

Atkinson Conservation Commission Minutes
Tuesday, August 8, 2023, 7:30 PM
Atkinson Town Hall

Approved September 27, 2023

Members Present:

Paul Wainwright, Chair
Bill Steele, Vice Chair
John Fournier, Secretary
Jeff Nenart
Charlie Pitts, Alternate

Others Present:

See attached

1. Call to Order, and Attendance:

Chair Paul Wainwright called the special meeting to order in person at Atkinson Town Hall at 7:30PM on Tuesday, August 8th, 2023. Chair Wainwright declared that the meeting had been properly posted pursuant to NH RSA 91-A, that a quorum was present, and that Alternate Pitts was designated to vote. A list of the attendees is attached to these minutes.

Chair Wainwright noted that this meeting's primary focus will be a Public Information Session about the Accessible Trails project on the Slade Town Forest. Following that, there will be a discussion regarding protecting threatened and endangered species during the construction of the Accessible Trails project, and then a follow up discussion to the Public Hearing at our July meeting about the Marshall Town Forest trails.

2. Public Information Session for the Accessible Trails Project

Chair Wainwright introduced Member John Fournier as the Project Manager of this project, and will be the person interfacing with contractors throughout the process. Chair Wainwright stated that the Board of Selectmen has already endorsed this project and has appointed himself as the Landowner (when signatures call for such a title), Member Fournier as the Project Manager, and Town Administrator John Apple as the person who will sign contracts throughout this process. Chair Wainwright explained the general rules of this evening's special meeting and turned the meeting over to Member Fournier.

a. Short Presentation of the Plans

Member Fournier started by showing a map of the area where the trails will be located and highlighting nearby roads and landmarks so the audience could get their bearings. Member Fournier continued explaining the features of the proposed trails, including the observation platform which is planned for later phases of the project. Member Fournier stated that Phase 1 of the project includes 1,100 feet of trail. Member Fournier continued that there are ways to bring in heavy machinery and big crews to knock out this project in a few weeks, but for a few reasons it is not feasible in this case; first because it is cost prohibitive, but more importantly because this is a small forest in people's backyards, and that method would be too intrusive and overwhelming to the forest and the neighbors. Member Fournier stated that after the first 650 feet, walkers will reach a clearing in the trees which is great for those that are less mobile than others.

Member Fournier stated that this has truly been a community project involving the Recreation Department, Elder Services, the Selectmen, and the American Rescue Plan Act (ARPA) Committee. Member Fournier continued that this project has also been fairly low-key in terms of publicity. Member Fournier stated that the Commission's goal is to make these trails a benefit to everybody without being a burden to anybody. Member Fournier continued that he will be personally involved with this project throughout the duration, and he welcomed phone calls and emails rather than airing grievances in public forums such as Facebook.

b. Audience Q&A

A member of the audience asked how long the project will take, and whether or not the trails will be paved. Member Fournier stated that the trails will not be paved, and it will be done in three phases; Phase 1 should begin in a month and be done within three weeks. Phase 2, which will include about 2,600 feet of trail, will be done next year, and should also take three to four weeks. Phase 3 will be done in 2025 with future grants that will be applied for. Chair Wainwright stated that there are many grants for people with disabilities and the goal of the project is to do it without any taxpayer money. Member Fournier stated that the trails will not be paved but they will be covered with hard-pack granite stone dust, which make the trail very accessible to wheelchairs and strollers.

A member of the audience asked how wide the trail would be. Member Fournier stated that they considered a five-foot wide trail but decided on a six-foot wide trail instead because it offers more walking surface so people can walk beside their loved ones who use wheelchairs.

A member of the audience asked what is going to delineate the trails on conservation land from the abutters' private property. Chair Wainwright

stated that there is a row of stakes out there now but the Commission would be happy to post signs that say something such as “please respect landowners, stay on the trails.”

A member of the audience stated that there is a brook and an attraction for kids to get into the water and there is a concern for their safety. Another member of the audience stated that there is a stone wall on the property line and hikers could hurt themselves if they fall over it. Chair Wainwright stated that the idea of keeping trails to the perimeter of a parcel of land comes from New Hampshire Fish and Game with the purpose of leaving the interior of conservation land untouched. Chair Wainwright continued that the trails will certainly not cross over onto anyone else's property and the Commission will post the necessary signage for respecting the landowners.

A member of the audience asked if there would be time restrictions on the trails so they close at a certain time, with a gate at the entrance. Chair Wainwright stated that the trails will be closed at night but he is unsure whether or not there will be a gate. The audience member asked who will maintain the trail and the loaner equipment. Member Fournier stated that it will be the Commission that maintains it and Elder Services who will help with the loaner equipment. The audience member asked if there would be someone posted at the trails to monitor them. Member Fournier stated that it wouldn't be possible to staff the trails full-time but the trails will be maintained appropriately.

