

Atkinson Conservation Commission Minutes
Wednesday, November 30, 2022, 7:00 PM
Atkinson Town Hall

Approved January 26, 2023

Members Present:

Paul Wainwright, Chair
Bill Steele, Vice Chair
John Fournier, Secretary
Jeff Nenart
Scott Kukshel
Denise Legault, Alternate
Monique Chrétien, Alternate

Others Present:

Kevin Hatch
Tim Lavelle
Ed Bureau
Susan Bureau
Robert White, via Zoom

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, November 30th, 2022. Chair Wainwright took attendance and all members are present with the exception of Members Newman, McVay and Kukshel, Alternates Legault and Chrétien will be voting in their stead.

2. Review & Approval of Minutes

a. October 26th, 2022 - Public

Discussion: Chair Wainwright presented the regular meeting minutes from October 26th, 2022 and asked for comments or corrections, Vice Chair Steele noted one spelling error on page one, line twenty-eight.

Vice Chair Steele made a motion to approve the regular meeting minutes from 10/26/2022, as amended. Member Fournier seconded the motion. Members Nenart and Legault abstained from the motion since they were not in attendance. Vote: 4/0/2, the motion carried.

3. 2022 Expenditures and Budget Report

Chair Wainwright stated that there are still some expenses that need to be paid including the fees for the Recording Clerk, a printing bill from Hampstead Print & Copy, buying some more sign-posts, and a sign to go at the end of Boulder Cove Road. Chair Wainwright continued that there are enough funds in the budget to cover these expenses.

4. Wetland Setback Variance application for 53 East Road – Kevin Hatch

Chair Wainwright introduced Kevin Hatch to present a wetland setback variance application for 53 East Road, Map 14 Lot 76. Mr. Hatch stated that he is a licensed land surveyor and the owner of Cornerstone Survey Associates in Chester, New Hampshire. Mr. Hatch presented a plan for the construction of a home at the above-referenced address. This home would be a replacement for a home that was destroyed by fire. The new home would be 73 feet from an isolated wetland toward the rear of the property, whereas the previous home was 87 feet from that wetland. Therefore, the property owner will be appearing before your board on December 14, 2022 to request a 27-foot variance from the 100-foot wetland setback ordinance, Article IV, Section 410:8.

Mr. Hatch showed a plan of the property and discussed the changes, which included moving the proposed house a bit to the right so a longer driveway can help accommodate turning around rather than backing out onto a main road. The Commission asked a few questions and ultimately agreed that they were not concerned about this proposed change.

Member Nenart made a motion to write a “happy letter” to the Zoning Board of Adjustment in support of the wetland setback application for 53 East Road. Vice Chair Steele seconded the motion. Motion passes 7/0/0.

A copy of this letter is attached to these minutes.

5. Wetland Setback Variance Application at 9 Lippold Road – Tim Lavelle

Chair Wainwright introduced Tim Lavelle and Ed & Susan Bureau, who want to have a conceptual discussion about an upcoming wetland setback variance application at 9 Lippold Road. Mr. Lavelle stated that there is an existing dwelling at this address, and the plan is to remove the existing structure and build a new structure. Mr. Lavelle continued by explaining the dimensions and the characteristics of the new structure. Mr. Lavelle stated that the new structure will be 63 feet from the lake, which will be five feet closer than the existing structure. Chair Wainwright asked if the plan is to create more lawn space than currently exists. Mr. Lavelle stated that the homeowners will be getting rid of concrete steps, walkways, and patios which will provide less impervious surfaces. Chair Wainwright clarified that he was asking if there were plans to cut any additional trees. Mr. Lavelle stated that there are a few small trees that will need to be cut but nothing beyond that.

Chair Wainwright stated that while vegetation is good to have around the lake, traditional grass lawns are not good. Chair Wainwright urged the homeowners to be considerate of the fact that whatever runs off their impervious surfaces will end up directly in the lake. Mr. Lavelle stated that the way the plans are written, there should be a net decrease in impervious surfaces. Chair Wainwright asked

how they planned on fitting a septic system in this area with all of the wells in such close proximity. Mr. Lavelle stated that this is a common issue for homes in this area since the wells are so close together. However, the new septic system will be a clean solutions system which discharges 'clean' water to the leach field. Mr. Lavelle continued that his purpose this evening was to ensure that the Commission didn't have any major concerns before bringing this to the Zoning Board of Adjustment. Members of the Commission stated that they didn't believe there were any major concerns at this time. No "happy letter" will be written until the Commission can have a look at the final plan.

