

**Atkinson Conservation Commission Minutes**  
**Wednesday, May 24, 2023, 7:00 PM**  
**Atkinson Town Hall**

Approved June 28, 2023

**Members Present:**

Paul Wainwright, Chair  
Bill Steele, Vice Chair  
John Fournier, Secretary  
Scott Kukshtel  
Suzie Newman  
Monique Chrétien  
Jeff Nenart  
Charlie Pitts, Alternate  
Sandy Cannon, Alternate  
Chris Walker, Alternate

**Others Present:**

Bob Worden, Selectman Liaison  
Paul Schena  
Mark Perri – 75 Maple Ave.  
Joni Belfiore – 75 Maple Ave.

**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, May 24<sup>th</sup>, 2023. Chair Wainwright took attendance and noted that all members are present except for Member Nenart who will be late to the meeting; alternate member Pitts will vote in his stead until he arrives.

**2. Review & Approval of Minutes**

a. April 26<sup>th</sup>, 2023 – Regular Meeting

Discussion: Chair Wainwright presented the regular meeting minutes from April 26, 2023 and asked for comments or corrections, there were none.

**Vice Chair Steele made a motion to approve the regular meeting minutes from 04/26/2023, as written. Member Fournier seconded the motion.**

**Members Kukshtel, Chrétien, and Newman abstained from the motion.**

**Vote: 4/0/3**

**3. 2023 Expenditures Report**

Chair Wainwright produced the latest 2023 expenditures report and stated that the only new expenditures were to pay the Recording Clerk, to pay for the Northeast Conservation Services for the Land Management Plan for Debra

Lang's land, to pay some bills for trail maps and brochures from Hampstead Print and Copy.

*Alternate member Sandy Cannon arrived at this time. S. Cannon was sworn in by Selectman B. Worden.*

**4. Map 14 Lot 37 Maple Avenue Project: Wetland Buffer Discussion – Paul Schena**

Chair Wainwright introduced Paul Schena and stated that Paul went before the Zoning Board of Adjustment (ZBA) for a variance application, which was denied. Mr. Schena stated that he has been an Atkinson resident for 25 years. Mr. Schena continued that he would like some more room so he is planning to build a house on his property on Maple Avenue. The Commission went around the room and introduced themselves and their backgrounds.

Chair Wainwright gave a brief history of this project, starting with an email last January [2023] from the Engineer, Charlie Zilch, who explained that the project would need a wetland setback variance, and requested a site walk before going before the ZBA. Chair Wainwright continued that the Engineer was first going to secure the septic permit, and then Mr. Schena was going to appear before the ZBA, probably in February, 2023.

Several site walks were done. Chair Wainwright stated that, during the site walks, they discussed the idea of adding a wetland buffer to the plan as an additional measure of protection for the wetlands in the area, which Mr. Schena voluntarily agreed to include on the plan. Chair Wainwright continued that, between Mr. Zilch's meeting with the Commission and the hearing before the ZBA, the buffers were removed from the plan. Chair Wainwright stated that the ZBA was working from an old plan when they issued the application denial.

Chair Wainwright continued that he would like to shed some light on the buffer issue this evening and see if they can offer the applicant solid ground to stand on for a ZBA re-hearing, even though re-hearings are not common.

Chair Wainwright stated that the ZBA rejected the application because the wetland buffers were not on the plan as they were when the Engineer met with the Commission. Mr. Schena stated that if the Commission can help him supply what the ZBA needs, it should be sufficient to schedule a re-hearing.

Chair Wainwright read from an email sent by Mr. Schena in order to clear up a few items; specifically, which local and State officials were consulted when deciding to remove the wetland buffers from the plan. Mr. Schena stated that he would rather not say who he spoke to at the State but the local official he referred to was his Engineer. Chair Wainwright stated that putting a condition on a variance of any kind does not permanently encumber the property, as stated in Mr. Schena's email. Chair Wainwright added that this situation is not

uncommon, as initially surmised by Mr. Schena. Mr. Schena stated that his intention is to abide by the 50-foot wetland buffer on his own without any regulation. Mr. Schena added that he believes, as a New Hampshire landowner, that a no-cut rule within a wetland should be enough. Mr. Schena stated that his family and the Commission have very similar goals and he will be true to his word when it comes to adhering to the 50-foot buffer.

Member Nenart asked if the no-cut buffer was supposed to be 25 or 50 feet. Chair Wainwright responded that the plan showed a 50-foot no-cut buffer and, at the time, the Commission was under the impression that this was a voluntary measure rather than a requirement. Mr. Schena stated that if the ZBA does not grant a re-hearing, he will need to build a smaller house, but then no one gets what they want out of the situation. Chair Wainwright stated that the Commission is not the authority that decides what needs to be on buildings plans, that would be the ZBA. Chair Wainwright continued that the Commission's feelings are that buffers are good, especially in this situation. Chair Wainwright stated that when conducting reviews like this, the Commission also looks at the surrounding environment, and this project will have an impact on the environment, which is why buffers are a good idea.

