

Atkinson Conservation Commission Minutes
Friday, December 30, 2022, 1:00 PM
7 Noyes Lane and 9 Lippold Road, Atkinson

Approved January 26, 2023

Members Present:

Paul Wainwright, Chair
Bill Steele, Vice Chair
John Fournier, Secretary
Suzie Newman
Denise Legault – Alternate, voting
Hannah Fried – Alternate, voting

Others Present:

Kevin Finnegan
Tim Lavelle

1. Call to Order, and Attendance:

Chair Wainwright called the meeting to order around 1:00 PM, declared that a quorum was present, and stated that the meeting announcement had been posted in two places more than 24 hours ago. Chair Wainwright also appointed Alternates Fried and Legault to be voting.

2. Wetland Setback Variance Application at 7 Noyes Lane

Tim Lavelle presented a plan to construct a 50' x 30' detached garage at the home of Kevin and Betty Ann Finnegan, 7 Noyes Lane, Map 5 Lot 61. The Finnegans are applying for a wetland setback variance to place the garage 55 feet from a stream and associated wetland that flows along the northwestern boundary of their land. This stream flows directly into the Bryant Brook Prime Wetland that is approximately 188 yards downstream from the Finnegan's property.

Members of the commission were concerned about the removal of natural vegetation that currently acts as a protective buffer to the wetland, and about the size of the building and stormwater management issues introduced by the amount of impervious surface that will be created by the building. Alternative locations for the garage were discussed and eliminated as impractical. The proposed location was deemed to be the "least worst" location for the garage.

Chair Wainwright asked surveyor Tim Lavelle if the plan could show the "before" and "after" border of natural vegetation, and if he could include some sort of stormwater management to minimize the amount of runoff from the roof that

would be directly introduced into the stream, and Mr. Lavelle said these would be easy to include.

Since Mr. Lavelle said he had flagged the wetland himself, Chair Wainwright asked that Mr. Lavelle include his wetland or soils license stamp on the plan showing that he was licensed by the State of New Hampshire to flag a wetland.

Members of the commission noted that even with the removal of trees for the construction of the garage, there would remain a 50+ foot buffer of natural vegetation that would help filter out contaminants before they enter the wetland.

Vice Chair Steele made a motion to recommend that the ZBA grant the wetland setback variance with the following conditions:

- 1. That both the “before” and “after” edge of natural vegetation be shown on the plan, with a note that no additional removal of natural vegetation will be permitted in the future,**
- 2. That the plan include a stormwater management feature that would minimize runoff from the roof from reaching the wetland, and**
- 3. The plan show a stamp indicating that the person who located the wetland was licensed to do so in the State of New Hampshire.**

Member Newman seconded the motion. The vote was 5/1/0, the motion carried.

A copy of our recommendation letter is attached to these minutes.

Chair Wainwright called for a recess to allow the members to drive to the next location. Mr. Finnegan thanked the members for coming out to have a look at his project, and did not accompany us to the second site visit. This portion of the meeting concluded around 1:30 PM.

3. Wetland Setback Variance Application at 9 Lippold Road

Chair Wainwright reconvened the meeting around 1:45 PM at 9 Lippold Road, Map 23 Lot 16, where owners Ed and Susan Bureau are proposing to raze and reconstruct a home in essentially the same location as the present structure. Mr. Lavelle presented the plan for the new home, and noted the differences in side and wetland setbacks, which were relatively small changes from the current non-conforming measurements.

Discussion was limited to the wetland setback part of the variance application. It was noted that, while the house would be slightly closer to the lake, the deck would be smaller, resulting in a slight increase in the distance between structural improvements and the lake, which is a good thing. It was also noted that there would be a slight decrease in impervious surface because some of the paved sidewalk would be removed, which would also be good. However, these “improvements” would be relatively small.

Of bigger interest to the Commission was the replacement of the septic system with one that would be much better for the water quality of the lake.

Vice Chair Steele made a motion to not object to the granting the wetland setback variance that is required by the proposed plan to demolish and re-build of the home located at 9 Lippold Road. Secretary Fournier seconded the motion. The vote was 6/0/0, the motion carried.

A copy of this recommendation letter is also attached to these minutes.

4. Adjournment

Alternate Fried made a motion to adjourn. Alternate Legault seconded. The meeting was adjourned by consensus.

