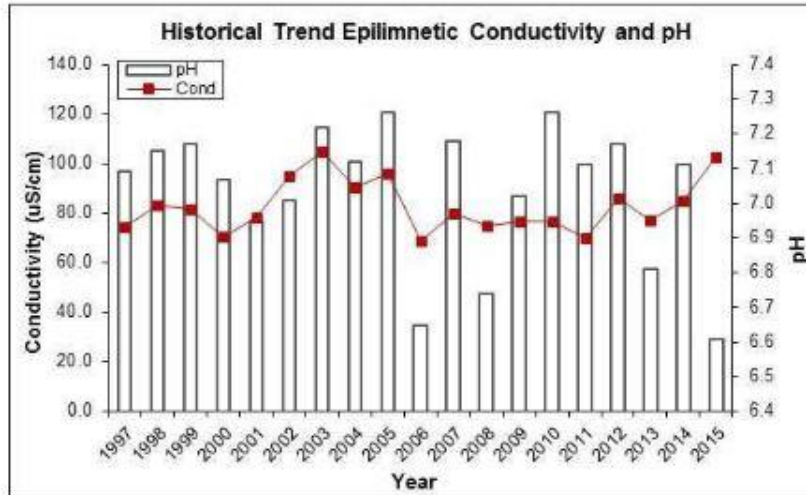


In 2006 in response to evidence that human activities were having a negative impact on water quality in the lakes, Mountain Lakes District initiated the formation of a Watershed Advisory Committee. The Committee worked with Granite State Rural Water Association to develop the 2007 Management Plan for the Mountain Lakes Watershed. It was noted at that time that

shoreline development on both lakes had removed naturally vegetated shoreline buffers, the most effective tool for minimizing the impacts of human activities on water bodies.

Today, water quality is sampled in four locations in the Lower Lake through NHDES's Volunteer Lake Assessment Program. Samples are obtained at the beach, the outlet, the epilimnion (upper layer), and the hypolimnion (lower layer). Tests are performed for chlorophyll-A, conduction/chloride, total phosphorous, transparency, turbidity, and pH. The 2015 Data Summary reported that water quality was good in 2015, "however deep spot phosphorous, chlorophyll and turbidity levels have remained within a higher range since 2006. The relatively dry conditions in 2015 and lack of stormwater runoff and wetland flushing may have helped to improve water clarity. This highlights the importance of managing stormwater runoff from the surrounding watershed and maintaining vegetative buffers along the shoreline." Trend data indicate variability from year to year but not a worsening condition.

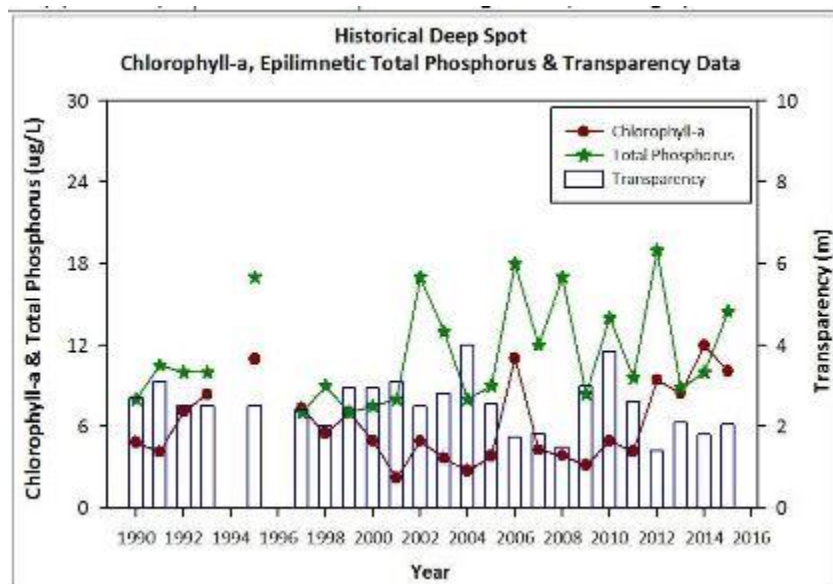
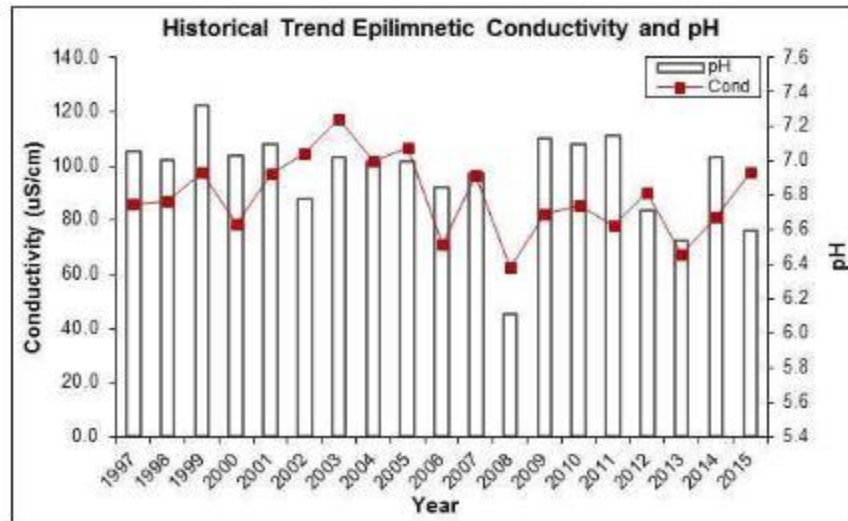
The data on the following page represents results from the 2015 VLAP (Volunteer Lake Assessment Program) testing. Go to the Planning Board page at [www.mountainlakesnh.com](http://www.mountainlakesnh.com) for the most current VLAP results.



