

Atkinson Conservation Commission Minutes
Wednesday, February 22, 2023, 7:00 PM
Atkinson Town Hall

Approved March 29, 2023

Members Present:

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

Others Present:

Bill Hall, Civil Design Consultants
Tim Lavelle
Bob Worden, Selectman Liaison

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, February 22nd, 2023. Chair Wainwright took attendance and noted that there are five regular members, and no alternate members present.

2. Review & Approval of Minutes

a. January 26th, 2023 – Regular Meeting

Discussion: Chair Wainwright presented the regular meeting minutes from January 26, 2023 and asked for comments or corrections, the members noted a date error in the heading and some other minor corrections. Chair Wainwright continued that in regard to Jake Martineau's Eagle Scout project, the minutes should state that his project was approved as completed and did not require future volunteerism; the Commission agreed.

Member Kukshtel made a motion to approve the regular meeting minutes from 01/26/2023, as amended above. Vice Chair Steele seconded the motion. Member Nenart abstained from the motion. Vote: 4/0/1, the motion carried.

b. January 26th, 2022 – Non-public

Discussion: Chair Wainwright presented the non-public meeting minutes from January 26, 2023 and asked for comments or corrections, he also noted a date error in the footer; there were no other corrections.

Member Fournier made a motion to approve the non-public meeting minutes from 01/26/2023, as amended above. Member Kukshtel seconded the motion. Member Nenart abstained from the motion. Vote: 4/0/1, the motion carried.

3. Unseal non-public minutes from December 12, 2022

Chair Wainwright stated that he has a signed purchase and sales agreement for the triangular piece of land that was discussed in non-public on December 14th and asked for a motion to unseal these minutes.

Vice Chair Steele made a motion to unseal the non-public minutes from 12/14/2022. Member Fournier seconded the motion. Members Nenart and Kukshtel abstained from the motion. Vote: 3/0/2, the motion carried.

4. 2023 Expenditures – Nothing to Report

Chair Wainwright stated that the only expenditure this year has been to the Recording Clerk, and there is nothing else to report.

5. Wetland Setback Variance Application, (16+ acre parcel behind 76 Maple Avenue) – Charlie Zilch

Chair Wainwright stated that Charlie Zilch could not attend due to illness, so he sent Bill Hall in his stead. Chair Wainwright continued that this evening's discussion will center around only the wetland setback variance. Chair Wainwright stated that he would be setting a strict ten-minute time-limit for this discussion to ensure succinctness.

Bill Hall of Civil Design Consultants joined the Commission and stated that he is sitting in for Charlie Zilch of SEC. Mr. Hall continued that he will be applying to the ZBA for a variance to allow a house to be built within 100 feet of the wetland setback. Mr. Hall stated that this property is Map 14 Lot 37, it is approximately 16.68 acres and has two sections of frontage on Maple Avenue; one is 49.48 feet of frontage and the other is 97.6 feet of frontage, with dwellings on either side of those frontages. Mr. Hall continued that the parcel owner does not want the new home directly behind the other homes on the property, he would rather have a driveway that leads back into an interior part of the parcel. Mr. Hall stated that with the proposed dwelling dimensions the home would be, at closest, 91.3 feet away from the wetland. Mr. Hall continued that the parcel owner is also proposing a garage on the property that would meet all of the setback requirements.

The Commission asked some questions, which Mr. Hall answered. Mr. Hall stated that the parcel owner has agreed to a 50-foot no-cut buffer around the

house and has agreed to implement some sort of storm water mitigation methods as well. The Commission discussed other potential placements of the home to avoid impacting any wetland setbacks. The Commission agreed that the 50-foot no-cut buffer was a good trade-off for allowing this wetland setback variance. Chair Wainwright requested a motion to approve the wetland setback variance.

Member Kukshel made a motion to recommend that the ZBA conditionally approve the wetland setback variance application for Map 14 Lot 37, with the condition that the Limit of Clearing as shown on the plan dated February 21, 2023 remain on the final plan for this project, and further conditioned upon the inclusion of the following note on the plan:

“The intent of the Limit of Clearing as shown on this plan is to create a permanent buffer of undisturbed natural vegetation between the disturbed area and the wetland, in perpetuity, to run with the land. Since this was a condition of granting the wetland setback variance needed for the construction of this structure, any further clearing of natural vegetation in this area, except for the removal of individual trees that pose a hazard to people, shall require relief from the ZBA.”

Member Nenart seconded the motion. Vote: 5/0/0, the motion carried.