6. ADA Trail on Slade TF: Concept Presentation and Approval – Robert White & John Fournier

Chair Wainwright introduced Bob White, the landscape architect working on the ADA-compliant trail on the Slade Town Forest. Mr. White shared a map of the area and spoke about the characteristics of the land. Mr. White continued that his goal here is to create a trail system that takes advantage of the property to give residents a variety of experiences. Mr. White stated that he is also following the recreational trail guidelines developed by the U.S. Access Board. Mr. White continued that to meet the ADA accessible standards, they need to maintain slopes at or less than a 5% grade for continuous travel; for shorter distances (non-continuous travel) the grade can increase to 8% or 10%. Mr. White continued by showing the proposed trail system and explaining each of the features.

Member Fournier discussed the existence of a flat walking trail on the Settler's Ridge property, a 55+ community. Member Fournier continued that if Settler's Ridge was amenable, the proposed ADA-complaint trail could be connected to their existing trail. The Commission had a brief discussion around the challenge of keeping ATVs off of the new trails once they're built. Mr. White discussed the possibility of adding a pond overlook structure, which was not in the original request, but he thought it would be a great addition so residents can better view the wildlife on the pond. The Commission discussed the location of this overlook and the different wetland setback requirements. The Commission agreed that it would be best to include this overlook in the planning process but maybe not implement it right away if the overlook permitting process will slow the rest of the trail project. Mr. White discussed a small natural grove-like area that could be used for a meditation space as an added feature of this trail system.

Member Fournier discussed the idea of putting up a trail kiosk at this location sooner rather than later, because it could help drum up interest in the coming trail system. Member Fournier continued that the 'Grove' could be completed first and then rest of the trail system can be created without disturbing it. Member Legault stated that one of her main concerns here is that none of the large, old, beautiful trees are cut to make this trail. Mr. White stated that he doesn't believe any trees over four inches would be cut to build these trails. Mr. White continued

that they also have techniques they use when building a trail between two trees to allow the tree to have drainage and air to its roots.

Chair Wainwright thanked Mr. White for his efforts thus far and for his presentation this evening. Member Chrétien stated that she is not comfortable with building the pond overlook because it would be so close to the prime wetland. Mr. White reiterated that the overlook, if the Commission wanted to move forward with it, would be minimally invasive and would be constructed with great care for the wetlands. Member Fournier stated that if there is a trail that leads to the water residents will want to go to the water's edge, and so it makes sense to have a viewing platform to prevent residents from trampling the vegetation adjacent to the prime wetland. The Commission had a brief discussion about next steps for this process.

Member Nenart left partway through this discussion.

Member Legault made a motion to approve the ADA-compliant trail concept for the Slade Town Forest, and to encourage Bob White to continue working on this project. Vice Chair Steele seconded the motion. Vote: 6/0/0, the motion carried.

7. Lang Parcel: Signed Purchase & Sales and \$100.00 Deposit Approval

Chair Wainwright stated that the Conservation Fund Organization has closed the deal with Debbie, so they now own the land. Chair Wainwright continued that Debbie was very pleased to complete this deal to have this land preserved in conservation in perpetuity. Chair Wainwright stated that the next step is more difficult and will probably not be closed until June due to the process of having the Southeast Land Trust establish an easement on the land. Chair Wainwright continued that this is necessary to comply with the requirements of one of the grant programs in order to secure funding.

Chair Wainwright stated that he has a signed Purchase & Sales Agreement with the Conservation Fund Organization, and he read an excerpt from the section titled "Purchase Price." Chair Wainwright read that the purchase price to the Town shall be \$237,000.00 plus expenses of \$69,200.00. Chair Wainwright continued that, due to grant funding to cover most of the purchase price, the obligation to the purchaser (the Town) shall be limited to \$8,200.00. Chair Wainwright stated that there will be some closing costs associated with this purchase, however, the Town is securing 15 acres of prime conservation land at a very, very, low cost.

Chair Wainwright continued that the Commission needs to put up a \$100.00 deposit to be used as earnest money deposit on the land.

Vice Chair Bill Steele made a motion to expend \$100 from the Town's conservation fund, to be used as the earnest money deposit for the

purchase of the Lang parcel, Map 18 Lot 40, as required by section 1.3 of the Contract for Sale of Real Estate from the Conservation Fund organization as Seller to the Town of Atkinson as Purchaser, which was executed on November 28, 2022. Member Fournier seconded the motion. Vote: 6/0/0, the motion carried.

8. Beckhorn/Marshall Timber Harvest and Trail Recovery – How to Decide Location of Trails

Chair Wainwright stated that he walked this land and the loggers have gotten all the way over to the far wall, so they should be about done cutting. Chair Wainwright continued that, in his opinion, the loggers did a great job and the forest looks very nice; the Commission agreed. Chair Wainwright stated that he spoke with Charlie Moreno, and the logger is going to start putting brush on his skidder trails so they can begin to fill back in. Chair Wainwright continued that there is a group of mountain bikers in Town, and although the Commission may agree to disagree on whether or not mountain biking is good or bad for the land, the Commission should agree to move forward and determine what to do next with the land. Chair Wainwright asked the Commission how they felt about this matter. Member Kukshtel stated that multi-use trails are beneficial for all so the trails can be shared.