NHDES recommended increasing the monitoring frequency to once a month during the summer to better assess seasonal and historical water quality trends and reduce variability within the data set.

Upper Lake is sampled in five locations: epilimnion (lower layer), hypolimnion (upper layer), beach, cove, and Monteau inlet. The NHDES Volunteer Lake Assessment Program Report for 2015 cautions that water quality is getting worse at the South Lake. Phosphorous levels, although variable, have remained at an elevated level since 2002. Chlorophyll levels have remained elevated since 2012 corresponding with lowered water clarity.





The report explains that the "South lake receives the majority of watershed influences and seems to act more as a settling basin for nutrients and sediments. Maintaining a consistent flow and/or increasing the flow from the South lake to the North lake may help improve water quality by flushing excess nutrients through the system, however it may also impact water quality at the North lake. This highlights the delicate balance of the system. It is important to identify and maintain a healthy balance for both systems if possible. The increased frequency and intensity of storm events and associated stormwater runoff and wetland flushing may also be impacting the lake. Managing stormwater runoff from dirt and gravel roads, beaches, steep

slopes, and shorefront property may help to reduce nutrients and sediments from entering the lake."

Land clearing for driveways, yards and home sites; land disturbance from logging; roadways; and ATVs all have the potential to lead to water quality degradation when soil is carried by rain or snowmelt to the lakes or their tributaries. The soil particles carried by the stormwater runoff are themselves detrimental to water quality, plus they carry nutrients and chemicals harmful to the flora and fauna in the lakes. Activities on steep slopes are especially prone to soil erosion.

Some of the ways to prevent this source of water quality degradation are:

1. Maintain and restore vegetated buffers to trap sediments before runoff enters the lakes or tributaries.
2. Protect wetlands and their buffers.
3. Control erosion from human activities such as development, logging, and recreation.
4. Design development sites to ensure that stormwater does not leave the property in greater quantity, greater velocity or lower quality than when the land was in its natural state.
5. Treat stormwater runoff from roads before it enters the lakes.

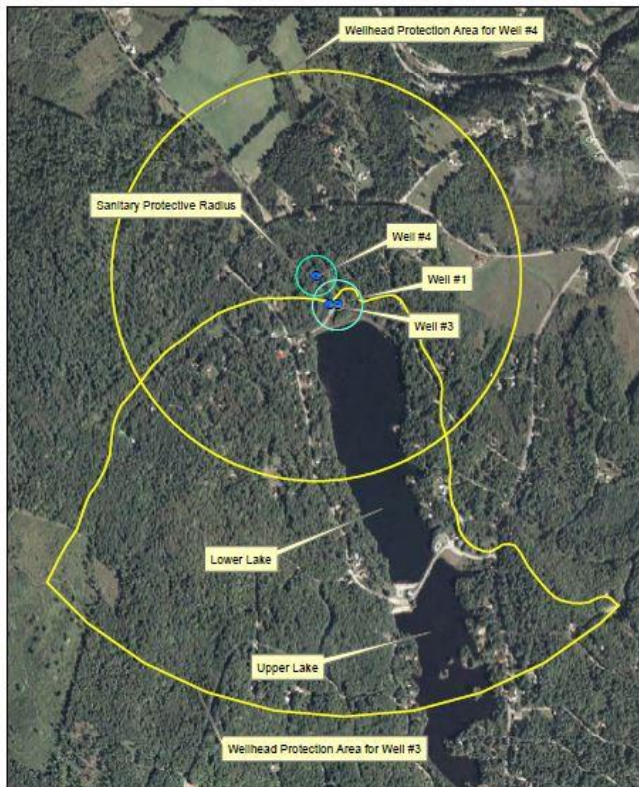
The road system in Mountain Lakes has been recognized as a major source of sediments to the lakes. Recommendations have been made for improvements to drainage to reduce siltation (correspondence, July 27, 2014, Bob Long to Haverhill Selectboard with attachments). When asked about paying for drainage improvements to improve water quality, the majority of respondents to the master plan survey responded that they would support paying more depending on how much more.

*There is evidence that stormwater runoff from roads at Mountain Lakes is affecting the water quality in the lakes. Would you be willing to pay an increased assessment to assist the Town with drainage improvements to the roads at Mountain Lakes in order to reduce the amount of sediments into the lakes? (Please choose one.)*

a. Yes	10.1%	17
b. Maybe, depends on cost	49.1%	83
c. No	34.3%	58
d. Not sure	6.5%	11
Total	100%	169

## Groundwater

The water supply for the homes in Mountain Lakes is provided by the Mountain Lakes Water System using two wells at the north end of Lower (North) Lake and interconnection with Woodsville Water and Light. The wellhead protection areas for Mountain Lakes' wells are shown on the photo below. These are the areas within which activities taking place on the land are assumed to have the potential to affect the quality of the water supplied to homes by the

