

Atkinson Conservation Commission Minutes
Wednesday, December 27, 2023, 7:00 PM
Atkinson Town Hall

Approved January 31, 2024

Members Present:

Paul Wainwright, Chair
Bill Steele, Vice Chair
John Fournier, Secretary
Scott Kukshtel
Jeff Nenart
Monique Chretien

Others Present:

Bob Worden, Selectman Liaison
Keith Cutler, 7 Brittany Lane
Tim Ferwerda
Vernon Dingman

1. Call to Order, and Attendance:

Chair Paul Wainwright called the meeting to order in person at Atkinson Town Hall at 7:00PM on Wednesday, December 27th, 2023. Chair Wainwright took attendance and noted that all members are present except for Member Newman and Alternates Walker, Cannon, and Pitts.

2. Presentation and Discussion About the Standard Dredge and Fill Application for 7 Brittany Lane, NHDES File #2023-03199 – Tim Ferwerda, Licensed Wetland Scientist

Discussion: Chair Wainwright stated that this is not a public hearing or debate, he would just like to better understand the application for a dredge and fill activity at 7 Brittany Lane. Chair Wainwright welcomed Tim Ferwerda, licensed wetland scientist, to the table to discuss the mitigation portion of this proposal as well as the forward-looking portion of the project.

Mr. Ferwerda provided some plans for the Commission's consideration and began by discussing some of the history of this area. Mr. Ferwerda stated that there had been an existing farm road, so what the landowner did was he installed a culvert so he could have access to the other side, but the culvert was improperly located in the wetland. Mr. Ferwerda continued that the mitigation portion of the application is to remove the culvert and any fill that was placed in this area and replant it with wetland shrubs and trees.

Member Kukshtel stated that he was the Chair of the Commission in 1998 at the time the original subdivision took place, and he remembers that there was a pond somewhere in the back of the subdivision but the hydrology was still unknown. Mr. Ferwerda stated that there is an intermittent stream that runs through the area in question, but it is not a vernal pool. Mr. Ferwerda continued that he has a

report, done by another wetland scientist, Bruce Gilday, that states that this is not a vernal pool; he produced this report for the Commission's consideration. Mr. Ferwerda stated that this mitigation approach comes along with some monitoring ports which need to be maintained by a wetlands scientist to ensure the work was done correctly and the vegetation is taking hold.

Mr. Ferwerda stated that the second part is raising the water level in the area he claims is a pond. Mr. Ferwerda continued that the wetlands have been mapped on site. Chair Wainwright stated that he was on site at the invitation of the landowner in 2018, and again in 2020 when he observed the wetland flags around the wet area, but on neither occasion saw a pond. Mr. Ferwerda stated that he got involved in this project in 2020 and a wetland permit would have been needed to replace the culvert with a spillway, but because some of the work has been done, an after-the-fact standard permit will be required. Mr. Ferwerda continued that the standard permit has been applied for and they are awaiting a response from the State.

Chair Wainwright stated that a few people have made reference to a pond on the property but in reviewing the historical records he did not see any bodies of water identified on the plans. Mr. Ferwerda claimed that there was a pond there although it may not have made it onto any plans. The Commission asked what the purpose was for raising the water level in the area, the homeowner responded that it will be used for ice skating in the wintertime and enjoyment throughout the rest of the year as well.

Mr. Ferwerda welcomed any questions the Commission has regarding this project. Vice Chair Steele asked for clarification that the objective here is to further block up the water to increase the water level; T. Ferwerda responded affirmatively. Vice Chair Steele asked about the dimensions of the proposed pond; Mr. Ferwerda replied 55 feet wide and 80 or 90 feet long – and one to one and a half feet deep. Member Chretien asked if there was anything currently living in the area; Mr. Ferwerda responded negatively and noted that the back of the pond is open so turtles can get out.

Mr. Ferwerda stated that he knows there was a question about the original permit having language which said there could be no more wetland disturbance; this is something the State was printing on *all* permits for quite a while. Chair Wainwright clarified that the restriction was on the 1998 Subdivision Plan. Member Kukshtel stated that this language was added to the Plan at that time because of the Commission's concerns about a network of wetland areas on the subdivision's land. Vice Chair Steele stated that he is trying to understand the purpose of this evening's discussion. Mr. Ferwerda stated that the Commission still has the ability to object to this project with a wetland permit if they feel so inclined. Chair Wainwright produced the April 13, 1998 Conservation Commission meeting minutes and read a passage illustrating where the wetland language came from on the Subdivision Plan.

Member Chretien asked if there was an NHB data check done; Mr. Ferwerda responded that it was done and it came back with Spotted and Blanding's Turtle in the surrounding areas but none on the property. Mr. Ferwerda continued that NH Fish & Game has requirements to have them review the project to ensure there are no impediments to wildlife. Vice Chair Steele asked for clarification again and Mr. Ferwerda stated that the pond will back up the water until it spills over the spillway, and then continue downstream; this should have no impact downstream. Mr. Ferwerda continued that, in his opinion, this project doesn't have any real effect on the wetlands in the area. Vice Chair Steele stated that he would be interested in hearing what Sue Killam has to say before making any recommendations. The Commission agreed that they would need to wait for Sue Killam's input, and a site walk may also help answer some of the outstanding questions. The Commission thanked Mr. Ferwerda and the landowner for appearing before the Commission to provide additional detail.

3. Other Business

Chair Wainwright welcomed Vernon Dingman, and stated that he is working on a project which recently came before the Planning Board. Chair Wainwright continued that there is an accessory dwelling unit as part of the new construction project which is on the existing house's footprint, so there are no setback issues to deal with. However, the separate garage, which did not exist prior to demolition of the previous house, is within 100 feet of the wetlands in the area.

Chair Wainwright stated that he drove by the property today and did not see any wetland areas. Mr. Dingman produced a map which showed the setback in question which is all on the landowner's property.

Mr. Dingman shared some history about this area, and why certain areas were damned up in the 1800's to provide hydro power to mill operations in Lawrence, Massachusetts. Chair Wainwright stated that he hopes Mr. Dingman has followed the State's shore and protection guidelines concerning the cutting of trees; Mr. Dingman responded affirmatively. Mr. Dingman continued that the garage was previously tabled to ensure that the approval for the home would go through without issue and now the garage is back on the discussion table.

Chair Wainwright stated his opinion that the area around the lake is so far gone, environmentally, that there isn't much that can be done to make it any worse than it is. Mr. Dingman stated that he placed the septic field in the most appropriate location in order to give the lake the best shot at thriving.

Chair Wainwright asked the consensus of the members, and stated that the Commission doesn't have any issues with the proposed project. Chair Wainwright asked if there were any other comments or questions, there were none. The Commission thanked Mr. Dingman for appearing before the Commission this evening.

Vice Chair Steele stated that he completed the online form submissions for the Carolyn-Orr and Williams #4 conservation easement inspection reports.

4. Adjournment

Member Nenart made a motion to adjourn the meeting. Vice Chair Steele seconded the motion. Vote: 6/0/0

The meeting adjourned at 7:42PM.

Respectfully Submitted,

Zachary Gilberti, Recording Clerk

Attachments: none