Chair Wainwright stated that one argument he has heard is that if the required relief is 10%, why is a 50-foot buffer needed. Chair Wainwright continued that the Commission makes no attempt to balance the relief and the buffer; this is a ZBA responsibility. Chair Wainwright stated that it would have been a wise idea for the Engineer to ask for a continuance. Mr. Schena stated that he opted for not asking for a continuance because he thought there was a solid plan in place.

Chair Wainwright stated that the Commission would prefer that the buffers be on the plan; this may be the only way to be granted a re-hearing with the ZBA. The Commission discussed that if Mr. Schena had plans for a smaller house, within the footprint, there would not be a need for buffers on the plan because there would be no variance that would be needed. Mr. Schena stated that his plan is to purchase plans for a smaller house and move forward with the process. Chair Wainwright advised Mr. Schena to speak with Sue Coppeta in the Building Office. Chair Wainwright suggested that Mr. Schena should consider all available options before moving forward with an appeal.

Mr. Schena stated that he would like to come away from this meeting with an agreement and a recommendation from the Commission, if possible.

Chair Wainwright read from a draft position statement to garner feedback from the Commission.

1. Buffers of natural vegetation are an excellent method for protecting valuable wetlands. For this project, considering the extent of the wetlands and the area, the fact that this project would be the first disturbance in that area, and the fact that the NH Natural Heritage Bureau has identified this area as potentially supporting both Blanding's and Spotted turtles, we feel that

retaining buffers of natural vegetation would be both appropriate and valuable for wetland protection.

2. The homeowner agrees that buffers of natural vegetation would be valuable.
3. The Conservation Commission would prefer that these buffers be included on the development plan, the landowner disagrees.
4. Contrary to the landowner's understanding, requiring wetland buffers as a condition of granting a wetland setback variance is not unique in Atkinson. Chair Wainwright cited a few recent examples of similar situations in Town.
5. Contrary to the landowner's understanding, a condition of granting a variance can be reconsidered by a future ZBA if a future landowner needs relief from the condition in order to accomplish an unforeseen project.
6. Therefore, in this case, a condition of including a wetland buffer for the approval of a wetland setback variance does not unnecessarily hinder the use and enjoyment of the land by this or future landowners.

Chair Wainwright asked the Commission for feedback; they agreed with the content of this position statement. Mr. Schena asked if it would be agreeable to put a 25-foot buffer on the development plans instead of a 50-foot buffer, if he still observed a 50-foot buffer. Chair Wainwright stated that a 25-foot buffer on the plan would be better than nothing, but he [Mr. Schena] still needs to convince the ZBA. Chair Wainwright also agreed to write a letter to the ZBA Chair as well. Selectman Liaison Bob Worden suggested that Mr. Schena meet with Sue Coppeta to understand his options. Mr. Schena thanked the Commission for their time and consideration.

## **5. The Worden Report**

Mr. Worden stated that the Town is moving forward with the plans to build a new police station. Mr. Worden continued by encouraging residents to walk through the current police station to better understand the need for a new facility. Mr. Worden stated that the Town cannot wait any longer on this project and must complete it this year, if possible.

## **6. Accessible Trail on the Slade Town Forest: Project Status, and Next Steps – John**

Member Fournier displayed a map of the Slade Town Forest and explained some of the land's characteristics and natural features. Member Fournier stated that they have been working hard on fundraising and have already half of their initial \$25,000.00 goal. Member Fournier continued that some well-connected fundraisers in Town will soon be joining the effort. Member Fournier stated that, in phase one of the project, they will complete the parking lot, the grove sitting area, and about the first 650 feet of the pink trail.

Member Fournier continued that for the Recreational Trails Program Grant has a maximum award of \$80,000.00 towards a \$100,000.00 project, per year.

Member Fournier stated that the federal grant programs are in turmoil because they implemented a buy-American restriction on lumber. Member Fournier continued that what this means is that there is the potential to secure the full amount of the grant but in order to get the project approved, the two stream bridges and the observation platform must be left off the plans. Member Fournier explained which sections of trails would be targeted for completion first, and which trails would be taken off the plan, for now. Member Fournier stated that he is planning to send out an RFP for bids, and, since it is a federal grant, the lowest bidder *must* be used. Member Fournier continued that he has no concerns with the Commission raising enough funding for phase one.

## **7. Marshall and Stickney Trails Update – Suggestions – Charlie and Chris**

Alternate Charlie Pitts passed around some reports for the Commission's perusal. Alternate Pitts continued that it was nice to get out onto the trails and to interface with some of the residents in this area. Alternate Pitts stated that some of the trails are no longer on the land, so the maps may need updating if the Commission agrees. Alternate Pitts discussed the merits of removing certain trails as well. Alternate Pitts continued that there is one area, down by the water, which would benefit from having a small bridge installed. The Commission discussed the current state of the trails and considered options moving forward.

*Alternate member Chris Walker arrived at this time.*

Chair Wainwright suggested walking these trails with Sandy and with Denise Legault to get a better feel of what needs to happen with these trails; the Commission agreed.

