

Atkinson Conservation Commission Special Meeting Minutes
Thursday, March 14, 2024, 7:00 PM
Atkinson Town Hall

Approved March 27, 2024

<p>Members Present</p> <p>Paul Wainwright, Chair Bill Steele, Vice Chair John Fournier, Secretary Jeff Nenart Charlie Pitts, Alternate</p> <p>Members Absent:</p> <p>Monique Chrétien Suzie Newman Scott Kukshtel Sandy Cannon, Alternate Chris Walker, Alternate</p>	<p>Others Present</p> <p>Rebecca Schafer, Trustee, Schafer Land Trust Duane Hyde, Land Conservation Director, Southeast Land Trust</p> <p>Caryn Incollingo Richard Incollingo Dolores Maglia Carmen Maglia Jeff Kelley Stefan Hsi Paul Genest</p>
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Call to Order and Attendance

Chair Wainwright called the Thursday, March 14, 2024 Special Meeting of the Atkinson Conservation Commission to order at 7:00 PM. Chair Wainwright stated that the purpose of the meeting was to hold a public hearing regarding the use of Conservation Fund money to fund the Southeast Land Trust to enable them to acquire and steward, in perpetuity, a large tract of land in Atkinson. Chair Wainwright stated that four regular members of the Conservation Commission are present, and therefore Alternate Charlie Pitts would be voting.

Chair Wainwright informed the audience that it had been a dream of the Conservation Commission to protect Dr. Rick Schafer's land since before he joined the Commission in 1998. Chair Wainwright addressed Oak Ridge Drive abutters in the audience stating he hoped that they were aware of how special the land being conveyed is.

Chair Wainwright stated that the Commission will use an RSA which allows the Town of Atkinson, through the Conservation Commission, to directly fund a Qualified Third Party. This is an IRS definition. This statute enables us to fund a land trust to partner with us to protect a piece of land. The Land Conservation Plan of 2022 found this to be a very cost-effective way the Conservation Commission to preserve open land in town. This is

the second such land protection project. The first was an easement donated about 2 years ago by Sue and Dean Killam on 37 acres of land.

This is a donation of land by Dr. Rick Schafer to the Southeast Land Trust (SELT). While the land is being donated, money is needed to cover SELT's administrative costs for acquiring the land. Also, there are costs to make the land accessible, and an endowment so SELT can use the interest for long-term stewardship of the land.

This is a public hearing, and the Commission will vote on the money requested tonight. SELT has requested \$187,194.

Chair Wainwright stated that Mr. Hyde will give a presentation, and then the meeting will be opened to the public for comments and questions. Once members of the audience have been given a chance to comment, the public hearing will be closed, the Conservation Commission will discuss the purchase and there will be a vote.

Chair Wainwright invited Mr. Hyde speak. A copy of Mr. Hyde's presentation is attached to these minutes.

Mr. Hyde introduced himself and informed the audience that SELT is a nonprofit conservation organization. Their offices are in Epping, NH. They cover all of Rockingham County, Strafford County and part of Carroll County. They stretch from Seabrook to Salem and north to Wakefield. They cover 52 towns. Their mission is land conservation. SELT owns and manages about 13,000 acres of land and has conserved a total of around 26,000 acres of land.

Mr. Hyde showed the audience a map of the property in question and explained that it abuts the Judge Marshall Town Forest, the Waterwheel Estates Open Space, and the Ruth Stickney Town Forest. North of Route 111 there are around 600 acres of conservation land owned by the Town of Hampstead. South of the proposed donation is the Killam Conservation Easement.

Mr. Hyde stated that this is a generous donation of approximately 141 acres of land, mostly upland forest and also 21 acres of wetland. The property has frontage along Oak Ridge Drive, Commerce Drive, Hall Farm Road and Kipcam Road. It includes 2.2 miles of existing trails.

Mr. Hyde explained that Dr. Schafer acquired the property over a period of 40 years with a vision for it to be open to the public to enjoy. Several years ago, he conveyed it into a trust with his sister, Rebecca Schafer as Trustee. Ms. Schafer is working to honor Dr. Schafer's wishes to permanently conserve this land by donating it to SELT.

Mr. Hyde explained that there have been many studies regarding how to best use and conserve land in the region. One study looked at wildlife movement, where large blocks of habitat still existed and how wildlife could move between the big blocks. The Schafer property has two corridors identified through this study as being really important for wildlife movement regionally as well as locally.