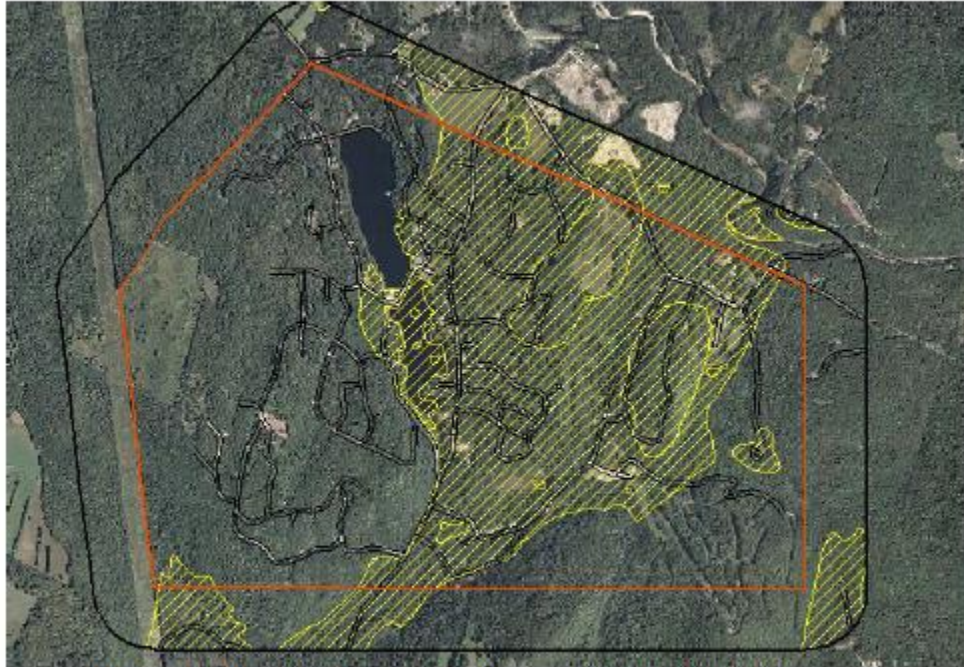


well. In addition, well #1 is hydrologically linked to Lower (North) Lake (2007 Mountain Lakes Watershed Plan). As shown, land uses with the potential to affect the Mountain Lakes wells include residential, transportation, recreation and agricultural.

Wellhead Protection Areas and Sanitary Protective Radii for the Mountain Lakes Wells. Map produced by Granite State Rural Water Association using data from NH DES and Granite. The aerial photograph is from the 2003 National Agricultural Imagery Program.

Contamination of groundwater from residential land use can occur from failed or improperly sited septic systems, use of household chemicals, use of lawn care chemicals, or spills of heating oil or automotive fluids. Transportation contributes to water quality degradation when automobile chemicals and de-icing materials are carried to the lakes by stormwater runoff. The 2007 Mountain Lakes Watershed Plan noted that Volunteer Lake Assessment Program monitoring had already found conductivity levels increasing, indicating de-icing material was already impacting the lakes. Motorized recreation in particular poses a concern for water quality due to the potential to spill fuels and additives.

Aquifer mapping performed by NHDES and USGS provides information on areas with the potential to site future public supply wells, as well as the areas which must be protected from incompatible land uses to ensure suitable water quality can be provided in the future.



Aquifers in Mountain Lakes District are shown with the yellow hatched areas.

From Mountain Lakes District Haverhill, NH Wetland Inventory and Documentation, Watershed to Wildlife, Inc., January 2009

### **Wetlands**

In 2008 wetland experts Elise Lawson and John Severance of Watershed to Wildlife, Inc. performed a wetland inventory of the Mountain Lakes District. They noted that between 6.8% (based on the National Wetland Inventory) and 16% (based on the NRCS soils data) of the District is wetland, including open water. They performed fieldwork to map the wetlands and vernal pools, as well as culverts and perennial and intermittent streams in relatively close proximity to roads. Point locations are contained in the report Mountain Lakes District Haverhill, NH Wetland Inventory and Documentation, Watershed to Wildlife, Inc., January 2009. Together these three sources provide valuable information for local planners reviewing development proposals for potential impacts on wetlands.

In addition to their value for stormwater treatment, wetlands and vernal pools also provide valuable habitat for a variety of species. In 2008, Watershed to Wildlife, Inc. performed a Functional Assessment of Wetlands throughout Haverhill, NH for North Country Council. Two important wetlands were identified partially within Mountain Lakes District.

*The Mountain Lakes-French Pond Wetland Complex received the highest ranking of all wetland complexes inventoried and assessed throughout Haverhill, due to both its size as well as diversity of wetland and habitat types. The wetland is over 465 acres, nearly 164 acres being within the Mountain Lakes District. It runs from Benton Road in Central Haverhill at the southern portion of the wetland, and runs north along French Pond Road, through French Pond and into the Mountain Lakes. This wetland complex also contains a diverse wetland south of Mountain Lakes and part of Waterman Brook, which ranks very high for diversity and wildlife habitat alone.*

*The Waterman Brook Wetland Complex is a 56-acre wetland in Haverhill with nearly 3 acres being in the Mountain Lakes District. It is mostly forested with very little impact from development at this point. This wetland received high scores for functions such as floodwater control, nutrient export, groundwater recharge/discharge, and production export based the undeveloped nature of the area. The fact that it is well vegetated with adequate buffers contributed to higher scores for these functions. It also scored high for wildlife potential, and offers excellent cover and thus is a potential wildlife travel corridor. In addition, because of the nature of the topography in the area, there is a high likelihood of finding vernal pools throughout the area.*

### **Recommendations for Water Resource Protection**

1. Continue water quality monitoring and increase frequency. Sample Waterman Brook and conduct periodic shoreline surveys of the Brook and both Lakes to identify, understand and address potential sources of water quality degradation.
2. Work with NHDES and those with expertise in reservoir limnology (lake science) to ensure that the water level management strategy addresses water quality to the maximum extent feasible given other important considerations.
3. Foster stewardship of the Lakes as a civic project with information programs; assistance and contests to promote, for example, reduction in stormwater runoff from roofs, yards and driveways; routine septic system maintenance; and alternatives to household and lawn chemicals. Provide information on, e.g., rain gardens, septic systems, fertilizers, and vegetated buffers.
4. Work with the Haverhill Highway Department and willing landowners to create as many opportunities as possible to direct road runoff into vegetated buffer areas and detention ponds rather than directly into the lakes.