A member of the audience asked for the location of the wetlands in the area. Member Fournier stated that he doesn't have the map this evening but it can be found easily online on the GRANIT database. The audience member asked if the trails have a name. Member Fournier stated that they will be the Slade Town Forest Accessible Trails, which is made up of The Grove, the Blue Ridge Trail, the Pink Stone Wall or Meadow Trail, and the Pink Trail Extension or the Sure Path.

Member Fournier stated that the concern about the trail nearing property lines is fully heard and it will be managed appropriately. Member Fournier continued that he has been out there several times and he believes areas of the Blue Trail would be inviting for hikers to walk off the trail and onto abutters' private property. Member Fournier stated that, at the earliest, this particular trail would be built roughly one year from now.

A member of the audience asked if any trees would need to be cut down to build this trail. Member Fournier stated that only small trees would need to be cut; five inches in diameter or less. Member Fournier continued that he was out in the woods with the trail architect/engineer, who used tools and calculations to find the most optimal route that requires the fewest number of trees to be removed.

A member of the audience asked if the trails would be illuminated at night. Member Fournier stated that they would not be illuminated.

A member of the audience asked if motorized vehicles would be allowed on the trails. Member Fournier stated that motorized vehicle would not be allowed with the exception of motorized wheelchairs and other elderly assisted devices. Another member of the audience asked how the Commission will prevent people from using motorized vehicles on the trails. Member Fournier stated that the good news is that as of right now, there hasn't been any ATV activity in this area since last December when the Atkinson Police were involved in helping curb the behavior. Vice Chair Steele stated that the way the Commission normally handles ATV use is they post the signage which prohibits them, monitor the activity, accept complaints from abutters and then bring the information to the Chief of Police for resolution.

A member of the audience asked what rights abutters have of preventing this trail from being implemented. Member Fournier stated that it is similar to the Town not being able to say what a resident does on their property, residents don't have a say in what the Town does on theirs. The audience member asked if this is just a formality to let them know what's happening. Member Fournier stated that this meeting is an opportunity learn about the plans for the trail system, and to express concerns so the Commission can take them into consideration.

A member of the audience expressed a concern about trash in the area. Member Fournier stated that luckily the residents of Settler's Ridge routinely walk their dogs along one edge of the forest and they pick up the trash they find. Member Fournier continued that he hasn't seen much trash in the area in the past. Selectman Liaison Bob Worden stated that litter is a problem all over Town and wouldn't be any more of a burden on the trails than it is in the rest of the Town.

Mr. Worden continued by giving some background on how the ARPA funding was applicable to this project because it encouraged residents to get outside and it gave the elderly and disabled a place to be able to do so. Mr. Worden stated that the Town has a community of elderly and disabled good neighbors who would love to have a place to be able to get out into nature and to experience Atkinson's natural beauty. Mr. Worden continued that he has been to an accessible trail in Maine, designed by the same architect, and he experienced how great it was for his wife and others who are not normally able to walk on nature trails.

Member Fournier stated that there will be one access point from the street, and there will only be a total of five parking spaces with maybe a few other spots where another car could reasonably park along the road. Chair Wainwright stated that there may be a "wow factor" at first, but the rule will be the same as at all other trails; if the parking is full, please come

back at another time. Member Fournier stated that the Commission wants to keep good relations with the residents, and this project will be handled with great care. Member Fournier continued that gates can be implemented provided they do not impede the travel of first responders to get into this area.

Vice Chair Steele asked if this will be a net increase or decrease in the amount of use of this land. Member Fournier stated that there were unofficial trails in the past, and the neighbors have recorded that the proposed trail is just about one mile.

Member Fournier and some members of the audience reviewed the topographical map of the area and discussed where each of the trails lead. Member Fournier showed an example of the hard-pack material of which the trail will be constructed. Member Fournier addressed a few topics before bringing the conversation to a close.

Chair Wainwright thanked all people in attendance and welcomed them to stay if they wished.

c. Review of Phase 1 Bids

Chair Wainwright stated that the Commission went through the Town's standard procedure for securing bids, attracting three contractors but garnering only one furnished quote. Chair Wainwright continued by reviewing the two contractor's bids. Chair Wainwright stated that early estimates put the price around \$25,000.00 but the lowest bid received, from Ted Stewart, was \$35,200.00 for Phase 1. Chair Wainwright continued that the Commission currently has \$18,760.00 in the donation account, and there is a pending donation of \$3,000.00 from the Women's Civic Club. Chair Wainwright stated that he is proposing hiring Ted Stewart on a Time & Materials basis instead of a total price for the project.

