

Atkinson Conservation Commission Minutes
Wednesday, August 23, 2023, 7:00 PM
Atkinson Town Hall

Approved September 27, 2023

Members Present:

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

Others Present:

Bob Worden, Selectman Liaison
Eric Selecky
Mike Finley

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, August 23rd, 2023. Chair Wainwright took attendance and noted that all members are present as well as two alternate members.

2. Review & Approval of Minutes

Discussion: Chair Wainwright stated that the vote to approve the minutes from 07/26/2023 meeting will wait until some updates have been made.

3. 2023 Expenditures Report

Chair Wainwright produced the latest 2023 expenditures report and stated that the only new expenditure was to pay the Recording Clerk.

4. General Discussion of Communications, Meeting Procedures, and “Full Membership Participation”

Chair Wainwright stated that over the last couple months he has heard feedback from several members that they would like more time to have thoughtful discussion before motions are made and approved. Chair Wainwright continued that it is not his intention to rush any discussions along but if a member feels, in the moment, that they would like more information before making a decision, they

have a right to speak up. Chair Wainwright gave a brief description of what it means to be a voting member of the Commission, the difference between recusal and abstaining, and discussed the need for a majority vote for a motion to pass.

5. Lang Parcel Closing

Chair Wainwright stated that, as of this morning, the Town now owns an additional 15.4 acres of land at the end of Knightland Road. Chair Wainwright continued that he was at the closing meeting and the Commission got back \$5,700.83 (see attached). Chair Wainwright stated that the upfront costs amounted to about \$14,000.00 for appraisals, ecological studies, and a management plan. Chair Wainwright continued that the costs incurred by the Conservation Fund Organization and SELT were a little over \$53,000.00 and he believes that this is money very well spent. Chair Wainwright stated that the total project cost was \$306,390.25; the sources of funding, grants, etc. amounted to about \$312,000.00.

Chair Wainwright stated that he has parts for a kiosk ready to install at the end of Knightland Road; it would just need a trail map. Chair Wainwright continued that he has a good trail map from the grant applications and he will work with Hampstead Print & Copy to make a map for the brochures as well as for the kiosk.

6. Stickney Canoe/Kayak Launch – Suggestions for Improvements – Eric Selecky, 23 Stickney Road

Chair Wainwright stated ground rules for the discussion to keep the conversation productive and forward-moving.

Eric Selecky approached the Commission and stated that he lives across from the Town canoe/kayak launch. Mr. Selecky continued that he has frustrations but they are not with the Commission; he lauded the Commission's efforts.

Mr. Selecky stated that he lives with his wife and two children. Mr. Selecky continued that he believes there are issues with the infrastructure to support a canoe launch in this area as well as a dangerous curve all on a one-lane road. Mr. Selecky claimed that he has had damage done to his property when a kayaker used his driveway to turn around. Mr. Selecky continued that when he has reported public use of his driveway to the Town, he was told to put up stanchions and signage, which did not work.

Mr. Selecky stated that he was then told to put up cameras, which he has done. Mr. Selecky claimed that what he captured on camera was a driver of a pickup truck who got out of his truck, moved the stanchions, drove over his leach field, damaged his septic system, and cracked the driveway with the weight of his truck. Mr. Selecky stated that when he brought this footage to the Atkinson Police Department, they stated it was a civil matter. Mr. Selecky claimed that when he reached out to the pickup truck driver, he was met with profanity and dismay. Mr. Selecky stated that not only were criminal charges not pressed, he

is now forced to weigh the financial odds of suing this individual for the damages or paying for it out-of-pocket.

Mr. Selecky claimed that in the past two years that he has lived in Town there have been domestic disputes, people drinking all day on the lake and leaving behind their trash, and claimed there have also been reports of vulgar language and threats posed to residents who speak up against this behavior. Mr. Selecky stated that he recently found two people having sex in this area, and they left a pair of underpants hanging from a nearby tree. Mr. Selecky claimed that there is also a general abundance of trash, including beer bottles and broken glass, which the neighbors are left to clean up. Mr. Selecky stated that there is plenty cause for concern based on the events he has listed and the fact that his nine-year-old is also bearing witness to this abhorrent behavior.

Mr. Selecky claimed that there have been many times he has spent hours cleaning up leaves in his yard only to find that the leaves from the conservation land have blown across the street into his yard.