As far as water resources, the Town has designated eight prime wetlands in the community, and 7.5 acres of the Schafer property is within those prime wetlands. The property has about 2,750 feet of frontage along Hog Hill Brook, and another 3,500 feet along a tributary that flows into it. The property also scores very high from a drinking water protection aspect. There are four different community wells in the area that serve neighborhoods and the industrial/commercial development surrounding the property. The well head protection areas for these wells encompass a large part of this property. Keeping the property in its natural state will continue to ensure that clean water is available to the residents of the abutting subdivisions.

From a wildlife perspective, the New Hampshire Fish and Game prepared a wildlife action plan identifying critical habitat in the State, and this property had 23 acres identified at a Statewide level as being important supporting landscape. Mr. Hyde has walked the property and observed what appears to be many vernal pools on the property. They are important breeding grounds for reptiles and amphibians, and these seasonal ponds are a vital habitat that is declining in the State. About 75% of the property is productive forest soil. It is a mix of mature forest. There are some areas that have been clear cut, mainly along Commerce Drive. The forest system is primarily an Appalachian mix of oak, pine, hemlock and hickory.

There are approximately 2.4 miles of trails on the property. Mr. Hyde stated that he has been doing land conservation for about 24 years and has never experienced trails as well constructed as those on this property. It is an amazing gift of a property with trails that are so well built. They have held up very well although they have not been worked on for a long time. Some maintenance work needs to be done. There are bridges, culverts, cut slopes and a gravel subsurface. There is even a covered bridge and wonderful views of Hog Hill Brook.

Mr. Hyde discussed the conservation project structure: It is a donation to SELT; it will be owned and managed by SELT; there is a full time trails manager, a full time forester, and a large volunteer corps. Mr. Hyde is hoping for volunteers from Atkinson to help. It is a great way to engage with the outdoors. The plan is to keep and maintain 2.2 miles of the trails. There are about .3 miles of trails that are dead ends. They will be shut down.

SELT is proposing to construct a small gravel parking area off Oak Ridge Drive that would hold 4-6 cars. There is an opening off Oak Ridge Drive where Dr. Schafer stored material for maintaining the trails. There was a gate that is now knocked down and the proposed parking area will be located in the area of the gate. A kiosk is proposed with information about the property. A trail map and guides will be available.

There are conditions that come with this donation. First, the property must be known as Schafer Woods. The donation is also conditioned as allowing bow hunting only, and not to disturb the area immediately near and visible from the house owned by Dr. Schafer as long as he is living next door.

SELT is conducting due diligence. There is a pledge agreement with the Trust. A surveyor has been hired and the boundary survey work should be completed by the end

of May. Phase One of the Environmental Assessment has just been completed. The title work has been completed. The impoundment area on Hog Hill Brook is being surveyed. It has been categorized as a non-menace dam by the Department of Environmental Services, but it is unclear if it meets the definition of a dam, so SELT is going through the process of verifying if it does. Closing will be in late June or early July depending on when the boundary survey is completed.

Mr. Hyde would like to review the highlights of the budget. The total budget is \$196,790. \$7,000 is for administration of the project. \$122,000 is for a one-time land management fund, money is put away and the interest is used for the cost to maintain the property. Costs include taxes, SELT pays taxes at the current use rate. Other expenses are insurance, trail maintenance, and management and oversight of the volunteers. \$23,600 is for capital costs of building the parking area including putting up the signs and the kiosk, and developing a management plan. Over \$22,000 is for the boundary survey. There are many other costs as well.

SELT has raised just under \$10,000 from private donations, leaving this request to the Commission for \$187,194.

Mr. Hyde completed his presentation and turned the meeting back to Chair Wainwright.

Chair Wainwright asked if the Conservation Commission Members had questions.

Vice Chair Steele asked if the parking area would be plowed in the winter. Mr. Hyde replied that SELT has not budgeted this property for plowing. They only plow their most popular properties. Volunteers have plowed other SELT properties.

There were no more questions from members of the Conservation Commission. Chair Wainwright requested a motion to open the hearing to the public.

Member Nenart made a motion to open the hearing to the public. Vice Chair Steele seconded the motion. Vote: 5/0/0. All in favor.