6. Wetland Setback Variance Application (Saviano, 33 Boulder Cove Road) – Tim Lavelle

Chair Wainwright welcomed Tim Lavelle to speak about a DES shoreland protection application for 33 Boulder Cove Road; and noted that he would have a ten-minute time-limit for his discussion. Mr. Lavelle handed out copies of his project plans and photos of the area. Mr. Lavelle stated that the plan is to remove the existing auxiliary structure and build a new structure 17.5 feet away from the lot line, which will increase the side yard setback by 20 feet and replace the structure with a 24' x 36' storage shed. Mr. Lavelle continued that the shed will be 70.5 feet from the lake at its closest point which is why the permit is required. The new shed will be on the land side of the existing home. Mr. Lavelle stated that the plans meet the State requirements of a 50-foot setback but not the Town's requirements of a 100-foot setback. Mr. Lavelle continued that there is an existing driveway on the high side of the property and the other driveway goes into a garage underneath the home.

The Commission had a brief discussion regarding power lines, and Mr. Lavelle explained how the power lines would be connected for this property.

Chair Wainwright highlighted an area of Town-owned land next to this landowner's property in which there is a collection of construction debris and trash that should be removed, if possible, as part of this project; Mr. Lavelle stated that he will pass the word along to the landowner, but this should not be

an issue. Chair Wainwright stated that he will write a letter to the Zoning Board of Adjustment to not object to this project.

Member Nenart made a motion to write a letter to the Atkinson Zoning Board of Adjustment to not object to the proposed project at 33 Boulder Cove Road. Member Fournier seconded the motion. Vote: 5/0/0, the motion carried.

7. ADA Trail on Slade TF: Invoice Approval, Project Status, and Next Steps - John

Member Fournier stated that he is waiting for plans that a contractor can utilize to build this trail. Member Fournier continued that there has been conversation around how much of this work would be done by GPI under their current contract during Phase One.

Member Fournier produced a map of the Slade Town Forest and highlighted the parking area, the trail entrances, and the various trails. Member Fournier stated that the next thing that needs to be added to the map is the GPS coordinates of each trail marker. Member Fournier continued that although there are features of the trail still labeled as 'future' because they are not yet being implemented, there is plenty of time before the grant funding comes in so there is time to finalize those portions' plans.

Member Fournier stated that he has been speaking with Selectman liaison Bob Worden about fundraising in the spring so that when it comes time to apply for the grant, the Town has some startup funds in advance. Member Fournier continued that the area that will be known as "The Grove" can be completed in the spring in addition to the first 650 feet of the pink trail and the parking lot. Member Fournier stated that the Commission is in a good position to apply for this grant. Member Fournier continued that completing some fundraising this spring and completing some work on the land this summer will both put the Town in better position to be awarded the grant.

Mr. Worden stated that there are many projects going on in Town including a new police station and a new community center, and continued that this trail is one of the most important projects, in his opinion. Mr. Worden continued that he would like to see if the Commission can raise \$10,000.00 and then see if he can match that with \$10,000.00 from the American Rescue Plan Act (ARPA) funds. The Commission discussed requesting pledges from residents through mailers.

Chair Wainwright asked what next steps needed to be taken to move forward. Mr. Worden suggested a two-phase approach. Mr. Worden stated that the proposed viewing station is very valuable but might be better saved for the second phase and focus on the trail itself in the first phase.

Member Fournier reviewed the plans for the parking lot, “The Grove,” and the pink trail, and illustrated its usability for those with mobility challenges. Member Fournier continued that these three features would likely cost in the \$25,000.00 range.

Chair Wainwright stated that in the next five weeks, the engineering should be complete so it can be sent out for bids from potential vendors. Chair Wainwright continued that it would be alright to speak to some vendors unofficially to see if there is interest in this job. Member Fournier stated that he would return to the next meeting with a slide deck presentation. Chair Wainwright asked Mr. Worden to continue working on fundraising.

8. Selective Timber Harvest Final Report

Chair Wainwright stated that he spoke with Charlie Moreno who handed him stacks of paper receipts for each tree delivered to the mill. Chair Wainwright continued that, after expenses, the Stickney Town Forest yielded \$2,415.11 and the Marshall Town Forest yielded \$13,069.36, for a total of \$15,484.47. Chair Wainwright stated that this income will go into the Forest Maintenance Fund.

