

**Atkinson Conservation Commission Minutes**  
**Monday, January, 8, 2018 7:30 PM**  
**Atkinson Town Hall**

**Approved**

**Members Present:**

Tim Dziechowski, Chairman  
Paul Wainwright, Vice Chair  
Denise Legault  
Pete McVay  
Dan Kimball

**Others Present:**

Tim Lavelle, Lavelle Associates  
Brent Ebner, Hampstead Conservation  
Commission

**1. Call to order, attendance**

Chairman Dziechowski called the meeting to order at 7:37 PM, Monday, January 8, 2018.

**2. Guest Business and Plan Reviews:**

Tim Lavelle seeking recommendations on wetlands variances at Maple Ave Map 9 Lot 29, and 15 Hemlock Heights Road Map 22 Lots 9-1&11.

– **Maple Ave Map 9 Lot 29**

Mr. Lavelle appeared before the Commission for the applicant and gave the members of the Conservation Commission copies of the plans. They are the original survey plans from 1957. It is an 8.5-acre lot. The Commission reviewed the plans.

The septic will be in the front yard. The lot is steep. The applicant is proposing a garage under. Foliage consists of brush. There are about 40 feet of an emergent wetland and then the lot goes down to the pond. Chair Dziechowski stated that there is a discrepancy between the Town tax map and the plan. The tax map shows 7.37 acres rather than 8.35. Mr. Lavelle informed the Commission that the pond is 30 to 40 feet from the wall and that wetlands run right up to the wall. They are very wet. Member McVay asked about the soil type and Mr. Lavelle informed him that he believes it is Canton but did not look it up. Mr. Lavelle informed the Commission of a web site, WebSoilSurvey, which will give the soil types if the address of the property is entered.

Chair Dziechowski asked the dimensions of the triangle, since the applicant is requesting RR2 zoning which requires 2 acres of land. Mr. Lavelle stated that the area of the triangle is less than 2 acres, but there is dry land in the back. Chair Dziechowski pointed out that the applicant is also seeking a dimensional variance on setback from the street based on setbacks of other properties on Maple Avenue. However, the other houses were built 40-50 years ago.

Mr. Lavelle explained that the former owner passed away and her heirs would like to do something with the property.

Chair Dziechowski pointed out that the property has been assessed as wetlands since 1972. Now, the applicant is seeking an upgrade to RR2. Mr. Lavelle replied that he is only seeking room for the house and a septic.

Member Legault asked if the pond was viable and Mr. Lavelle stated that it is. Chair Dziechowski pointed out that the parcel has been assessed as wetlands since 1976 and to upgrade the property to RR2 suitable for a residence is a stretch.

Mr. Lavelle is only concerned about the 50 feet of the wetlands to the house and room for the septic in the front. Member McVay is concerned about the distance from the pond and the slope. Member Kimball is concerned that the septic will influence the pond. Mr. Lavelle stated that the septic meets all Atkinson zoning regulations. There is a 100 foot setback for the septic from the wetlands. The well would be at the edge of the wetlands. Therefore, if there are problems with the septic, it will go into the well. Mr. Lavelle considers the septic a non-issue and should not require a variance. The applicant is requesting a variance for the proposed dwelling.

Chair Dziechowski requested a recommendation from a soils scientist. Chair Dziechowski also pointed out that the lot on the other side is also small, about one acre and does not have much more dry land. He also informed Mr. Lavelle that the wetland in question has been undergoing eutrophication and is starting to fill in. This is an issue explored by the Conservation Commission when the former owner wanted to give it to the Town.

Member Legault is concerned about runoff from the driveway, which will be tarred and also runoff from the roof. There will need to be something to control runoff such as plantings.

Member McVay is concerned about a lawn and runoff from the lawn since it probably will be fertilized. So far, the pond is pretty pristine. Mr. Kimball asked about data on the exchange rate for water from the pond. Mr. Lavelle responded that he did not look at the outflow from the pond. Chair Dziechowski would like to see a site walk and a soils analysis. Member Legault agreed.

Member McVay checked out the soil type on the web site. It is Canton fine sandy soil and Walpole closer to the wet according to the web site. Mr. Lavelle informed the Commission that he will contact a soils scientist.