Member Fournier discussed why the cost was so much higher than initially anticipated. Chair Wainwright stated that hiring Ted Stewart on a Time & Materials basis gives the Commission the ability to write a check for funds that are already in the account, gives the Commission time to continue fundraising. If the funds run out, the trail will just wait to be completed until the funds are raised. Chair Wainwright continued that this will also allow for the volunteer labor to offset some of the cost of the total project.

d. Selection and Awarding of a Contract for Phase 1

Member Nenart made a motion to hire Ted Stewart to do the Phase 1 construction of the Slade Accessible Trails project as specified in the Scope of Work and Engineering Drawings that were presented in the recent Request for Proposals, to direct Project Manager John Fournier to negotiate a time and materials contract with Ted that is agreeable to Town Administrator John Apple and Town Attorney Sumner Kalman, and to request Town Administrator John Apple to sign the contract on behalf of the Town, as empowered by vote of the Board of Selectmen on July 10, 2023. Member Fournier seconded the motion. Roll-call Vote: Bill Steele, Yes; John Fournier, Yes; Jeff Nenart, Yes; Charlie Pitts, No; Paul Wainwright, Yes. Vote: 4/1/0, the motion carried.

e. Discussion about Fish & Game Endangered Species restrictions

Chair Wainwright stated that part of the requirement for the Recreational Trails Program grant is that the Town had to have a data check done by the Natural Heritage Bureau to look for endangered and threatened species in the area. Chair Wainwright continued that this data check yielded the many reported sightings of Blanding's and Spotted turtles that he has submitted to Fish & Game. Chair Wainwright stated that as a result, NH Fish & Game has taken an interest in the Commission's Slade trails work. Chair Wainwright continued that NH Fish & Game's initial recommendations are to not make any disturbances of the ground before October 15th or after April 1st. Chair Wainwright continued that he believes there is room for discussion in the matter but the Commission will need professional help.

Chair Wainwright stated that Mark West of West Environmental, Inc. has been around for a long time and is an expert in wildlife habitat and conservation. Chair Wainwright continued that Mark West has agreed to examine the Commission's plans, speak with the people at NH Fish & Game, and explain all the positive things the Commission does to preserve wildlife habitat. Chair Wainwright stated that Mark West estimated this would take about three hours of his time at a rate of \$90.00 per hour; Chair Wainwright suggested approving up to four hours in case there are unforeseen challenges.

Vice Chair Steele made a motion to hire West Environmental Inc. for up to 4 hours of consulting work at \$90 per hour to negotiate with NHFG on our behalf to come to a mutual understanding on ways to protect Threatened and Endangered species during the construction of the Slade Accessible Trails, and to pay for this work under the Other Professional Services line of our Annual Operating Budget. Member Nenart seconded the motion. Vote: 4/1/0, the motion carried.

Chair Wainwright asked Member Pitts why he opposed the motion. Member Pitts stated that, in his opinion, the Commission should take the extra step of doing a wildlife study before blazing any new trails. Member Fournier stated that the Commission has made trails in the past and do so meticulously to ensure no wildlife habitat is disturbed in the process. Member Pitts expressed that he is concerned about the human contact aspect of this work, which may be done in areas where these turtles live. Member Fournier stated that the neighbors have only reported Painted and Snapping Turtles but none of the Blanding's or Spotted variety.

Member Pitts asked what Mark West would be doing for \$90.00 per hour. Chair Wainwright stated that purpose of bringing in Mark West is to interface with NH Fish & Game to explain the Commission's plans and to understand what they want the Commission to do moving forward. Chair Wainwright stated that if the ruling comes back that the Commission needs to wait until October 15th for these activities, then they will find a way to do it, but it is inconvenient to only do this work in the winter. Member Fournier stated that if the Commission has to wait until October 15th to begin work, it may seriously hurt the chances of securing grant funding for the project. Member Pitts stated that he understands Member Fournier's point of view. Chair Wainwright stated that he will speak to Mark West about Member Pitts' concerns and ensure they're addressed.

3. Marshall Town Forest Trails Discussion

Chair Wainwright stated that he was hoping Member Cannon would be here to discuss this, but he knows that the trails do need more ribbons. Chair Wainwright continued that a color palette needs to be decided on and then implemented. Chair Wainwright stated that Member Cannon was going to reach out to previous Member Dennis Krause to understand his methodology when creating the last blazes. Member Pitts stated that he will call Member Krause to obtain this information. Chair Wainwright stated that the Commission is free to change the color scheme used in the past but it would be nice to know first what the colors of the previous scheme meant. Member Pitts stated that the trails are currently de-blazed so the Commission should act quickly before hikers begin to get lost. Chair Wainwright stated that he can make the stencils and then purchase good oil-based paint which should last for a long time.