5. Continue to control motorized recreational activities to minimize the threat of contamination to the lakes and water supply.
6. Strengthen land use regulations to protect wetlands and surface and ground water quality. (See Section VII as well.)
7. Continue to require regular septic system pumping and inspection.
8. Continue to staff the boat washing station to prevent the introduction of invasive species.



## **VII. FUTURE LAND USE RECOMMENDATIONS**

A land use policy needs to balance the plans and desires individual landowners had when they invested in their property, with the recognition that a high quality natural environment plays a key role in maintaining everyone's property values. The Mountain Lakes community offers a relatively low cost opportunity to live or vacation in a recreation-focused atmosphere compared with other resort-type developments offering similar amenities. This will be both its strength and its challenge going forward. At present, only about one-quarter of the lots are developed. If one-quarter of the lots were ultimately deemed to have higher value for enlarging neighboring properties than for development given the high cost of safely disposing of wastewater on small lots on challenging terrain, this would still mean that at build-out, the number of homes would triple. This would mean three times as much wastewater, three times as much water usage, and three times as many people using the recreation areas. Ensuring that the community remains a quiet recreation area on clean lakes will take careful management of human activities. This will require a combination of tools, including strict enforcement of state, town and village district regulations, and a strong outreach and civic education campaign.

Several procedural issues and "housekeeping" needs were also discussed during the master plan process. It was agreed that everyone involved in administering and enforcing Mountain Lakes regulations needs to have a complete understanding both of their authority and of town and state requirements.

### **Recommendations for Land Use:**

1. Initiate a regular program of communication between the Mountain Lakes Planning Board and the Town of Haverhill Planning Board, for example, by holding an annual joint meeting. This would provide an opportunity to exchange information on any recent or proposed changes to regulations, discuss updates to state requirements, and compare notes on emerging issues. One goal would be to ensure that the town and village district zoning ordinances are administered in such a way that they complement each other without causing undue confusion for the landowner.
2. Amend the Mountain Lakes District Zoning Ordinance to accomplish the following:
  - A. Remove elements that are replicated in the protective covenants if they are not clearly provided for in the state zoning enabling laws. Language that is included for informational purposes only should be in a separate hand-out, not within the ordinance itself.
  - B. The current minimum lot size required by the Mountain Lakes District Zoning Ordinance is "existing lot of record." This can be interpreted to mean that no lot line

adjustments can occur, since one lot would almost always end up smaller than shown in the records existing today and the other larger. In addition, “existing lot of record” does not provide clear guidance should someone annex two or more lots and then decide later to re-subdivide. The Zoning Ordinance should be amended to replace “existing lot of record” with “the greater of that required by the Town of Haverhill Subdivision Regulations (minimum 30,056 square feet) or that required by NHDES (determined by soil type).” For the same reasons, the minimum frontage requirement of “existing lot of record” should also be reexamined. Clarifying language should be included to ensure that landowners can build on pre-existing lots provided NHDES requirements are met. Typically, the “existing lot of record” language is reserved for discussing grandfathered lots.

- C. Amend the accessory apartment requirements to ensure consistency with the new state law. RSA 674:71-73 passed in 2016 prohibits communities from limiting accessory apartments to those used by family members.
- D. Ensure that language clearly differentiates between ownership of a single family home for the purpose of renting to vacationers vs the operation of a property for rental to multiple guests at one time. The latter would be a commercial use that may be inconsistent with the single family home atmosphere valued by residents and visitors.
- E. Require a 50 foot setback from streams and lakes.
- F. Establish a steep slope overlay district requiring Planning Board approval of an erosion control and stormwater management plan prior to development on slopes over 15%.
- G. Eliminate the term “professional occupation” and establish two new uses: home occupation and home business. Home occupations would be those which would take place entirely within the home and not involve any traffic, employees, customers, or deliveries beyond those associated with a typical residence. These might be considered either a permitted use or an accessory use allowed without a permit. Home businesses would require a conditional use permit from the Planning Board.





- H. Articulate what types of impacts and attributes should be considered by the Zoning Board of Adjustment when determining whether or not a proposed commercial use is consistent with the character of the area and what types of conditions might be considered to mitigate impacts when granting a special exception.
3. Review the sign regulations in the Mountain Lakes District Zoning Ordinance to eliminate content-based standards.
  4. Ensure that the Mountain Lakes District Zoning Ordinance supports low impact recreational uses on commercial lots and common areas when consistent with the single family home character of the community.
  5. Prior to issuing a zoning permit on a substandard, incomplete, or not-yet-constructed road, require that the applicant bring the road up to a standard which will enable safe passage of emergency vehicles. Develop an agreement to be recorded, providing for the landowner to provide both summer and winter maintenance of the road until or unless it is accepted by the town. This process should be conducted in collaboration with the town road agent.
  6. Work with the Haverhill Town Manager to establish a map of roads that have been officially accepted by the town and post this map in the District Office.
  7. Require all setbacks to be met to the fullest extent practical, without preventing existing homeowners from expanding their dwellings or otherwise improving their property.
  8. Consider amending the zoning ordinance to move responsibility for the basic day-to-day administration of the zoning ordinance from the Planning Board to the District Commissioners or their designee. Focus Planning Board efforts on the Master Plan, zoning amendments as needed, and approval of conditional use permits.
  9. Explore the legal question of re-establishing a homeowners association as successor to the developer relative to enforcement of the protective covenants.
  10. Consider incorporating the requirement for routine septic tank pumping to prevent malfunctions into a health regulation enforced by a local health officer rather than having it in the zoning ordinance.
  11. Consider expanding the restriction on outdoor lighting to require that outdoor lights be fully shielded.
  12. Participate in free and low-cost trainings applicable to the activities conducted by local boards and staff.