The meeting was adjourned around 2:00 PM.

Attachments:

Recommendation letters, as noted above.

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

January 2, 2023

Glenn Saba, Chair
Atkinson Zoning Board of Adjustment

Re: Application for a Wetland Setback Variance at 7 Noyes Lane, Map 5 Lot 61

Dear Glenn:

At a special meeting of the Atkinson Conservation Commission on December 30, 2022, we did a site visit to the above-referenced property, and had a conversation with the property owner Kevin Finnegan and surveyor Tim Lavelle concerning the owner's application for a wetland setback variance to construct a 50-foot by 30-foot detached garage on the property. The Finnegans are proposing to place the garage 55 feet from a stream and associated wetland that flows along the northwestern boundary of their land. This stream flows into the Bryant Brook Prime Wetland that is approximately 188 yards downstream from the Finnegan's property, so any potential disturbance of this wetland deserves special attention.

Members of the commission were concerned about the removal of natural vegetation that currently acts as a protective buffer to the wetland, and about the size of the building and stormwater management issues introduced by the amount of impervious surface that will be created by the building's roof. Alternative locations for the garage were discussed and eliminated as impractical. The proposed location was deemed to be the "least worst" location for the garage.

Chair Wainwright asked surveyor Tim Lavelle if the plan could show the "before" and "after" border of natural vegetation, and whether Mr. Lavelle could include some sort of stormwater management to minimize the amount of runoff that would be directly introduced into the stream from the roof, and Mr. Lavelle said these would be easy to include.

Members of the commission noted that even with the removal of trees for the construction of the garage, there would remain a 50+- foot buffer of natural vegetation that would help filter out contaminants before they enter the wetland. Members of the commission considered maintaining this vegetation to be an important condition of their recommendation.

Since Mr. Lavelle said he had flagged the wetland himself, Chair Wainwright asked that Mr. Lavelle include his wetland or soils scientist license stamp on the plan showing that he is licensed by the State of New Hampshire to flag a wetland.

Since our recommendation concerning this application has a number of conditions, I reproduce on the following page the exact wording of our motion recommending approval:

Vice Chair Steele made a motion to recommend that the ZBA grant the wetland setback variance for the construction of the detached garage at 7 Noyes Lane, with the following conditions:

- 1. That both the “before” and “after” edge of natural vegetation be shown on the plan, with a note that no additional removal of natural vegetation will be permitted in the future,**
- 2. That the plan include a stormwater management feature that would minimize runoff from the roof from reaching the wetland, and**
- 3. The plan show a stamp indicating that the person who located the wetland was licensed to do so in the State of New Hampshire.**

Member Newman seconded the motion. The vote was 5/1/0, the motion carried.

Please let me know if you have any questions.

Sincerely,



Paul Wainwright, Chair
Atkinson Conservation Commission

Copy to:

Sue Coppeta, Planning and Zoning Administrator

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

January 2, 2023

Glenn Saba, Chair
Atkinson Zoning Board of Adjustment

Re: Application for a Wetland Setback Variance at 9 Lippold Road, Map 23 Lot 16

Dear Glenn:

At a special meeting of the Atkinson Conservation Commission on December 30, 2022, we did a site visit to the above-referenced property, where owners Ed and Susan Bureau are proposing to raze and reconstruct a home in essentially the same location as the present structure. Mr. Lavelle presented the plan for the new home, and noted the differences in side and wetland setbacks, which were relatively small changes from the current non-conforming measurements. Our discussions were limited to the wetland setback portion of the variance application.

It was noted that, while the house would be slightly closer to the lake, the deck would be smaller, resulting in a slight increase in the distance between structural improvements and the lake, which is a good thing. It was also noted that there would be a slight decrease in impervious surface because some of the paved sidewalk would be eliminated, which would also be good. However, these "improvements" would be relatively small.

Of bigger interest to the Commission was the replacement of the septic system with one that would be much better for the water quality of the lake.

After additional discussion, the Commission voted to not object to the approval of the wetland setback variance application at 9 Lippold Road. We chose to "not object" rather than "recommend approval" because of the very large nonconformity of many aspects of Town zoning for not only this property, but most properties on the lake.

Please let me know if you have any questions.

Sincerely,



Paul Wainwright, Chair
Atkinson Conservation Commission

Copy to:

Sue Coppeta, Planning and Zoning Administrator