The Commission had a brief discussion about going back to using paint to mark trees rather than nails, because a nail could take a perfectly good timber tree and force it to be chipped instead of sent to the sawmill. Member Fournier stated that there should be some consistency between the Town's trail blazes and the Hampstead and Plaistow trail blazes. Chair Wainwright stated that it is important for any new trails to be kept to the perimeter of the parcel so the wildlife can still thrive in the center of the parcel. Chair Wainwright asked the Commission if it would be alright to give permission to neighbor Kevin Arling to begin putting up tape markers on the trees; the Commission responded affirmatively by consensus.

9. Short Reports & Discussions

a. Land Conservation Plan is “at the printer”

Chair Wainwright stated that the Land Conservation Plan is at the printer, and he should have five copies within the next few days. Chair Wainwright continued that the price for five copies is \$684.86. Chair Wainwright stated that at a previous meeting several years ago that he estimated a cost of \$440.00, but that was with old pricing and was for four copies instead of five.

Member Kukshel made a motion to expend \$684.86 for the printing of five copies of the Land Conservation Plan, with funds coming from the annual operating budget. Member Chrétien seconded the motion. Vote: 6/0/0

b. Fall Mowing of Fields – Done

Chair Wainwright stated that the fall mowing of fields was completed, it looks very good, and the mower has been paid for the work. The Commission had a brief discussion about the best time to mow these fields in the future. Chair Wainwright stated that there will be future conversations about this.

c. Easement Monitoring Update – Bill, John, Monique

Vice Chair Steele stated that he and Member Fournier walked the Williams #4 land easement. Vice Chair Steele continued that during this walk, everything appeared to be in good shape with the land, and he submitted the official report stating as such. Chair Wainwright stated that the Caroline Orr land behind the Community Center also needs to be monitored and reported on by the end of this year.

d. Troop 9 News?

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

e. Turtle Signs Proposal - Monique

Member Chrétien stated that she got two turtle signs that were discussed at the last meeting. Member Chrétien continued that she had a conversation with the Highway Agent, who supplied her with the name of the sign post vendor. Member Chrétien stated that, according to the Highway Agent, his crews see many more turtles on Hall Farm Road and Jericho/Brushwood than they see on Maple Avenue. Member Chrétien continued that she ordered four more signs and Chair Wainwright is working on ordering the posts needed to install these signs. Chair Wainwright stated that once the Commission has a solid plan for the turtle signs, they can present it to the Board of Selectmen and then, if approved, have the Highway Agent install them.

f. Boulder Cove Road Sign Proposal – Pete & Suzie

Chair Wainwright stated that there hasn't been much progress since the last meeting. Chair Wainwright continued that Member Newman suggested only solving the one problem of boats, trailers, cars and storage rather than finding a more comprehensive sign; the Commission agreed that this was a good approach. The Commission had a discussion about what few items should be included on the signs.

g. Other Business

10. Next Meetings: Proposal to cancel the December 28 meeting unless it is absolutely necessary to vote on something. Next scheduled meeting will be January 25, 2023. Members agreed by consensus.

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

12. Adjournment

Member Chrétien made a motion to adjourn the meeting. Member Fournier seconded the motion. Vote: 6/0/0

The meeting adjourned at 9:12PM.

Respectfully Submitted,

Zachary Gilberti, Recording Clerk

Attachments:

- Happy Letter for 53 East Road.

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

December 8, 2022

Glenn Saba, Chair
Atkinson Zoning Board of Adjustment

Re: Application for a Wetland Setback Variance at 53 East Road, Map 14 Lot 76

Dear Glenn:

At the regular meeting of the Atkinson Conservation Commission on November 30, 2022, Kevin Hatch from Cornerstone Survey, Inc. presented a plan for the construction of a home at the above-referenced address. This home would be a replacement for a home that was destroyed by fire. The new home would be 73 feet from an isolated wetland toward the rear of the property, whereas the previous home was 87 feet from that wetland. Therefore, the property owner will be appearing before your board on December 14, 2022 to request a 27-foot variance from the 100-foot wetland setback ordinance, Article IV, Section 410:8.

After careful consideration of the plan as presented, and considering the improvement to public safety that would result as described in that application, the Conservation Commission voted unanimously to recommend approval of this variance application, conditioned upon not disturbing the existing natural vegetation that currently buffers the lawn area from the wetlands shown on the plan.

Sincerely,



Paul Wainwright, Chair
Atkinson Conservation Commission

Copy to:

Sue Coppeta, Planning and Zoning Administrator