9. Updates to the Policies and Guidelines for the Use of Conservation Land

Chair Wainwright stated that the Commission has previously discussed the fact that the use of metal detectors on conservation land is not addressed in the Policies and Guidelines for the Use of Conservation Land. Chair Wainwright continued by reading a proposed addition to the policy:

Metal Detectors: the use of metal detectors on all Town conservation lands is prohibited. Artifacts found on Town land are the property of the Town of Atkinson and should be delivered to the Atkinson Historical Society.

Member Nenart stated that there have been occasions where the Commission allowed the Historical Society to use metal detectors on Town lands so maybe “without written permission from the Conservation Commission” should be added to allow for that contingency. The Commission agreed.

Member Kukshtel stated that in reading this policy, he noticed that it prohibits the picking of wildflowers except if they are invasive species, but it also prohibits the removal of anything from the site so if invasives are picked and not removed, that could be an issue. Chair Wainwright reviewed the invasive species section. The Commission discussed potential changes and stated that the best option is for invasives to be uprooted and left in place. Chair Wainwright stated that he would add a line that says “if there are any questions, contact the Conservation Commission.”

Vice Chair Steele made a motion to adopt the updated Policies and Guidelines for the Use of Conservation Land, as discussed. Member Fournier seconded the motion. Vote: 5/0/0

Members Suzie Newman and Monique Chrétien joined the meeting via telephone.

10. Turtle Awareness Initiative: signs and events – Monique

Member Chrétien stated that she is putting together a turtle event on Monday April 3rd for presentation at the library. Member Chrétien continued that she has arranged for Josh Megyesy of NH Fish and Game who specializes in endangered and non-game species, to come speak. Member Chrétien stated that she has also arranged for a turtle rehabilitator to speak at the event. Member Chrétien stated that, although children are welcome, the content will be geared towards adults. Member Chrétien continued that this event will be advertised in the Carriage Towne News and in the Town newsletter.

Member Chrétien stated that she was hoping to get a video recording of the turtle event so the Commission could display the video on their website. Member Chrétien continued that her purpose is to spread awareness and reduce turtle vehicle collisions. Member Chrétien stated that Atkinson Cable Television was not able to film the event and she asked if anyone would be able to record the event with a personal camera; Chair Wainwright suggested asking Member McVay.

Chair Wainwright stated that there will be some signs to be put up later in the spring and the Commission will need to work with a few homeowners to get the signs installed for the turtle crossings. Member Chrétien stated that the turtles will start to come out of hibernation in April and although they will be slow, they may start moving so the signs should be put up in April, if possible. Member Chrétien continued that she would be appearing before the Board of Selectmen in March to request approval for the installation of these signs.

11. 2023 Pollinator Event at Fresh Water Farms – Suzie

Member Newman stated that the third annual milkweed seed event is confirmed for Freshwater Farms on April 15th from 11:00AM to 3:00PM. Member Newman continued that this event is being advertised on Facebook regularly and in the Town newsletter in March and April, and flyers will also be made and posted. Member Newman stated that she is also working on getting a short-term display in a display case at the library to garner interest in the event. The Commission discussed how they could help with the event planning and execution.

Members Suzie Newman and Monique Chrétien left the meeting.

12. Other Upcoming Events and Public Outreach Programs – Save the Dates!

Member Kukshel stated that on May 18th, he and Member McVay would be conducting a Speaking for a Wildlife event on backyard habitats.

Chair Wainwright stated that he organized a master calendar of upcoming events and listed them as follows:

- 04/03/23: Turtle Talk Event at Kimball Library at 6:00PM
- 04/11/23: Master Plan Update Committee community forum at the Community Center from 1:00PM to 3:00PM or from 6:00PM to 8:00PM
- 04/15/23: Pollinator Pathways Event at Freshwater Farms from 11:00AM to 3:00PM
- 04/20/23: Charlie Moreno Timber Harvest Walk #1 aimed primarily at conservation commissions at 6:00PM
- 06/03/23: Charlie Moreno Timber Harvest Walk #2 to walk the Orr Town Forest to show what effects a timber harvest has. Held at 9:00AM. Rain date of 06/10/23
- 06/24/23: Greg Jordan Plant and Tree identification workshop on the Woodlock trails. Rain date of 07/01/23.

Chair Wainwright asked Member Fournier if he could coordinate a birding walk for May. Member Fournier stated that he would reach out but if the Commission wants Matt Tarr, it will likely be on a Sunday morning instead of a Saturday. Chair Wainwright stated that he was also considering informal “woods walks” to get residents out on the trails, led by Commission members.