Alternate Pitts produced a report for the Stickney Town Forest as well. Alternate Pitts noted that there are a lot of trails packed into a small area. Alternate Pitts continued that the proximity of Route 111 leads to road noise, which somewhat defeats the purpose of the land, so some trails could be removed. Alternate Pitts stated that there is an area which could use some grass seed. Chair Wainwright stated that grass seed has been discussed and may be a good choice but if the seeds are not tilled into the soil, they will certainly be washed away.

The Commission discussed this land and the amount of motorized vehicle use on this land despite its prohibition. The Commission discussed which trails still exist and need updated markings and which trails are no longer in place and should be removed from the maps. Alternate Pitts suggested taking out 6 or 7 trees to create a small parking area; Chair Wainwright stated that this has been discussed and the area suggested is private property. Alternate Cannon stated that she would be available to mark the trails on either of these pieces of land; the Commission discussed their preferred methods for marking the trails.

## **8. Upcoming Events and Public Outreach Programs**

### **a. The Benefits of Selective Timber Harvesting – Charlie Moreno, Orr Town Forest, Sunday June 4, 1:00PM (rain date Sunday June 11)**

Chair Wainwright stated that Charlie Moreno will be giving a presentation on the Benefits of Selective Timber Harvesting. Chair Wainwright continued that there are 15 people signed up thus far with space for 30.

### **b. Tree and Plant Identification Workshop – Greg Jordan, Chadwick Town Forest (Woodlock Trails), Saturday June 24, 9:00AM (rain date July 1)**

Chair Wainwright stated that Greg Jordan will be holding a Tree and Plant Identification Workshop. Chair Wainwright continued that these sessions have been very beneficial and educational in the past, and he encouraged people to sign up.

## **9. Short Reports & Discussions**

### **a. NHACC Board of Directors Report - Paul**

Chair Wainwright stated that there was a wetland training session last Friday, which went very well. Chair Wainwright continued that the photography contest is moving forward and should be announced soon. Chair Wainwright stated that there is an adult, teen, and kids' category, with a \$250 first place prize for each category. Chair Wainwright continued that the theme is Wetlands, Water, and Wildlife, so photographs should have at least one of these elements, and submissions should also inspire others to want to preserve land and wildlife.

### **b. Land Acquisition Status: the Lang Parcel on Knightland Road - Paul**

Chair Wainwright stated that in order to get final approval of the ARM grant, the Commission would have had to be on the Governor and Council agenda for May but this did not happen. Chair Wainwright continued that once the appearance is rescheduled, they will close on the deal in 30 days after G&C approval.

### **c. Recap of April Turtle Events, and Turtle Sign Update - Monique**

Member Chrétien stated that there were 76 attendees at the turtle talk in April, and 53 of those attendees were Atkinson residents. Member Chrétien continued that there are still people asking for more turtle information. Member Chrétien stated that she is trying to export the video

from her phone so the recording can be shared. Member Chrétien suggested also starting an Atkinson Conservation Commission YouTube channel so they have an outlet for videos like this.

Member Chrétien stated that the first turtle crossing sign was installed today with plans for the others to be installed shortly. Member Chrétien continued that when she told Bob Connors that they would not be able to put a sign up at Brushwood Avenue because it is not in the budget, Selectman William Baldwin responded that he would pay for this sign out of his own pocket. Member Chrétien asked the Commission if they would want to purchase an extra sign and then send the bill to William Baldwin; they agreed that this would be a good idea and an appreciated donation.

**d. Troop 9 News? – Bill**

Vice Chair Steele stated that he has no Troop 9 news other than they had a successful recycling event, and they were also able to help get the TV out of the woods on Sawyer Avenue.

**e. Trail Maps**

Chair Wainwright stated that former Alternate Hannah Freed is still managing these trail maps, and she has reordered a few sets of trail maps. She will pick those up when she returns from being out-of-town.

**f. How Shall We Celebrate Our 50<sup>th</sup> Anniversary Next Year? (1974 – 2024)**

Chair Wainwright stated that next year is the Commission's 50<sup>th</sup> anniversary, and asked how the Commission can commemorate it. Chair Wainwright continued that providing a good portion of a new ADA-accessible trail on the Slade Town Forest is a wonderful way to commemorate the Commission's anniversary. Chair Wainwright stated that someone suggested a tree planting or tree giveaway.

Member Newman volunteered to form a subcommittee of the group to plan events for the Commission's anniversary; other Members volunteered as well. The Commission discussed past tree-giveaway events as well as what worked and what did not.

**g. Other Business:**

Member Chrétien stated that she had an idea for Commission tee-shirts but she can bring it up at next meeting. Chair Wainwright stated that there



would not be any money in the budget for shirts, but if people wanted to purchase their own, that would be fine.

**10. Next Meetings: June 28 & July 26, 2023 (no ACTV in June)**

**11. Hold the Date: NHACC Annual Conference will be Saturday, November 4, 2023**

**12. Adjournment**

**Member Fournier made a motion to adjourn the meeting. Member Nenart seconded the motion. Vote: 7/0/0**

The meeting adjourned at 8:58PM.

Respectfully Submitted,

Zachary Gilberti, Recording Clerk

**Attachments:**

- none