Mr. Selecky stated that he would like to solicit the ideas of the Commission on how to resolve these issues. Mr. Selecky claimed that there are constantly people from out-of-state using this canoe launch, based on their license plates, and he feels that there is a lack of enforcement when it comes to the land. Mr. Selecky reiterated that his frustrations are with the people who misuse the land, and with the fact that the infrastructure is not in place to support a canoe launch; his frustrations are not with the Commission.

Chair Wainwright asked if the Commission had questions. Vice Chair Steele stated that he has used this canoe launch many times and it seems pretty clear that the parking spots are to be used to turn around rather than to park a canoe trailer. Vice Chair Steele asked when the peak-use times are; Mr. Selecky responded that there are peak times on weekends, holiday weekends, etc. Vice Chair Steele stated that the Commission has no authority to enforce parking rules, the correct way to report this would be through the Atkinson Police Department. Vice Chair Steele continued that he has seen many visitors be respectful with carrying their trash out. Mr. Selecky stated that when visitors see that the area is clean and free of trash and broken glass, it is solely because the neighbors have cleaned it up. Mr. Selecky continued that he feels like he has been in a position where he either had to clean the trash himself or live with the area in this condition. Mr. Selecky stated that he is in favor of the Town having a canoe launch, but does not believe its current location is an appropriate spot for it; Vice Chair Steele responded that there aren't many other places to put it.

Mr. Selecky stated that he has two questions for the Commission. Mr. Selecky asked if he could purchase this land from the Town, and if not, could the area be shut down to prevent people from using this land. Chair Wainwright stated that even if the Commission wanted to sell the land, they couldn't be it is a deeded property donated to the Town as conservation land. Chair Wainwright continued that Mr. Selecky probably would not find a lot of residents in favor of shutting the area down.

Member Kukshtel suggested posting signage that at least limits the use of the land to Atkinson residents; Mr. Selecky stated that he would be in favor of this

measure. Member Newman suggested moving towards a sticker system like the Town dump uses. Member Newman continued that signage could also be posted at the end of the road signifying “local residents only, no through way,” which would reduce the number of turnarounds. Mr. Selecky stated his opinion that the guidelines for use of the Town canoe launch should be similar to those in place at the Derry boat launch with permits and keycard access. Member Nenart stated that, historically, and similar to surrounding Towns, the Commission has adopted a policy that conservation land is open to all rather than residents only, so it might be tough to obtain support for this change.

Mr. Selecky stated that there has been a lot of frustration that led to him to this point and something has to be done. Mr. Selecky continued that many ideas can be shot down as ‘not perfect’ but the Town needs to do implement some fixes now, understanding that the fix isn’t perfect, but it is a starting point. Mr. Selecky stated that he does not want to leave the meeting without a commitment to action by the Commission. Chair Wainwright looked to Selectman Liaison Worden for his thoughts on whether or not some street signs could be added to prevent unnecessary traffic down this road; Mr. Worden stated that he would like to sit down with Chief Crowley and Matt Sullivan to gain a better understanding of this situation.

Member Chretien asked Mr. Selecky if he thought the misbehavior in this area was people using the canoe launch or if they were just teens partying. Mr. Selecky claimed that he has seen this misbehavior from both kayakers and non-kayakers. Mr. Selecky added that there isn’t even a trash receptacle in this area, so he is placing the littered trash in his own garbage bins. Member Newman stated that there isn’t a trash barrel because the Commission was trying to encourage a carry-in, carry-out policy, but obviously this didn’t solve the problem.

Chair Wainwright stated that if this area were to be changed to a residents-only restriction, it would have to go through a warrant article. Member Kukshtel stated that changing the canoe launch to a residents-only restriction may be appropriate; in the past it was nice to offer it to others but the times have changed and it may make sense to slow the traffic to prevent overuse. Chair Wainwright stated that it is a constant effort to keep this canoe/kayak launch out of Google searches and suggested that the road signage would likely also help decrease road traffic.

Chair Wainwright asked the Commission if a warrant article to limit the canoe launch to residents only would be a good idea for the next Town election. Member Kukshtel stated he is in favor of a warrant article and he is also in favor of a ticketing software which the Town could use to implement a virtual parking meter to ensure that people are paying and only using only the designated spots. Member Pitts stated that there could be a key fob system with a ‘Lot Full’ sign at the end of the street. Chair Wainwright stated that there are a lot of good ideas on the table and the Commission will need some time to think through the best approach. Mr. Selecky stated that the only thing he would like the Commission to do is think through this as though they lived across the street from the canoe launch. Mr. Worden stated that Mr. Selecky is a good neighbor, a resident, and a taxpayer, so the Town will follow up on this and take it very seriously until it is resolved. Mr. Selecky thanked Mr. Worden for his time, effort, and help this

evening and during their last meeting with Chair Wainwright. Mr. Selecky also thanked Chair Wainwright and the Commission for their time and help this evening.