13. Short Reports & Discussions

- a. March Newsletter Deadline is Friday, February 24th

Chair Wainwright stated that March newsletter deadline is Friday, February 24th and he plans on putting out a short list of Commission events.

b. NHACC Board of Directors Report – Paul

Chair Wainwright stated that he promised the Commission a report on how things are going and he subsequently explained some of the subcommittees. Chair Wainwright continued that the NHACC is certainly concerned with how many NH commissions are members of the NHACC, as well as concerned with ensuring they are serving the commissions well. Chair Wainwright stated that he is also working on some maps for the NHACC to show the different highlights of the State when it comes to conservation characteristics.

c. Purchase of the Jameson Triangle – Public Hearing on March 9 at 7:30PM

Chair Wainwright stated that the purchase and sales agreement has now been signed and the public hearing has been posted for Thursday March 9th at 7:30PM. The Commission discussed who could make it and who could not.

d. 4 Stickney Road Encroachment – Selectmen meeting March 6 at 6:00PM

Chair Wainwright stated that this encroachment will be brought to the Board of Selectmen on March 6th at 6:00PM. Chair Wainwright continued that he could use some support from Members who were present for previous meetings regarding this matter.

e. Beckhorn/Marshall and Stickney Trail Recovery – John, and others

Member Fournier stated that he spoke with some locals who walk these trails routinely and they are in touch with Kevin Arling, informal coordinator of the mountain biking group that regularly ride our trails. Member Fournier continued that these locals have explained to Kevin that they don't want mountain biking trails but walking trails. Member Fournier stated that he is still working with Member Denise Legault to follow up on this matter.

f. Easement Monitoring Update – Bill, John, Monique

Vice Chair Steele stated that he is ready to submit the easement monitoring update for the Orr Town Forest and will save a copy for the Commission.

g. Troop 9 News

Vice Chair Steele stated that he does not have any news updates regarding Troop 9 at this time.

h. “Passing the Torch” for Trail Map Management – John, Hannah?

Chair Wainwright stated that Member Krause wants to pass this torch. Member Fournier stated that Member Krause dropped off the maps to his house. Chair Wainwright stated that he received confirmation from Member Rizzo that she is willing to take over this responsibility when she returns from vacation.

i. Revise Bow Hunting Permit - Done

Chair Wainwright stated that he revised the Bow Hunting Permit to no longer require a notarized signature. As an alternative to official notarization, he obtained a new embossing stamp of our boundary marker artwork that the Town Administrator’s office can use to legitimize the completed permits.

j. Hazardous Tree Cutting Adjacent to 7 Sawyer Avenue - Jeff

Member Nenart stated that John Kylie reached out to him regarding two trees on the property line which he was concerned with. Member Nenart continued that one tree is definitely dead after the other twin side fell into J. Kylie’s yard last year. Member Nenart continued that there is a second tree which is an Ash that has some life left in it but has been overtaken by Bittersweet Vine. Member Nenart stated that Mr. Kylie is looking for permission to cut down both trees. The Commission agreed that it would be alright for Mr. Kylie to take down these two trees. Member Nenart stated that Mr. Kylie has also offered his arborist services as he is now retired.

k. NHACC Wetland Training Continues this Friday, February 24

Chair Wainwright stated that the NHACC Wetland Training Continues this Friday, February 24. The Commission agreed that the last Zoom call was a bit overwhelming.

I. Master Plan Update “Forum” on April 11 – Need Coverage

Chair Wainwright stated that the Commission needs coverage for this event but the consultant will be setting up the tables. The Commission discussed who could cover which session.

m. Candidates’ Night – Tuesday, March 7th – Pay Attention, Vote March 14th, Make a Difference!

n. How Shall we Celebrate Our 50th Anniversary Next Year? (1974 – 2024)

Chair Wainwright stated that next year is the Commission’s 50th anniversary and should think ahead at how they can celebrate.

o. Other Business

Chair Wainwright stated that he made contact with Bill Davidson who does the Ash tree treating, who let him know that it was time again to treat the Champion Ash tree. Chair Wainwright continued that he would keep the Commission updated with next steps.

14. Next Meetings: March 29 and April 26, 2023

15. Hold the Date: NH ACC Annual Conference will be Saturday, November 4, 2023

16. Adjournment

Vice Chair Steele made a motion to adjourn the meeting. Member Fournier seconded the motion. Vote: 5/0/0

The meeting adjourned at 8:41PM.

Respectfully Submitted,

Zachary Gilberti, Recording Clerk

Attachments: None.