Carmen Maglia, 18 Oak Ridge Drive, stated that his family has lived there since 1992. He knows that it has been the dream of Dr. Schafer for years to turn the land over to Conservation. Dr. Schafer felt that SELT would be the best option. Dr. Schafer is a good friend of his. Mr. Maglia is familiar with the trails. His concern is if there will be exposure for the parking. People going fast could cause a problem. It is not a problem now. Mr. Maglia requested SELT look at commercial area access by Hall Farm Road.

Mr. Maglia would like to see the boundary survey, he is concerned about pulled boundary stakes.

Chair Wainwright asked if witness stakes would be placed at the monuments by the surveyor. Mr. Hyde replied that if there was a corner monument that was pulled, the surveyor will find the place where it is supposed to be and place a new monument. The surveyor will be monumenting all the corners and also painting and blazing the boundary. SELT will share the plan with the abutters. S&H Land Survey is conducting the survey.

Mr. Maglia stated that he was also concerned about hunting.

Mr. Maglia asked why Conservation Fund money did not go to the accessible trails project. Secretary Fournier replied that the money in the Conservation Fund is specifically designated for land acquisition and associated expenses. Chair Wainwright explained that the Conservation Fund is defined in State statutes and has been associated with Conservation Commissions since 1970. It is a fund kept separate from other funds in Town, and by statute is managed by the Conservation Commission. There is currently about \$600,000 in the fund. It has been funded through the Land Use Change Tax, a tax a developer will pay when land comes out of current use. Current use is a tax assessment program that allows a landowner with a large piece of land to be taxed at current use rather than highest and best use. It is a conservation tool that allows a lot of land across the State to remain open.

Next, Mr. Maglia asked about off-road vehicles. Mr. Hyde explained that use of off-road vehicles is enforced by Fish and Game. Mr. Hyde stated that he did not see any signs of off-road use on the Schafer Forest. If off-road vehicles become a problem, SELT will work with Fish and Game to stop it. Chair Wainwright stated that there have been problems with ATVs on the Sawyer Town Forest. Atkinson Police have been very helpful in catching the culprits.

Paul Genest, 16 Oak Ridge Drive, stated that everyone is thrilled that the property will stay the way it is. He is concerned about parking and asked why Oak Ridge Drive was selected as a parking area and not one of the commercial boundaries. A parking area near businesses that would not be open on the weekend would not be as disruptive. The abutters are worried about traffic, it is not an issue right now.

Mr. Hyde explained that the opening created by Dr. Schafer already exists and is a logical starting point from the point of view of a trail user. Mr. Hyde stated that there are parking areas for all SELT preserves and they generally do not get heavy use. The parking area will be designed for only 4-6 vehicles. Mr. Hyde thinks use may be heavier at first but will subside over time. Mr. Genest responded that SELT has advertised the property extensively and he is concerned that the parking area will overflow and cars will park in the cul-de-sac.

Mr. Hyde explained that making a connection to possible parking in the commercial areas would be difficult because there are either no trails or the trails are extremely overgrown. Creating a parking area in one of the commercial zones would require extensive trail work for SELT volunteers.

Mr. Genest responded that he uses the trails extensively and one of the largest spurs goes straight to the back of Freshwater Farms. Mr. Genest suggested asking Chuck Morse if he would allow access from his property at Freshwater Farms.

Chair Wainwright pointed out that parking at Commerce Drive would be difficult because there is a steep drop off where the road ends and a lot of engineering work would have to be done to create off-road parking. Chair Wainwright then explained that the area off Commerce Drive is not level and would not be good trail access. Chair Wainwright

asked if evergreens could be planted as screening between property owned by Mr. Maglia and the proposed parking area.

Mr. Hyde requested a copy of the list of attendees so that a site meeting could be held with them to discuss ways to mitigate the parking impact. Mr. Genest stated that he would be agreeable. Mr. Hyde also stated that Dr. Schafer does not want disruption while he is living next to the property. Mr. Hyde then stated that parking would only be dawn to dusk. Chair Wainwright stated that parking will be in view of the street. There will be no trash cans. There will be a gate. SELT asks people to carry out their trash and pick up waste left by animals. Dogs are allowed under voice command but SELT prefers they be on leashes.

Mr. Genest asked about the dam. Mr. Hyde responded that it appeared to be a beaver dam, there is some stone, he is not sure if it was part of a dam or part of an old boundary wall. There was a mill downstream and it could have been a check dam for the mill. He has not gone to Town history but he knows that there was a mill on the other side of the road from the Killam property on West Side Drive. The Killam property is not an abutter but the Killam Conservation Easement comes to a point where Hog Hill Brook intersects Oak Ridge Drive.