7. Marshall Trails Discussion

Chair Wainwright asked if the Commission was ready to move forward with a suggested trail layout. Member Pitts stated that Member Canon sent a draft and it looked good to him. The Commission discussed the various shapes and colors of the stencils to be used to mark the different trails. Member Canon suggested having a short loop to connect two trails. Chair Wainwright suggested that the Commission probably needed a bit more time in the woods to plan this out. The Commission discussed some streams on the land and the potential need for bridges to be built; perhaps an Eagle Scout Project. Member Pitts stated that the trails have already been voted on and they should be marked as such; if Members want to add more trails, this should be done through another vote. The Commission agreed to meet this weekend in the woods to come to an agreement.

8. Accessible Trail on the Slade Town Forest: Phase 1 Contract Status, and Next Steps

Chair Wainwright stated that he saw Ted Stewart at the beginning of this meeting and he was planning on bringing a contract, but the Commission has yet to review it so they won't be voting on it tonight. A member found the contract left on a table by Ted Stewart; Chair Wainwright stated that the Commission would take it under advisement.

Chair Wainwright stated that, at the last meeting, the Commission voted to have Mark West look into alternatives with regard to the turtle issue; he looked and there are no alternatives. Member Fournier elaborated that before doing construction on trails in the woods with equipment, it is expected that you do a Natural Heritage Bureau (NHB) "Data Check" of Threatened and Endangered Species in the area. Member Fournier continued that Phase 1 is happening now and the Commission probably would have remembered to do this on their own through due diligence.

Member Fournier showed the differences between Phase 1 and 2. Member Fournier stated that one requirement to apply for this grant was to complete the NHB review, and whatever is found in the study is sent to Fish & Game who makes a ruling; the grant funders usually hold tightly with Fish & Game recommendations. Chair Wainwright stated that the Fish & Game recommendations in this case is, because there are protected turtles in this area, no work can be done between April 15th and October 15th each year. Member Fournier stated that the grant funders won't let the Commission start Phase 2 work if Fish & Game is saying that no work can be done before October 15th.

Chair Wainwright stated his opinion that the Commission should adhere to the date restrictions as they are.

Member Fournier made a motion to follow New Hampshire Fish & Game guidelines by delaying any equipment work on the Slade Town Forest Accessible Trail project until after 10/15/23. Member Nenart seconded the motion. Vote 7/0/0, the motion carries.

Member Chretien asked if the work could be delayed until January or March instead of beginning in October. Member Fournier stated that all of the tree cutting and brush & stump removal as part of Phase 2 will likely be taking place in January, February, and March.

Member Chretien pointed out that Fish & Game is putting restrictions on when the Commission can do work due to turtle habitat, however, NH DES didn't put any restrictions on the person building a home on Maple Avenue even though there are turtle habitats in that area.

Member Pitts stated that he agrees with the Fish & Game guidelines and in his opinion this project should be done further into the winter. Member Pitts continued that he is concerned that Ted Stewart stated he could complete his portion of this project in three weeks; this seems rushed. Member Fournier stated that he is not concerned that Ted Stewart will handle this project with care and it is also listed in the terms and conditions of the contract. Member Fournier continued that there will also be a lot of volunteer hand tool labor to meticulously pave the way for the equipment later in the project.

Chair Wainwright stated that he will likely schedule a brief Commission meeting to review the contract and make a motion to vote on it, after he has had a chance to review it; the Commission agreed.

9. Policy On Tree Cutting Around Abutters' Land

Mike Finley, owner of property on North Broadway, approached the Commission.

Chair Wainwright stated that what he'd like to get out of the conversation is a policy that the Commission can apply in general on how to handle similar complaints of potential liability from trees on Conservation land to determine which trees are a danger of causing damage to a neighbor's property and should be removed.

Mr. Finley passed around photographs that he claimed show how trees on Town conservation land have damaged his fence and other property on ten separate occasions. Mr. Finley claimed that when he spoke with the Highway Department Supervisor Matt Sullivan and the company doing tree work in Town, they agreed that these trees need to come down. Mr. Finley stated that he does not normally like to complain, but claimed that after spending tens of thousands of dollars to

repair his own property after trees from conservation land have caused damage, he must make an exception. Mr. Finley claimed that, like Mr. Selecky, he has also witnessed teens partying in this area as well. Mr. Finley claimed that there was also an event last month when a teen from Haverhill climbed over his fence in the middle of the night, seemingly with nefarious intent. Mr. Finley stated that he was also not impressed with the skill of the last two Town-hired tree workers that came out.

