

**Atkinson Conservation Commission Minutes  
Wednesday, April 27, 2022, 7:00 PM  
Atkinson Town Hall**

**Non-Public Session**

These minutes were sealed on April 27, 2022

Approved May 24, 2022

Unsealed September 28, 2022

**Members Present:**

Paul Wainwright, Chair  
Bill Steele, Vice Chair  
John Fournier, Secretary  
Scott Kukshtel  
Jeff Nenart  
Monique Chrétien, Alternate (voting)

**Others Present:**

**8. Non-Public session under NH RSA 91-A:3, II (d), for consideration of the acquisition of land**

**Vice Chair Steele made a motion to go into a non-public session under NH RSA 91-A:3, II (d) for the consideration of the acquisition of land. Member Nenart seconded the motion. Vote: 6/0/0, the motion carried.**

Chair Wainwright related a phone conversation with Debbie Lang concerning the acquisition of her land on Knightland Road, Map 18 Lot 40. She has verbally agreed to accept the appraised value from last year's appraisal, which was \$234,000, but needs to close this calendar year. Since it will take longer than that to secure grant funding to assist with the acquisition, Debbie suggested we work with The Conservation Fund organization, who can act as an intermediate owner and assist with obtaining grant funding.

**Alternate Chrétien made a motion to authorize the Chair to enter into an agreement with The Conservation Fund organization, subject to Select Board approval, to enable that organization to act on our behalf to secure a Purchase and Sale agreement, apply for grant funding, and purchase Map 18 Lot 40 on Knightland Road currently owned by Deborah Lang. Vice Chair Steele seconded the motion. Vote: 6/0/0, the motion carried.**

A copy of the signed Letter of Intent is attached to these minutes. It was reviewed by Town Attorney Kalman, who had no issues with it.

Chair Wainwright continued that The Conservation Fund organization requires a current appraisal of the property.

**Member Nenart made a motion to accept the proposal from appraiser Chet Rodgers to perform a current appraisal of Map 18 Lot 40 in support of The Conservation Fund's efforts to acquire that land on our behalf, and to pay the \$4,500 cost of the appraisal from the Atkinson conservation fund. Vice Chair Steele seconded the motion. Vote: 6/0/0, the motion carried.**

A copy of the signed work agreement with Chet Rogers is attached to these minutes.

Chair Wainwright then gave a brief report on the Purchase and Sale negotiations with Green and Company for the purchase of the Convertible and Contractable land at the back of Page Farm, and suggested that we line up Rick Van de Poll to do an environmental assessment of the land.

**Member Nenart made a motion to enter into an agreement with Rick Van de Poll, contingent upon the successful execution of a Purchase and Sale agreement, to perform an environmental assessment of the Page Farm land, not to exceed \$2,600., to be paid from the Atkinson conservation fund. Member Kukshel seconded the motion. Vote: 6/0/0, the motion carried.**

**Vice Chair Steele made a motion to exit non-public session. Secretary Fournier seconded the motion. Vote: 6/0/0, the motion carried.**

**Attachments:**

- Signed Letter of Intent with The Conservation Fund
- Signed work agreement with Chet Rogers

**TOWN OF ATKINSON CONSERVATION COMMISSION**  
**19 Academy Avenue**  
**Atkinson, New Hampshire 03811**

May 5, 2022

Sally Manikian  
The Conservation Fund  
300 Gorham Hill Rd  
Gorham, NH 03581

**Re: Acquisition of the Deborah Lang land, Atkinson Map 18 Lot 40**

Dear Ms. Manikian:

The Town of Atkinson requests the assistance of The Conservation Fund ('the Fund') to acquire a 15 +/- acre tract of land owned by Deborah Lang and adjacent to West Sawmill Town Forest (the "Lang Property"). The Fund's help is critical to assembling the necessary resources and strategy to successfully complete the acquisition of this tract. The Town of Atkinson is interested in acquiring the Lang Property, as these acres offer a suite of benefits to the Town of Atkinson. The Lang Property represents a hole in an assemblage of lands that represent highest-quality habitat as well as beloved recreational assets. Further, the seller is willing and supportive of conservation, but cannot wait for grant funds to be available for the Town to consummate a purchase. The Town therefore requests the Fund's assistance to a) pre-acquire and temporarily hold the Lang Property until secured grant funds become available for the Town to purchase the Lang Property from the Fund and b) assist with the Town's preparing and submitting grant proposals to state funders. The Town would purchase the Lang Property from The Fund once grant funds are available.