Jeff Kelley, 2 Deer Run Road, stated their property looks down on the whole area. As far as the parking lot, he has observed that people have a tendency to go down to the circle. He asked if there would be signage asking people not to park on the street. Mr. Hyde stated that there would be signs to respect the neighborhood and park in the lot.

Chair Wainwright stated that the Board of Selectmen could make Oak Ridge Drive no parking.

Stefan Hsi, 19 Oakridge Drive, stated his is the only house on the cul de sac. He has a lot of questions and concerns about safety. He does a lot of target practice. When he purchased the property, he informed the seller that he wanted it to be peaceful and quiet. He is very concerned about disturbances with the traffic and the proposed parking. He pointed out that if the proposed parking area is full, people will park on Oak Ridge Drive. He wants to know who to call if people are parked on the street, in the cul-de-sac or in the proposed parking area late at night. He has called the police once or twice since he has been there.

He is also concerned about any new ordinances or laws that will infringe on his rights to enjoy his property if the Schafer property is sold to SELT. Mr. Hsi is concerned about regulations preventing him from being able to shoot on his property. He wants to know if he will be regulated as to when he will be allowed to shoot on his property or if he should stop if he sees people entering the conservation land.

Mr. Hyde brought up the trail map and pointed out that aside from the entrance, there are no trails abutting Mr. Hsi's property. Mr. Hyde also pointed out that no new trails are being proposed.

Mr. Hsi stated that all targets would be on his property. There is also a six foot berm. His targets are aimed downwards. He is concerned about people hiking with their dogs and how close they would get. He is also concerned about bow hunting season. Mr. Hyde stated that the boundary survey will be done and blazed so people will know where the boundary is. Boundary signs will also be put up. Secretary Fournier suggested signs be put up to respect private property.

Mr. Hsi is also concerned about having the trails more publicly known and if they would be on Google maps or advertised. Mr. Hyde responded that there is a mapping guide on the SELT website and a PDF for people to download. There are no plans to place the trails on Google maps.

Chair Wainwright stated that the policy for parking in Town conservation areas is, if the lot is full, please come back another day or visit another property. The lots are rarely full. There has also been little problem with overuse of conservation land. The main purpose of putting the land into conservation is to preserve the property for wildlife habitat and watershed protection, not recreation, although there are trails and people are allowed to use them.

Mr. Hyde explained that if there is a problem, the number for the SELT trail manager will be posted for people to call. The abutters will be given the opportunity to meet with the trail manager at a site meeting. If an ATV is using the trails, SELT or Fish and Game can be called. Under State law, ATVs need written land owner permission to be on the property and SELT is not granting permission.

Chair Wainwright stated that Atkinson police can also be called. Atkinson police have been very responsive with problems at the Sawyer Town Forest.

Mr. Hsi stated that now, if there are incidents, he will know who to call. He will leave his email and number for SELT since his property is the closest to the trail opening.

Richard Incollingo, 4 Deer Run Road, stated his property abuts the Judge Marshall Town Forest property and the Hsi property. He stated that he and his wife are very happy to see the land become conservation. He asked if there were plans to extend trails. Chair Wainwright explained that the Judge Marshall property is town-owned conservation land, and trails probably would not be extended there.

Mr. Incollingo asked about horseback riding. Mr. Hyde responded that SELT had not considered allowing horseback riding on these trails, and asked to take the matter under advisement. Horseback riding is allowed on designated SELT trails but it can damage the trails and there is no room in the proposed parking area for horse trailers. Mr. Genest stated that there is a veterinarian on the street who has horses and they ride on the street in the summer. Secretary Fournier pointed out that if horses were allowed, there would have to be different rules for safety on the trail corridor. Mr. Hyde stated that he would talk to the SELT trail manager about allowing horses.

Mr. Genest asked about parking in other entrances. Chair Wainwright responded that there is a neighborhood entrance past the Schafer house, which could be deeded as an

entrance once the house is sold. Other areas have been considered but they would require a lot of earth moving for off street parking. The entrance off Kipcam goes into a wetland. Mr. Genest asked if notices were sent and if Chuck Morse was notified. Chair Wainwright replied that registered notices were not sent to everyone because Conservation is not a land use board and this hearing is not about a change in land use. Mr. Genest proposed asking Mr. Morse if he would be interested in allowing people to access the land from Freshwater Farms. Mr. Hyde made a note to talk to him. Mr. Hyde stated he has made a note of suggestions for alternate access, he will talk to the trail manager and do due diligence.