## VIII. UTILITIES, FACILITIES AND SERVICES

### District Facilities



#### ***District Office Building***

Located at 75 White Mountain Drive, this building houses the District Office, the snack bar with rest/changing rooms and a general meeting room. The District Office, where the accounting and general operations are conducted, is open weekdays. The snack bar is open in the summer months, running concurrent with the summer recreation programs. Offered for sale are ice creams and various sodas and snacks. The meeting room is used for the monthly Commissioner meetings, Planning Board, Recreation Committee, Water Committee, and other miscellaneous meetings.

Ongoing maintenance and upgrades are conducted as necessary. A substantial improvement in recent years was the installation of a French drain to remove water from the basement.

## ***District Lodge***



The building known as the Lodge is located at 73 Lodge Lane. The Lodge was originally built as a ski lodge for the adjacent and now discontinued ski trails. The current primary use of the Lodge is private parties sponsored by District residents and others who rent the facility for their events. A rental agreement may be obtained at the District Office. Amenities for renters are kitchen facilities, tables and chairs. Restrooms are located downstairs from the main function room. The District reserves the Lodge for community events such as pancake breakfasts, holiday parties, Recreation Committee events, and the District's Annual Meeting. During the winter months, the lower portion of the Lodge is staffed on weekends and school vacations to provide those who sled on the old ski trails, and ice skate on a small area flooded to make a rink, a place to warm up, use the restrooms and have a cup of hot chocolate. A maintenance department workshop is located in the basement.

In recent years a lift was added for handicapped access, and accessibility of the bathroom and shower area was improved. Some improvements proposed for future years, in addition to routine upgrades and maintenance, include reactivation of the ski rope tow, rehabilitation of the cross-country ski trails around the ski area, and installation of a roof and other improvements to the skating rink. This would enable the skating rink to be converted to a multi-use pavilion in the future.

**Recreation**

In addition to the District Office and the Lodge, the District operates and maintains a variety of four-season recreation facilities.



FACILITY	LOCATION	FUNCTION
District Office	White Mountain Drive	Multi-function meeting room, snack bar, equipment rentals, business office
Pool & Multi-Use Court	White Mountain Drive	Outdoor swimming pool, multi-use court
North Beach	White Mountain Drive	Swimming, boating, sledding, picnics, BBQ grills, volley ball, horseshoes
South Beach	White Mountain Drive	Swimming, boating, picnics, playground, BBQ grill
French Pond Road Beach	French Pond Road	Swimming, boating, picnics
White Mountain Drive Beach	White Mountain Drive	Swimming, boating, picnics
Lodge	Lodge Lane	Indoor facility with kitchen and restrooms for District and private functions
Lodge – Surrounding Area	Lodge Lane	Hiking trails, tennis courts, ice skating, sledding, cross-country skiing, District approved snowmobile riding
District Land	Various locations throughout	Trail system for hiking, snowshoeing, District approved snowmobiling, cross-country skiing
Lakes	District	Fishing, nonmotorized boating



The pool is located on White Mountain Drive across the causeway from the District Office. It is a major part of the summer recreation program. The pool is open daily, weather permitting. An addition of “night swims” was introduced in 2006 and has been well received. A heater was installed and is operated as needed. Located on the pool grounds are picnic tables, a grassy sitting area, a covered picnic area, and changing rooms.

There is also an all-purpose court located on White Mountain Drive adjacent to the pool. The two basketball hoops are the main focus of activity. The court is also used for bike riding lessons, whiffle ball, and limited skateboarding. A street light enables some expanded usage.

Across the road, along Monadnock Drive, is a landscaped greenspace in tribute to Charlie and Ann Edson.

The tennis courts are located on Lodge Lane. The courts are available to residents by obtaining a key at the District Office for a nominal fee. The courts are completely fenced and recently resurfaced. They are open for use most of the year during daylight hours.

The Recreation program is managed by the Recreation Committee, under authority of the District Commissioners. The Recreation Committee consists of three to five members, including one Commissioner ex-officio. During the summer, there is a small paid staff, consisting of a Program Director and certified lifeguards. The Committee plans, directs, and implements the recreation program through the staff and support of volunteers. The Committee may also make recommendations to the Commissioners regarding programming and budget requests.

Recreation Committee responsibilities include:

1. Be a pro-active planning group, ensuring that the recreational programs are an integral part of the Mountain Lakes community.

2. Work with state and federal agencies to support item 1. above.
3. Recommend appropriate improvements to equipment, beaches, and other areas.
4. Advocate protective guidelines for the ecology, and health and safety issues within the District boundaries.

Recreation facility improvements, operation and maintenance are paid for through a variety of fees and property tax revenue.