Chair Wainwright asked the Commission for ideas on how to decide and prioritize homeowner tree issues as they come up. Member Newman stated that there should be a formal process for resident complaints; perhaps filling out a form at Town Hall. Mr. Worden stated that he suggested to the Selectmen that they look at the legal budgetary line item to ensure that the Town is prepared to deal with unexpected expenses like this. Mr. Finley claimed that when a tree fell on his camper, it took more than nine months for the Town to finally send out the tree company to address the problem trees. Mr. Finley continued that he spoke with Town Administrator John Apple who told him to send an email to the Commission, but that unfortunately went unread. Mr. Finley stated that when he tried to work with the Town's insurance carrier, Primex, they were largely unhelpful.

Chair Wainwright stated that, by law, if a homeowner has not put into writing their concerns about a particular tree falling on their land, and then it falls, it is the homeowner's responsibility to pay for its removal and any damage that it caused. Chair Wainwright continued that if a homeowner does put into writing that they are concerned about a particular tree, it is the Town's responsibility to pay for any damage it causes to a neighbor's property.

Chair Wainwright read from a Proposed Policy for Handling Abutter Requests to Cut Trees which included the following:

1. All complaints from residents claiming Town liability for potential damage to their property caused by trees or limbs on Town property shall be made in writing to the Town Administrator, with photographs.
2. The Town will arrange for a licensed arborist to visit the location and assess the severity of the problem trees, and will recommend removal of only those trees that, in their professional opinion, pose an immediate threat to the landowner's property.
3. The Town will arrange for removal of those trees at the Town's expense within the limits of available budget to do so.
4. Alternatively, the landowner may request permission to remove specific trees themselves, as recommended by the arborist, at the landowner's expense.
5. After-the-fact damage from trees that were not previously reported in writing will not be considered.

Vice Chair Steele asked what would happen if the Town decides a tree is an issue but there is insufficient funding in the budget for its removal; Chair Wainwright responded that the Town's insurance company would be responsible for the expense. Vice Chair Steele asked for clarification around what would happen if a tree fell and caused damage to a landowner's property but that tree was not previously reported. Chair Wainwright responded that the landowner would be responsible for the expense; Member Nenart reiterated that this is part of New Hampshire State law.

Mr. Finley and the Commission discussed what needs to be done with the problem trees that he claims are still posing a hazard to his property. Chair Wainwright asked what the Commission could do this evening to help move this forward. Mr. Finley stated that if the Town had the right equipment to pull the problem limb back and notch it in the other direction that would at least address the hazard for now. Mr. Worden suggested that Chair Wainwright walkthrough this area with the Highway Department Supervisor to gain a better understanding of what needs to be done. Mr. Finley was satisfied with this and furnished his phone number so the Commission may call him directly to get this taken care of. Chair Wainwright thanked Member Newman for coming up with the idea of creating a formal process and for volunteering to work on this initiative.

Member Kukshel made a motion for the Commission to work on a formal policy on tree cutting around abutters' land and to have a draft ready for review at the next regularly scheduled meeting to be finalized and voted upon at the following regularly scheduled meeting. Member Newman seconded the motion. Vote: 7/0/0, the motion carries.

10. Short Reports & Discussions

a. 50th Celebration Team Report

Member Newman stated that the 50th Celebration Team is planning to have at least one event each month of 2024 to celebrate the Commission's anniversary. Member Newman continued by listing out some of the events they had in mind such as:

- a wildlife rehabilitator presentation,
- a wildlife tracking presentation,
- the usual pollinator event,
- a "birds bats and butterflies" presentation,
- walking in the Memorial Day parade and giving out plant seeds,
- getting the children of Atkinson Academy engaged and involved,
- an event on the "fit trail,"
- a conservation fair,
- trail tours,
- a turkey appreciation event,
- and perhaps a Christmas tree farm walkthrough.

Member Newman stated that the Team is looking for more ideas if anyone has one. Chair Wainwright suggested looking into the Humanities Council speaker programs. The Commission had a brief discussion to bring up other new ideas.

b. T-Shirt Discussion – Next Steps?