Chair Wainwright stated that there is road access to the Judge Marshall Town Forest (and thus the Schafer land) at the end of Commerce Drive, but it involves a very steep, rocky stretch that is difficult to traverse without technical mountain climbing gear.

Chair Wainwright asked if there were questions for Ms. Schafer. There were none. There was no more comment from the public. Chair Wainwright asked for a motion to close the Public Hearing.

Vice Chair Steele made a motion to close the public hearing. The motion was seconded by Secretary Fournier. Vote: 5/0/0. All members present voted in favor.

Chair Wainwright asked if there was more discussion from the Conservation Commission members. Vice Chair Steele stated that the property neighbors could not have a better outcome than having the property put into conservation. The Conservation Commission is thrilled. He stated that if there are issues in the future, the abutters could not have a better partner to work with than SELT. Chair Wainwright stated that the abutters could also inform the Conservation Commission and the Commission can help them with the Board of Selectmen and the Police Department for Town issues.

Chair Wainwright requested a motion.

Vice Chair Steele made a motion to expend \$187,194.00 from the Town of Atkinson Conservation Fund, payable to the Southeast Land Trust of New Hampshire's closing attorney, Bruton & Berube Trust Account, to enable the Southeast Land Trust to acquire 141+- acres of land comprised of the following parcels from the Town of Atkinson tax maps: Map 16, Lot 12; Map 16, Lot 13; Map 16, Lot 21; Map 16, Lot 22; Map 16, Lot 68; and Map 20, Lot 7, said funds to be held in escrow by the Bruton & Berube law firm pending the execution and recording of the land acquisition deed at the Rockingham County Registry of Deeds. The intent of this expenditure is to enable SELT to acquire the land and permanently conserve it for wildlife habitat, watershed protection, and passive recreation. If for any reason this land acquisition fails to be accomplished, the funds are to be returned to the Town of Atkinson Conservation Fund. Member Nenart seconded the motion.

Discussion: None

Roll Call Vote: Vice Chair Steele, yes; Secretary Fournier, yes; Member Nenart, yes; Alternate Pitts, yes; and Chair Wainwright, yes. Vote: 5/0/0. The vote is unanimous. The motion passes.

Chair Wainwright asked if there was other business. There was none. Chair Wainwright requested a motion to adjourn.

Vice Chair Steele made a motion to adjourn. Secretary Fournier seconded the motion. Vote: 5/0/0. All in favor.

Respectfully Submitted,

Karen Wemmelmann, Recording Clerk

Attachments:

- Slides from Duane Hyde's presentation



Schafer Woods

Nearby Conservation Lands:

- Abuts
 - 33 ac Judge Marshall Town Forest
 - 32 ac Waterwheel Estates Open Space
 - 26 ac Ruth Stickney Town Forest/1-acre Town Forest Lot
- North of Route 111 is a roughly 600 acres block of conservation lands
- 37 ac Killam Conservation Easement (recent SELT project)

Schafer Project & Nearby Conservation Lands
Atkinson, NH

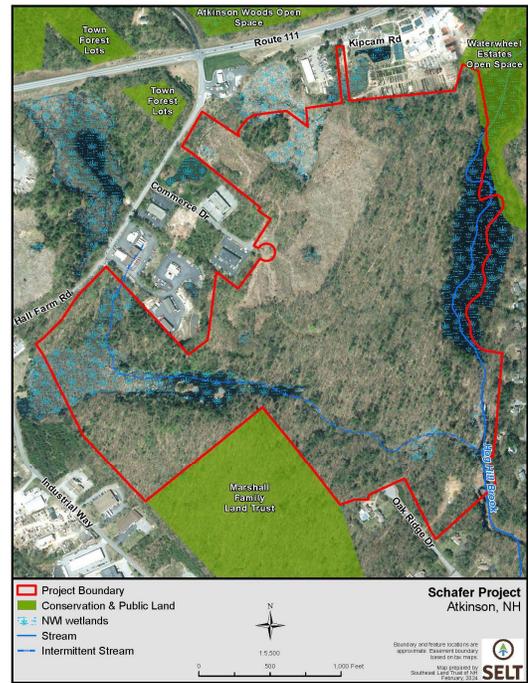
Boundary and feature locations are approximate.
Conservation lands are shown in green. SELT conservation lands are shown in purple.
The information on this map was prepared by SELT in 2023.
Northwest Corner of the 1st Range, 1st Zone, 1st Section
Northwest Corner of the 1st Range, 1st Zone, 1st Section
Northwest Corner of the 1st Range, 1st Zone, 1st Section