Chair Dziechowski informed Mr. Lavelle he is concerned about a piece of lawn that overlaps the property boundary and Mr. Lavelle stated that Lavelle associates staked the property for the abutter and the abutter is aware. Mr. Lavelle also asked where he could find information on the flow rate.

**- 15 Hemlock Heights Road Map 22 Lots 9-1&11.**

Mr. Lavelle appeared before the Commission for the applicant. The property is located on the corner of Hemlock Heights and Chase Island Roads. Mr. Lavelle explained that the applicant would like to put an addition on his property which would be 37 feet from a wetland. The pond is not as large as shown on the tax map. The existing dwelling is 50 feet from the wetland and there is a shed that is about 30 feet from the wetland and would be removed. The proposed addition meets all other setbacks.

The property is now two separate tax lots, and would need to be consolidated. The new well would be in the front yard. The existing well is where the proposed addition will be.

The applicant is trying to make accommodations for Mrs. Budzyna. There will be no additional bedrooms. It will not be an in-law apartment. There will be a separate bedroom and bath but

not a separate kitchen. The septic is designed for three bedrooms. The applicant will not add to it. The lot is not large enough for any more than three bedrooms.

Chair Dziechowski asked if the lot were under shore land protection and Mr. Lavelle replied that it was not. Mr. Lavelle informed the Commission that if the State deems the property is within shore land, then he will submit a shore land variance. Mr. Lavelle spoke to Craig Vay who measured the wetland and the property is 100 feet beyond shore land. Ms. Legault informed Mr. Lavelle that the area of the proposed addition was very wet. Chair Dziechowski stated that the lot is also very steep. Member Legault stated that the area of the proposed lot is fairly flat. There are two drains and she is concerned that it will be very icy if the topography is changed when the building is added.

Chair Dziechowski pointed out the buffers and protected shore land on the map.

Mr. Lavelle again informed the Commission that Lavelle associates has surveyed the property and spoken to the State but if the property is in shore land, then a shore land plan will be submitted.

Mr. Lavelle pointed out the two lots. One of the lots is empty. 9-1 was originally two lots that were combined when the present structure was built.

Member McVay stated that the lot is fairly flat. Mr. Lavelle informed the Commission that the septic was designed in the 80's and is a good-sized system. The new well is under the proposed addition and another new well will have to be drilled in the front yard. Mr. Lavelle informed the Commission that the property is closer to the back line than it appears. Member Legault asked about the driveway and the deck. The driveway and the deck will both be in the same spot.

Chair Dziechowski polled the Commission. Member Legault is concerned with the drainage if soil is going to be moved around. Mr. Lavelle stated that the applicant is trying to build the addition with as little disturbance as possible. Most of the drainage will come from the roof. Member McVay stated that most of the flow would come from the wetlands onto the property.

The Commission discussed the extent of the wetlands. Chair Dziechowski pointed out that the tax maps are wrong because the stone wall is not shown. Chair Dziechowski asked about the sitewalk. Member Legault is worried about water going into the road. The whole area was swamp before it was built. Vice Chair Wainwright stated that he is also concerned about runoff and would like to see a drainage plan. Member McVay would also like more information. Chair Dziechowski agreed that French drains and foundation drains would be needed. The current driveway is macadam. The Commission discussed driveway material, whether pervious material should be used, whether it can be dirt or impervious.

#### **- 126 Maple Avenue Wetland Mitigation Application**

Vice Chair Wainwright requested to discuss the plans for 126 Maple Avenue and Mr. Lavelle informed him that he has everything with the exception of the stamp from the soils scientist and Ebner Lewis stated that it was all set.

#### **- Scout projects**

Chair Dziechowski informed the Commission that he received an email from Member Hertrich informing him that there is a Scout who is interested in Camp Barry. He needs to get approval from the parents.

### **3. Review of Correspondence**

- Planning Board 12/20/17 meeting
- Discussion of Green & Co condo documents and easements. The Planning Board is concerned with bonding for the Page Farm project.
- ZBA 12/13/17 meeting

**Bait selling home business** – Chair Dziechowski raised the issue of the definition of adequate parking. There are definitions in the planning regulations for site plans. If a decision is made about something that is not in zoning, then they are running the risk that an unhappy abutter will dispute the decision.