### **Recommendations for District Facilities**

1. Identify deficiencies and develop a long term plan for improvement of District facilities. Review the resulting capital improvement plan annually to update and develop budget priorities.
2. Investigate a peak vent or other means for summer heat elimination in the District Office and Lodge.
3. Install split-system air conditioners in the District Office and Lodge for summer cooling.
4. Install an air-handler in the District Office to remove the musty smell.
5. Investigate gas inserts in both the District Office and Lodge fireplaces, and associated repairs to the chimneys that would be necessary.
6. Investigate eco-friendly supplies, operations and maintenance, always focusing on sustainable energy usage when possible.
7. Conduct an energy audit of both the District Office and the Lodge and implement its recommendations.
8. Install programmable heating thermostats in District buildings.
9. Add lighting at the pool and gazebo, and conduct feasibility study for lighting at the tennis courts for night-time use.
10. Investigate the development of a recreational complex at the Lodge area to include:
  - A. Reestablishment of sledding and skiing capabilities utilizing the rope tow.
  - B. Installation of a liner, and covering and lighting of the ice rink to enable use as a multi-purpose pavilion.
  - C. Clean-up and grooming of the cross-country ski trails.



11. Improve, maintain, mark and map existing and previously existing cross-country ski and hiking trails, as well as linkages with area snowmobile trails.
12. Investigate other uses of the Lodge; continue to monitor usage.
13. Consider, on a case-by-case basis, proposals to partner with private recreation providers through, e.g., lease arrangements, as one option for expanding compatible recreation opportunities.
14. Ensure that all recreation areas and facilities continue to be maintained in a safe, clean, attractive condition.



### **Water System**

Oversight of the water supply system is one of the main responsibilities of the District Commissioners. The system serves 320 connections and maintains 18.5 miles of pipe. The Water Department is overseen by the District Commissioners with input from the Water Committee. The primary focus of the Water Committee is to supply all residents of Mountain Lakes with a safe and affordable water supply. A second focus area is to assure the viability of the two lakes for recreational use and possibly in the future as a water source.

Great strides have been made in the improvement of the water system since being purchased by the District in 1985. Initially, Mountain Lakes obtained its water from the lake. When the filter bed began to fail, the water source was changed to deep rock wells. Daily water production is measured at the pump-house individually for each well, and cumulatively as it is pumped into the distribution system and the two 125,000 gallon storage tanks. In 1998, a connection was developed to Woodsville Water and Light as a back-up source. Sources now include one deep rock well, one sand and gravel well, and water from Woodsville Water and Light.

In the late fall, winter, and early spring the demand for water is about 20,000 gallons per day. In the summer and at vacation times, usage typically doubles. However, leakage increases this figure, at times, substantially; the peak usage in 2016 was 70,000 gallons per day for the Fourth

of July weekend. The infiltration well and a bedrock well are able to meet the lower rate of usage. For anything above that, the District buys water from Woodsville Water and Light. Efforts have been underway for some time to identify additional local well locations. The most recent effort is with Nobis Engineering Company and involves tapping into horizontal water sources. One of the first test wells looked positive in terms of flow rate (25-30 gallons per minute) but the water was contaminated with MtBE, which had in the past been used as a gasoline additive (now banned). The recent work involved trying to pump the well very hard to see what happens. The level of the MtBE went down but not to zero. Additional testing on that well and drilling two new test wells in the Lodge area are planned in 2017.

The water supply system poses challenges for the Water Department. The first problem is that in some areas it was never installed as specified by the original developers. Buried locations are commonly wrong, and the materials used do not meet the correct specifications. Second, the system is nearly 50 years old, adding aging problems to an already challenging maintenance situation. The Water Committee has determined that the District needs to plan for a systematic replacement of the system over time.

Locating leaks is an ongoing problem. The Water Committee recommended adding meters in strategic locations to assist with this. In 2017 the Water Department plans to replace 600 feet of the water main on Bear Road and add a meter. The Department will also add a water meter to Valley Road and three other places to be determined. Purchase of an electronic system to locate leaks is also being explored. There are electronic systems, for example, that can help you to listen for water flow levels within pipes. The Department is looking at getting one of these systems and is currently trying some of them out. Such a system would make it possible to locate leaks more quickly.





The Water Committee has also recommended that all new construction include the capability to easily add a water meter (a meter horn). It has been discussed that water meters would make it much easier to locate leaks, and would provide other options for recouping costs if desired in the future.

### Dams/Causeway

There are two lakes, the Upper Lake and the Lower Lake. The dam for the Upper Lake is the causeway and road to the District Office. The difference in water elevation between the two lakes is about 1.5 feet.

The dam for the Lower Lake (Lower Dam) has a walkway on it. The water drops about 30 feet at the Lower Lake outlet.

The Lower Lake outflow system was replaced in 2015/2016. The outflow system has two components, a tower that sets the water level in the lake, and a horizontal outflow to deal with any water over the set level. The old one was metal and had reached the end of its expected lifetime. The new one is all concrete and is expected to be good for the next 100 years. This was a major project with a total cost of about \$250,000.

The Upper Lake outflow



will need to be replaced within the next five years. The District needs to set aside money each year to fund this future project. Several approaches to the work are under consideration.