SELT

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Schafer Woods

- Incredible Generous Land Donation
- Approx. 141 ac Property
 - 101 ac Forest
 - 23 ac wetlands
- Located near/along Oak Ridge Drive, Commerce Drive, Hall Farm Road and Kipcam Road
- Includes ~2.2 miles of trails



Schafer Woods

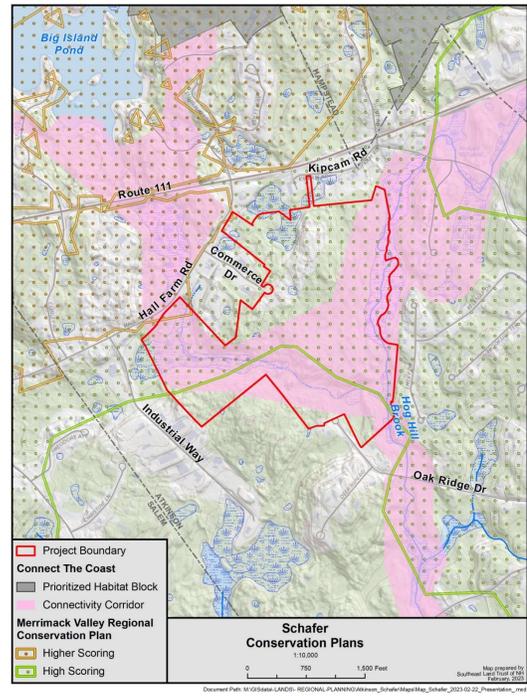
- Property was assembled through a 40-year effort by Dr. Rick Schafer
- Dr. Schafer conveyed his land into a Trust with his sister, Becky Schafer, as the Trustee
- Becky is working to honor Dr. Schafer's wishes and permanently conserve the land he worked so hard to protect through his ownership



Schafer Woods

Conservation Plans/ Benefits

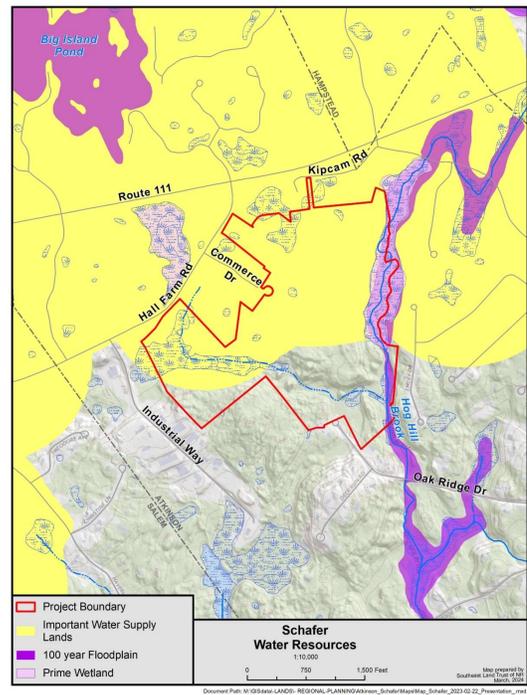
- 90 ac Connectivity Corridor in Connect the Coast
- Merrimack River Watershed Conservation Plan; 1.5 ac Higher Scoring & 107 ac High Scoring



Schafer Woods

Water Resources & Climate

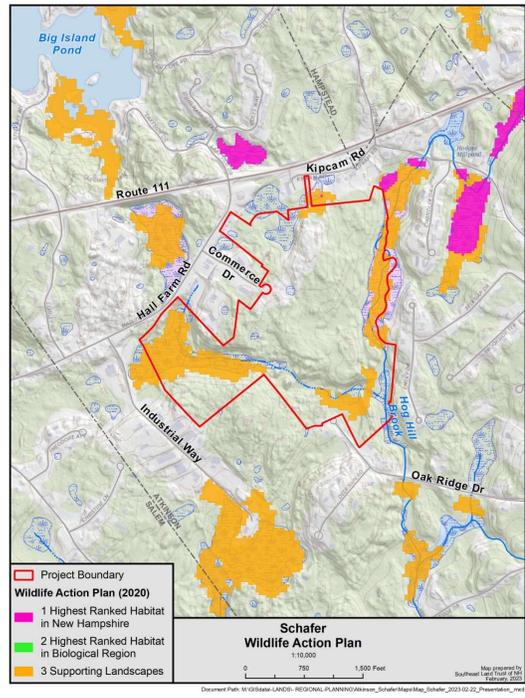
- 7.5 ac of a 17.5 ac Prime wetland
- 23 ac of NWI wetlands
- 2,745' frontage on Hog Hill Brook and 3,490' frontage on intermittent tributary to Hog Hill Brook
- 8 ac 100-year Floodplain
- 102 ac in DES High Priority Water Supply Lands
- Well Head Protection Area for 4 residential and commercial developments.
- 118 ac is ranked Average for Climate Resilience and 19 ac Above Average