**Appraisal:** Prior to the Fund's entering into a contract with the seller, the Town will complete an update of the August 2021 appraisal by Chet Rogers. The updated appraisal will include The Conservation Fund as an intended user. The Town will cover the cost of the updated appraisal.

**Funding:** The Fund will work with the Town to identify funding strategies for the acquisition of the tract, including but not limited to NH Land and Community Heritage Investment Program (NH LCHIP), and NH Aquatic Resource Mitigation Fund (NH ARM). The Fund will assist with the development and submittal of all grant applications and serve as the applicant when appropriate. The Town will cooperate with all funding applications, approvals, grant agreements, and other documents required for successful

funding of the acquisition. The Town will contribute a reasonable amount of funds to the project.

**Costs:** The Fund's overhead and hold costs amount to 10% of the total project cost. Some of the Fund's overhead costs will not be covered by the state funders listed above. The Fund and the Town will work together to develop a budget that ensures the Lang Property is conserved with all The Fund's costs covered. The Town understands that the Fund requires these costs be covered, and it may delay its acquisition of the Lang Property and reserve its funds until a definitive source for coverage of its costs has been settled upon.

Pending an updated appraisal and successful negotiation with the seller, and assuming The Fund obtains its internal approvals required to enter into a contract, The Fund will enter into a purchase and sales contract to acquire the Lang Property from the seller, with a closing before the end of calendar year 2022. The Town and The Fund will simultaneously or close in time to the effective date of the Fund's purchase contract, enter into a purchase agreement for the Town to acquire the Lang Property from the Fund, contingent on the Fund's successful acquisition of the Lang Property. The Town anticipates that it will close on its acquisition of the Lang Property from the Fund by July 2023.

Please indicate the Fund's concurrence with the provisions of this letter by signing below and returning a copy to the Town of Atkinson. The parties intend that this letter guide the relationship and provide a basis for further discussions and refinement of the process, but this letter is not intended to be nor is it legally binding on either party. The Town of Atkinson looks forward to working with the Fund on this important project.

Yours truly,  
Town of Atkinson



By: [Paul Wainwright](#)  
Title: [Chair, Atkinson Conservation Commission](#)  
Date: [May 5, 2022](#)

Accepted,  
The Conservation Fund

By: *Elizabeth J Engle*  
Title: Assistant Secretary  
Date: 2022-05-05

**J. CHET ROGERS, LLC**  
Commercial Real Estate Appraiser  
P.O. Box 1138  
Hollis, New Hampshire 03049

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Maine Certified General-MECG-2590  
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April 27, 2022

Mr. Paul Wainwright, Chair  
Atkinson Conservation Commission  
Town of Atkinson  
19 Academy Avenue  
Atkinson, NH 03811

**RE: 15.35 Acre Parcel, Map 18 Lot 40, Atkinson, New Hampshire**

Dear Mr. Wainwright:

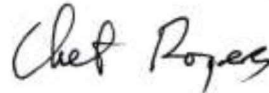
In response to a recent request, I am pleased to submit my proposal to undertake a current market value appraisal of the above-captioned property for budgeting purposes to secure grant funding and with negotiations with the seller. The intended users are the Town of Atkinson and The Conservation Fund. This is an update of an appraisal I performed in August of 2021. Completion time would be by mid-June 2022.

The report will be submitted in Appraisal Report format in accordance with the instructions, standards, and specifications as promulgated by Uniform Standards of Professional Appraisal Practice (USPAP). This appraisal will value the fee simple interest in the property and will employ the Sales Comparison Approach.

The appraisal fee includes all normal expenses and preparation of one pdf copy of the appraisal report. Fee for this assignment will be \$4,500 with balance due upon submission of the report. Should further consulting or court testimony be required, it will be provided at an hourly rate of \$200 (excluding the first hour) to include preparation, travel time and all expenses.

Enclosed are my appraisal qualifications. Should this proposal be acceptable to you with respect to the fee, timing, and payment please indicate your acceptance by returning a copy of this letter with your signature and date of acceptance.

Very truly yours,



J. CHET ROGERS, MAI  
Certified General Appraiser, NHCG-727

DATE: April 28, 2022

ACCEPTED BY:



Paul Wainwright, Chair  
Atkinson Conservation Commission

The Atkinson Conservation Commission voted to accept this proposal on April 27, 2022