4. Other Business

Chair Wainwright stated that at the end of the last meeting with the mountain bikers in July, he was handed a letter from the Chapter President of the Southern New Hampshire chapter of the New England Mountain Bike Association, Mr. Christopher Gaudet. Chair Wainwright continued that he drafted a response letter, which he distributed to the Commission previously. Chair Wainwright asked if there were any other comments on the response letter before he mails it

out. The Commission agreed that the response is very well-written and gets the point across succinctly; they agreed by consensus that it was ready to send. A copy of Mr. Gaudet's letter and Chair Wainwright's reply are attached to these minutes.

5. Adjournment

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

The meeting adjourned at 8:53PM.

Respectfully Submitted,

Zachary Gilberti, Recording Clerk

Attachments:

- Attendance list (2 pages)
- Letter from Christopher Gaudet
- Chair Wainwright's reply to Mr. Gaudet

Town of Atkinson Conservation Commission

Meeting Attendance Record

Voting

Here

Date: Tuesday, August 8, 2023

Members Present:

✓	<input checked="" type="checkbox"/>	Paul Wainwright, Chair	Term expires 2025
✓	<input checked="" type="checkbox"/>	Bill Steele, Vice Chair	Term expires 2026
✓	<input checked="" type="checkbox"/>	John Fournier, Secretary	Term expires 2024
	<input type="checkbox"/>	Monique Chrétien	Term expires 2026
	<input type="checkbox"/>	Scott Kukshtel	Term expires 2024
✓	<input checked="" type="checkbox"/>	Jeff Nenart	Term expires 2025
	<input type="checkbox"/>	Suzie Newman	Term expires 2024

Alternates Present:

	<input type="checkbox"/>	Chris Walker	Term expires 2026
X	<input checked="" type="checkbox"/>	Charlie Pitts	Term expires 2025
	<input type="checkbox"/>	Sandy Cannon	Term expires 2024

Emeritus Advisors Present:

<input type="checkbox"/>	Dan Kimball	No term expiration
<input type="checkbox"/>	Dennis Krause	No term expiration
<input type="checkbox"/>	Denise Legault	No term expiration
<input type="checkbox"/>	Pete McVay	No term expiration
<input type="checkbox"/>	Hannah Rizzo	No term expiration

Recording Clerk:

☐ Zack Gilberti

Others attending:

Bob Worden

* Speakerphone or Zoom attendance allowed per RSA 91-A:2 II

Town of Atkinson Conservation Commission

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<input type="checkbox"/>	Paul Wainwright, Chair	Term expires 2025
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<input type="checkbox"/>	Pete McVay	No term expiration
<input type="checkbox"/>	Hannah Rizzo	No term expiration

Recording Clerk:

<input type="checkbox"/>	Zack Gilberti
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Others attending:

Carly Ortiz
Mick Ortiz
Shirley Ortiz
Karen Forde
Mick Ortiz
Chris Conroy

* Speakerphone or Zoom attendance allowed per RSA 91-A:2 II

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Southern NH Chapter President's Office
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(978) 807-9322
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Website: <https://nemba.org>



7/26/2023

Paul Wainwright
Chair, Town of Atkinson Conservation Commission

Dear Paul Wainwright,

Hello, my name is Christopher Gaudet, and I am the Southern NH Chapter President of the New England Mountain Bike Association (NEMBA). While I'm unable to attend the Wednesday July 26, 2023, Public Hearing on the proposed addition of section 8 (as shown below) to your "Policies and Guidelines for the Use of Conservation Land", I wanted to ensure that a written comment on behalf of our chapter was entered as a part of the discussion.

8. Trail Locations: While the public is encouraged to help maintain existing, blazed trails on our conservation lands, any construction or maintenance of additional trails is prohibited without the explicit authorization of the Conservation Commission. Furthermore, the Conservation Commission has the authority to relocate or permanently close existing trails to protect the Town's natural resources.