Schafer Woods

Wildlife & Forest

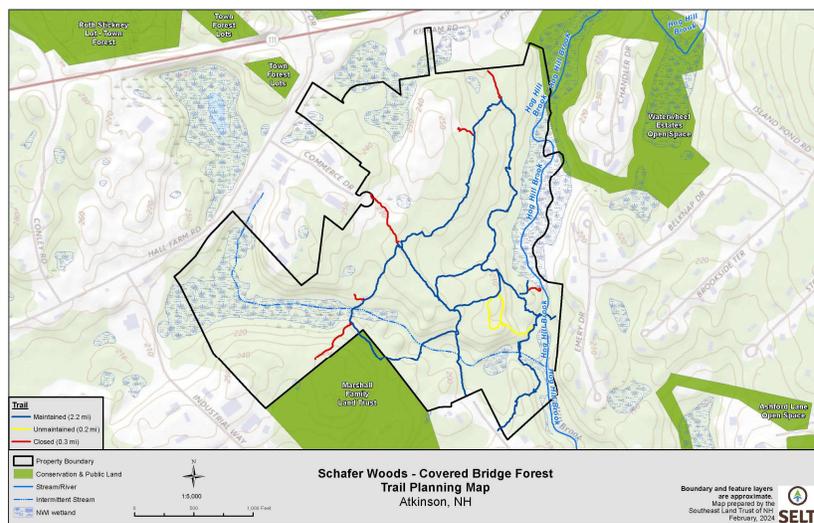
- NHFG Wildlife Action Plan identifies 23 ac as important Supporting Landscape wildlife habitat
- Potential vernal pools
- 74% of property is high productivity forest soils
- Mix of mature forest and areas of thick early succession
- Generally Appalachian oak-pine-hickory-hemlock forest



Schafer Woods

Recreation

- ~2.4 miles of trails
- Very well constructed
- Bridges, culverts, cut slopes
- Gravel subsurface
- Event covered bridge!
- Views of Hogg Hill Brook and pond



Schafer Woods

Conservation Project Structure-Management

- Donation to SELT to be owned and managed by SELT
- SELT will keep open for public to enjoy
- SELT has full time Trails Manager and full time Forester
- Volunteers corps to assist (always looking for more visit www.seltnh.org)
- Proposed trail plan
 - Keep and maintain 2.2 miles
 - Close 0.3 miles due to inaccessible areas, lower quality trail, and sensitive resources
- Construct small gravel approx. 4-6 car parking area Oak Ridge Drive – visible from road
- Sign, kiosk, trail guide



Schafer Woods

Donor's Conditions

- Property be named "Schafer Woods"
- Hunting may be allowed, but only bow hunting
- As long as Rick Schafer lives next door, no forest management within view of home. Allow trail maintenance and bridge work



Schafer Woods

SELT Due Diligence Underway

- Boundary survey, due by end of May
- Phase 1, underway
- Title Research – completed
- Measurements of impoundment at Hogg Hill Brook – currently categorized as non-menace dam
- Closing in Late June/Early July



Schafer Woods

Budget - \$196,790

Costs

- Administration of Project \$7,000 Project Management
- *One time* Land Management Fund contribution (taxes insurance, maintaining improvements, manage volunteers and property) - \$122,000
- Parking area, signs, kiosk, forest management plan - \$23,600
- Boundary Survey - \$22,000
- Other costs include legal, printing/postage, hazardous waste assessment, etc.

Revenue

- \$9,596 in private donations secured

Request to Conservation Commission

- Up to \$187,194 (low investment for a huge outcome)
- Authorize Letter of Understanding