Ms. Legault informed the Commission that the ZBA allowed the business. People are parking on the property and on abutting property owned by the family.

### **4. Internal Business**

- **PHAT quotes** - Emails from Member McVay regarding PHAT quotes and our contribution to trail safety and trail mapping. Mr. Ebner informed the Commission that it depends on the number of trails in Atkinson. Plaistow and Hampstead would pick up most of the cost. Plaistow got two quotes. The data can be printed into a four by four map for a kiosk, maps for trail users and also a map for rescue personnel which would have more data than maps given to the general public.

Hampstead and Plaistow are working on creating data that can be downloaded in GIS format. There is a big discrepancy in the price. Mr. Ebner informed the Commission that he wanted to show them the proposals and get their feedback. Member McVay informed the Commission that the State has put markers on all the lumbering trails in Coos County. Member McVay has offered to find information.

One issue of markers is that they are unattractive. There are 75 junctions on the trails. It can be confusing. One solution would be a 4x4 post with a 3.5x3.5 marker with a junction number and maybe the QR code.

Mr. Ebner also informed the Commission that another bridge was completed just before the snow came in. It is in front of the rookery on the boundary between Hampstead and Plaistow.

- **Pete and Dan renewal paperwork**

Member McVay signed up and Member Kimball put in the paperwork.

- **Town report due 12/15**
- **Chainsaw update - purchased**

### **Dredge and Fills / Site Walks / Complaints**

- **Boundary dispute at Orr town forest – still not settled. Chair Dziechowski will meet with complainants**
- **Monitoring report for Orr town forest (Tim)**

- **Monitoring report for Williams, W&M #4 - done**
- **East Sawmill Swamp wetlands buffer mitigation update - done**
- **Donald Steele ATV sign follow up (Tim)**
- **Hunting blind off Forest Road extension. Tim to update hunting regulations: NO blinds**

## **5. Other Business**

- Email inquiries about potential kayak launch at Big Island Pond. Chair Dziechowski read the email. There is an old boat ramp that the inquirer would like to use as kayak launch. The Commission will take it under advisement. Chair Dziechowski pointed out the area discussed in the email on the map. Chair Dziechowski stated he believes the Town took the land for taxes.
- Water Quality – A couple thinking about purchasing a condominium in Waterwheel Estates and wants to know if there is contaminated water there. Mr. McVay explained that it was the PVA spill. Member McVay explained that the inquirer will have to check with the water company for Waterwheel Estates. The governing board for Waterwheel Estates can inform them who the water company is.
- Budget update. All bills are paid. Did not get any fields mowed, so encumbered \$900 from care of grounds account for Spring mowing.
- Check for \$27,000 was for land use change tax, turned over to the town treasurer. Chair Dziechowski informed the Commission that he received two checks made out to the Town of Atkinson Conservation Commission, one for the land use change tax and one for the forestry fund. They were made out to the Conservation Commission so the checks were given to the town treasurer who deposited them in the forestry fund or in the conservation fund.
- Budget Committee would like suggestions to cut budget – Chair Dziechowski read the email. Member Legault informed the Commission that the Budget Commission wants a fee to be charged for using the library and for Elder Services to charge a fee for rides. Member McVay informed the Commission that there are Towns in Rockingham County that charge a fee for rides.
- Camp Barry – Member Legault explained that it is in the hands of the Scout liaison.
- Emerald ash borers: need to reschedule meeting with Bill Davidson of NH Forests and Lands about mitigation
- Timber tax paperwork and check turned in to Barbara Snicer
- Easement issues, entrance to Woodlawn trail (Tim)
- Storage: clean up lot files and move to planning office (Tim)
- **6. Other New Business**
  - Ms. Legault had a question on a possible new natural gas pipeline along the Mystic corridor. It will be built on State land on the 101 corridor.

7. Secretary reports

8. New Business

The next regular meeting of the Conservation Commission is Monday, February 5, 2018 at 7:30 PM.

**Member Wainwright made a motion to adjourn the January 8, 2018 meeting of the Atkinson Conservation Commission at 9:15 PM. Member McVay seconded the motion. All members voted in favor. Vote: 5/0/0.**