While I don't disagree with what you're trying to do with the proposed section 8, I strongly feel that it is lacking in context and in checks and balances. Why do I say that? Let me explain. In reviewing all that was available to me online regarding the proposed trail closures in Atkinson per the draft minutes of the June 29th meeting, while you are stating the reason for the proposed trail closures is because they are too close together and the closures are needed for the restoration of wildlife habitat, nowhere did I see any information or specifics on what the current wildlife impact is. Furthermore, no species were identified as being harmed nor was there any discussion or documentation on what species might flourish in the absence of the trails you are proposing get closed. I'm questioning what the goals here are and whether the action (trail closures) would achieve the goals. The reason I say that is because depending on the goals, it might be best to leave the trails. I want to make sure that the public is being informed about all the data backing the decisions being made. As a public government entity, it is important that you're transparent about the actions you're taking and why. The why, including supporting data is extremely important. So, in summary, to add section 8 just to make the proposed trail closures according to your "Policies and Guidelines" does not seem right especially when these trails have been there for numerous years, were/are present on town maps, have been cared for by a very enthusiastic group of local mountain bikers and have been enjoyed by many for a long time.

In working with lots of land managers, given the nature of the organization I represent, one thing we've heard a lot of lately is that land management groups did not realize how much of a free, volunteer workforce came along with a community of mountain bikers. There are many parcels that have pointed out while there are many different user groups that use the trails, it's always the mountain bikers that show up for trail days or care for the trails (most times without even being asked). The mountain biking community is a great, sometimes untapped, resource when it comes to keeping your land kept up. I urge you to embrace that community and work with them, not against them.

Mountain biking and just general multi-use of trails has exploded over the past few years. I feel that if there was one good thing that came out of the Covid-19 pandemic, it was that people have rediscovered their love for the outdoors. With that has come an increased burden to have adequate resources for those that wish to recreate outdoors. That means we all need sustainable trails to recreate on. We should exhaust all other possibilities before we are looking at trail closures because with trail closures comes contention in the community and undue stress on another trail system when the current trail system has been well established and enjoyed for many, many years.

I appreciate you allowing me to provide written comment and appreciate you taking the time to review it. If there is anything you'd like to discuss further with me, please feel free to reach out to me. My contact info is included on this letter.

Warm regards,

A handwritten signature in black ink that reads "Christopher R. Gaudet". The signature is written in a cursive style with a large, stylized 'C' and 'G'.

Christopher Gaudet

CHAPTER PRESIDENT

Southern NH NEMBA

Cc: Kevin Arling

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

August 9, 2023

Mr. Christopher Gaudet
Chapter President, Southern NH NEMBA
28 April Drive
Nashua, NH 03060

Dear Mr. Gaudet –

Thank you for your letter dated July 26, 2023 in which you expressed your appreciation for open spaces and what they have to offer to our community. And I apologize for my delay in replying. I wanted to give the members of the Atkinson Conservation Commission a chance to think about what you wrote, and to participate in the content of this letter back to you.

As you probably know, the mission of conservation commissions, as empowered by State law, is to acquire and preserve open land primarily for its intrinsic value of watershed protection, carbon sequestration, and wildlife habitat protection. While it is important for people to be able to “get out in nature” to enjoy and appreciate these values, “recreation” is not our primary goal. In fact, the State laws that define and empower conservation commissions never mentions the word “recreation.”

What we are trying to do with both the Marshall and Stickney Town Forests is to create larger areas devoid of human interference. We are following the guidelines of experts from NH Fish & Game and UNH Cooperative Extension, who have done the studies and research that concludes that larger areas without regular human impact are beneficial to wildlife habitat.

Although you did not mention it in your letter, I would also like to address the recent selective timber harvest that has been done on both of these parcels, and which has been met with similar negativity, both by your members and others in the community. I agree that, on the surface, it does not make sense – how can cutting trees improve wildlife

habitat? But it works, and it takes time. We have seen it in UNH-CE training workshops, and on our own lands over the last 49 years.

Forest management takes a long-range view of forest health. In June we ran a workshop in another of our Town Forests that was similarly harvested 7 years ago, and that looked pretty much like the Marshall and Stickney lands do today. The resulting diversity of plant life was obvious and impressive. Sadly, although we did our best to announce this to members of your organization, none attended.

Finally, I feel I need to remind you that when members of your organization are on someone else's land, they really need to abide by the landowner's wishes whether you agree with them or not. Yes, there will still be trails in the Marshall Town Forest, and yes, we thank the mountain biking community for helping to maintain them for all to use, but please, please respect our land management plans and objectives and do not create trails without stopping in to discuss it with us first. We meet at 7:00 on the fourth Wednesday of each month in the Atkinson Town Hall, and you can get on our agenda by sending an email to me (see below).

It would be very helpful if you could use your position as Southern NH Chapter President of the NEMBA to share this information with your members, encourage them to be cooperative, and to thank them for their past and future efforts to maintain trails on our land for all to use.

Sincerely,



Paul Wainwright, Chair

Atkinson Conservation Commission

Personal email: paulwainwright@comcast.net