A spillway is a structure used to provide the controlled release of flows from a dam into a downstream area. Spillways release excess water so that the water does not overtop and damage or even destroy the dam. Except during flood periods, water does not normally flow over a spillway. The original spillway for the Upper Lake was the area next to our District Office. Over time, large stones were added, a playground was set up and the area was no longer acting as a spillway. This became apparent during a rainy spring. The District reconstructed the spillway about ten years ago. The Lower Lake has both a spillway and an emergency release valve that can lower the water level and help protect the dam. The emergency valve had to be replaced recently as the old one was no longer functioning properly. The spillway is on the side of the dam on a lot that is on White Mountain Drive. The District has purchased the property in order to ensure access to maintain the spillway.

### **Recommendations for Water System**

1. Continue efforts to identify a suitable location for an additional supply well.
2. Protect existing and future water supplies from contamination through a combination of District ownership, regulations, and education on the high cost of well replacement and water treatment.
3. Develop a plan for systematic replacement of the distribution system.
4. Obtain, install and utilize technology to modernize and improve leak detection capabilities.
5. Require new home construction to provide the capability to easily add a water meter if required in the future.
6. Periodically review options for recouping the costs of the operation, maintenance and upgrade of the water supply system from users, including different combinations of flat fees and volume-based fees. Continue to consider an equitable system for balancing the benefits of metering with the needs of the year-round homeowner.
7. Incorporate long term water supply system maintenance and upgrade needs into a District-wide capital improvement plan.
8. Continue to fund and use capital reserve funds for large capital projects such as replacement of the Upper Lake outflow.

## **Facilities and Services Provided by Others for the Benefit of Mountain Lakes Residents**

### ***Roads***

The primary access to Mountain Lakes District from the south is from NH Route 116 in Haverhill to French Pond Road, a paved town road, and from the north from NH Route 112 in Bath to French Pond Road or Goose Lane. The District does not own or maintain any roads other than the White Mountain Road connector behind the District Office. It has been the policy of the Town of Haverhill to accept roads as they are upgraded to a level enabling town maintenance. Normally, roads are not accepted by the Town unless constructed or upgraded to town specifications. In the case of Mountain Lakes, because the homeowners were left in a difficult situation by the bankruptcy of the developer, the Town took on maintenance of these substandard roads. The Town now maintains approximately 17 miles of gravel road in the District. Maintenance challenges are created by the inadequate design and construction.

In 2013, amidst growing concerns about runoff from the roads degrading the Lakes due to the poor construction and lack of drainage infrastructure, the Mountain Lakes District Commissioners consulted with Russ Lanoie, an expert with over 40 years of experience installing surface drainage and maintaining dirt roads in New Hampshire, and who has published a manual for unpaved road maintenance entitled *A Ditch in Time*. Mr. Lanoie recommended several modifications to ongoing maintenance activities, as well as improvements to drainage infrastructure. Although some progress has been made in this area, improvements are impeded by the town's budget challenges, and by the lack of consideration for stormwater easements in the original subdivision layout. The situation has been a source of frustration for both the town and the District. Since this has been a long-term problem, it may be something the District needs to become more formally involved in, for example, by requesting that the Haverhill Selectboard appoint a committee comprised of Mountain Lakes residents charged with working with the Road Agent. The goals would be to identify maintenance strategies that will benefit water quality without additional significant cost to the town, identify priority improvements, and work with landowners where appropriate to negotiate drainage easements.

It is important that the District and town work together to utilize their land use regulation powers in concert to ensure that landowners construct or upgrade roads as closely as practical to town specifications prior to issuance of a permit to build new homes. Provisions must also be in place to provide for landowner maintenance of these roads until town acceptance, or in perpetuity should the town not exercise its discretion to accept additional roads.

### **Recommendations for Roads**

1. Ensure that new Haverhill Highway Department staff are informed through the Road Agent of the recommended practices for maintaining gravel roads in a manner which minimizes erosion and sedimentation. Advocate for training for Department staff on this topic.
2. Seek the creation of a town committee comprised of Mountain Lakes residents to make recommendations to the Road Agent on an ongoing basis.
3. Work with the town and landowners to address the needs for drainage easements.
4. Ensure that landowners understand that they need to construct or upgrade roads that have not yet been accepted by the town, and provide a mechanism for ongoing road maintenance, prior to receiving a permit to build homes.
5. Periodically hold a joint meeting of Mountain Lakes Planning Board, Mountain Lakes District Commissioners, Haverhill Planning Board and Selectboard, to ensure that everyone is clear on their land use roles and responsibilities in order to minimize additional development on substandard roads not already accepted by the town.

### ***Emergency Services/Preparedness***

Emergency services within the District are provided by the Town of Haverhill. Enhanced 911 is available for reporting emergencies from land lines. Police patrol and enforcement is provided town-wide by the Haverhill Police Department. Emergency medical services are provided by Woodsville Ambulance. Fire protection is provided by two other Haverhill village districts - Woodsville Fire Department and North Haverhill Fire Department.

Mountain Lakes District currently has three functioning dry hydrants. These are maintained by Mountain Lakes District. No additional dry hydrants are deemed necessary at this time.

### **Recommendations for Emergency Services/Preparedness**

1. Mountain Lakes District representatives should actively participate in regular reviews and updates to the town's Emergency Operations Plan and Hazard Mitigation Plan to ensure that relevant issues are communicated in each direction.
2. Explore possibilities for increasing cell phone coverage to improve communications in an emergency.

### ***Medical***

In Woodsville, Cottage Hospital's Level IV trauma center provides emergency services 24 hours a day, as well as a 7 day a week walk-in clinic. When necessary, patients are transferred to the

Dartmouth Hitchcock Medical Center in Lebanon, N.H. Dartmouth Hitchcock Medical Center provides easy access to specialists just an hour from Mountain Lakes. Grafton County Senior Citizens Council provides transportation to medical appointments for seniors and those who are disabled.