Member Chretien stated that she is waiting for a logo before she can move forward with this. The Commission discussed what the logo should be and decided to move forward with an existing logo but with minimal changes.

c. NHACC Board of Directors Report

Chair Wainwright stated that the photography contest is ongoing and there are not many submissions in the kids or teens categories. Chair Wainwright urged the viewers to get out into the woods with their kids and take some pictures to submit.

Chair Wainwright also stated that the annual training meeting will be held at Pembroke High School again.

d. Discussion About Turtle Signs – Best Options to Take Down or Cover?

Chair Wainwright asked the Commission if the turtle signs should be taken down or simply covered. Vice Chair Steele suggested covering them. Member Canon showed the sign cover which she handmade with some scrap fabric. Member Canon continued that in order to protect the signs from being hit by cars, the signs might need reflectors since the reflective face of the sign will not be visible after covering it. The Commission agreed that covering the signs as Member Canon has suggested is the right path forward.

e. Troop 9 News?

Vice Chair Steele stated that there is no Troop 9 news at this time as they are still on hiatus until the end of this month.

f. Trail Map Status Report from Hannah

Chair Wainwright stated that Hannah reported that all of the trailheads are fully stocked with maps and she also has some maps on order.

g. Michael Green Has Sold the 60th Lot in Page Farm

Chair Wainwright stated that the last of the original 60 units of the Page Farm development has been sold and will be developed, which means that there will never be a road that stretches back into the turtle habitat for any additional condo units.

Chair Wainwright continued that there is an easement to access the southern part of the Sawmill Town Forest between units 34 and 35, which means the Town still has deeded easement which provides a 15-foot access point for emergency vehicles and smaller vehicles doing forest maintenance.

h. Other Business

Chair Wainwright reminded members that there was a previous discussion around field mowing being done at another time instead of the fall. Chair Wainwright continued that he did some research and received an email from Haley Andreozzi at the UNH Cooperative Extension with a recommendation to hold off on mowing activities until after August 1st each year, which is the end of grassland breeding bird season. Ms. Andreozzi continued that mowing even later than August 1st is ideal since late flowering plants can provide important nectar sources for pollinators into the fall. Ms. Andreozzi continued that the early-in-the-spring mowing approach is typically advocated for in-garden settings where avoiding cleanup in the fall can provide valuable over-wintering habitat and food sources.

Chair Wainwright stated that he is still of the opinion that this activity should be done in the fall each year, and Commission members generally agreed.

11. Next Meetings: September 27 & October 25, 2023

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

13. Adjournment

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

The meeting adjourned at 9:24PM.

Respectfully Submitted,

Zachary Gilberti, Recording Clerk

Attachments:

- Lang Parcel Financial Summary

Lang Parcel Acquisition

Financial Summary

Final on 8/23/2023

Costs:

| | | |
|--|-----------|-------------------|
| Purchase Price: | \$ | 237,000.00 |
| Appraisals and Studies paid by Atkinson: | \$ | 13,951.25 |
| Conservation Fund & SELT Expenses: | \$ | 53,025.00 |
| Closing costs & Attorney's fees: | \$ | 2,414.00 |
| Total: | \$ | 306,390.25 |

Sources of Funding:

| | | |
|--|-----------|-------------------|
| LCHIP: | \$ | 118,000.00 |
| ARM Fund: | \$ | 180,000.00 |
| Appraisals and Studies paid by Atkinson: | \$ | 13,951.25 |
| Deposit paid by Atkinson: | \$ | 100.00 |
| Total: | \$ | 312,051.25 |

Excess funds to be returned to Atkinson: \$ 5,700.83

Details behind the numbers

Atkinson's funds already spent:

(from invoices)

Date

Paid

| | | | |
|-------------------------------|----|----------|------------|
| First appraisal: | \$ | 1,000.00 | 5/2/2021 |
| First appraisal: | \$ | 3,700.00 | 8/20/2021 |
| Second Appraisal: | \$ | 4,500.00 | 6/27/2022 |
| First Ecological Study: | \$ | 1,848.75 | 12/13/2021 |
| Second Ecological Study: | \$ | 1,402.50 | 6/1/2022 |
| ARM-required Management Plan: | \$ | 1,500.00 | 5/1/2023 |

Total already spent by Atkinson: \$ 13,951.25

TCF Expenses: \$ 26,465.00

Staff time & project Management, Phase 1 Environmental Hazard Assessment, and "hold cost" of purchasing the property

SELT Expenses: \$ 26,560.00

*Baseline documentation, Stewardship escrow, title insurance
Closing costs, legal fees*

Total: \$ 53,025.00