***Education***

Haverhill is part of SAU23. Education for Mountain Lakes residents is provided at the following schools:

School	Grades
Woodsville Elementary School	Preschool – 3
Bath Village School	K – 6
Haverhill Cooperative Middle School	4 – 8
French Pond School	4 - 8 (Alternative)
Woodsville High School	9- 12
King Street School	9 - 12 (Alternative)

***Solid Waste***

Solid waste disposal is handled individually by residents through private vendors. Both curb side pick-up and drop-off locations are provided. No recycling facilities are provided by the town or neighboring towns through inter-municipal agreements. None are planned at this time.

***Post Office***

Post offices where residents can have boxes are located in Woodsville and North Haverhill. Rural delivery is also available from these post offices on French Pond Road and to the boxes at the main entrance to Mountain Lakes.

***Library***

Haverhill has four public libraries. The closest two to Mountain Lakes are the Woodsville Free Public Library and the Patten-North Haverhill Library. Some residents also use the library in nearby Bath.

# Appendix A

## Mountain Lakes Boards and Committees

### **Board of Commissioners**

The overall direction, leadership, and administration of the Mountain Lakes District are the responsibility of the three Commissioners elected by the District voters under New Hampshire Law. The Commissioners, elected at the annual meeting for staggered three-year terms, are the primary authority in the decision making process, matters involving personnel supervision, policy making, enforcement, and fiscal matters. All administrative matters are in the hands of the District Commissioners who assume responsibilities according to New Hampshire law for the following:

- Supervise/manage employees.
- Facilitate regular monthly District Commissioners meetings and any other meetings as necessary.
- Make appropriate decisions with regard to purchasing, planning, and fiscal matters.
- Appoint persons to the Planning Board, Zoning Board of Adjustment and advisory committees-Water Committee, Recreation Committee, Budget Committee, and Forest Committee.
- Act as a liaison with other municipal bodies (i.e. Bath, Haverhill, Woodsville, etc.) and any other community groups.
- Manage the District owned facilities, including procedures for use and rental.

### **Planning Board**

The Mountain Lakes Planning Board is responsible for the Master Plan and Zoning Ordinance. It is the duty of the Planning Board to establish a Master Plan to guide the future development of the municipality and to ensure that the Master Plan is always current in regard to the interest, understanding, and well-being of the municipality. It is also the responsibility of the Planning Board to write and propose any and all changes to the Mountain Lakes District Zoning Ordinance. The Planning Board has 5 members (one being a Commissioner as ex officio member) and two alternate members, each appointed by the District Commissioners for

staggered three-year terms. The Planning Board members select their own chairperson and vice chair, create and adopt a set of rules and procedures under which they operate and must hold at least one regular meeting in each month.

The first Mountain Lakes District Planning Board meeting was held on Saturday, October 29, 1994 at 8:30 AM in the Community Center Building.

### **Zoning Board of Adjustment**

The Mountain Lakes Zoning Board of Adjustment (ZBA) hears appeals and administers provisions in the Mountain Lakes District Zoning Ordinance dealing with variances, special exceptions, and administrative decisions. The ZBA has five members (one a Commissioner as ex officio) and two alternate members, each with three-year terms. The members elect their own chairperson, vice chairperson, and clerk. They then adopt a set of rules and procedures under which they shall operate. ZBA meetings are held as needed.

The first Mountain Lakes District Zoning Board of Adjustment meeting was held on Saturday, January 18, 1997 at 9:00 AM in the Community Center.

### **Water Committee**

The Water Committee was formed as an advisory committee to the District Commissioners. Members consist of a Commissioner, and 4 to 6 other members appointed by the Commissioners for staggered three-year terms. The objectives of the committee are to:

- Provide ongoing review and analysis of the current Water System.
- Provide ongoing recommendations to the Commissioners for Improving and upgrading the Water System.
- Search for and evaluate new water sources.

### **Recreation Committee**

The recreation program is managed under authority of the District Commissioners through a Recreation Committee, consisting of 3 to 9 members including one District Commissioner. For the summer, a small compensated staff (consisting usually of a waterfront supervisor, an assistant, snack bar supervisor and appropriate water safety-certified lifeguards) may be arranged. The Committee may plan, direct, and implement the recreation program through the staff. The Committee may also be responsible for recommendations to the Commissioners regarding programming and budget requests. The Committee responsibilities include:

- Be a pro-active planning group, ensuring that the recreational programs are an integral part of the Community.
- Work with State and Federal agencies.
- Recommend appropriate improvements to the equipment, the beaches, and other areas.
- Advocate protective guidelines for the ecology and health and safety issues within the District boundaries.

### **Budget Committee**

The Budget Committee is an assembled group of volunteers. Each member works with a designated portion of the budget. The Committee starts meeting in October and concludes in December. Current expenses are reviewed, and the next year's budget proposal is developed for presentation to the District Commissioners for any necessary adjustments. The final budget is presented at a public hearing and is voted on at the Annual Meeting in March.

### **Forest Committee**

The Forestry Committee was formed in 2013 as an advisory committee to the District Commissioners. There are 6 to 8 volunteer members who meet as needed and seek to help the commissioners with the following goals:

- Develop a forestry management plan to maintain and improve the health of the District's forested areas which are considered to be one of the District's most valuable assets.
- Develop hiking, snowshoeing, and cross-country ski trails and other forest recreation areas for resident use.
- Utilize any revenue from cleanup of blow downs and overgrown areas for District projects.