

**Atkinson Conservation Commission Minutes  
Monday, February 3, 2020  
Atkinson Town Hall**

Approved March 2, 2020

**Members Present:**

Paul Wainwright, Chair  
Denise Legault, Vice Chair  
Jeff Nenart  
Dan Kimball  
Dennis Krause  
Pete McVay  
Scott Kukshel  
Bill Steele (Alternate)

**Others Present:**

Tim Lavelle, James Lavelle and Associates

**1. Call to Order, Attendance**

Chair Wainwright called the meeting to order at 7:03PM on Monday, February 3, 2020. Chair Wainwright reviewed the attendance list and declared that a quorum was present.

**2. Review and Approval of Minutes: January 6 and January 29, 2020.**

Chair Wainwright requested a motion to approve the minutes of the January 6 and January 29, 2020 public meetings of the Atkinson Conservation Commission, as written.

Member Legault noted a correction on page 3, line 11 of the January 6 meeting minutes; it should read "Planning Board" rather than "Zoning Board".

**Member Kimball made a motion to approve the minutes of the January 6, 2020 public session of the Atkinson Conservation Commission as amended.**

**Member McVay seconded the motion. Six members of the Atkinson Conservation Commission present at the January 6, 2020 meeting voted in favor. Vote: 6/0/0.**

**Member Nenart made a motion to approve the minutes of the January 29, 2020 public session of the Atkinson Conservation Commission. Alternate Steele seconded the motion. Five members of the Atkinson Conservation Commission present at the January 29, 2020 meeting voted in favor. Vote: 5/0/0.**

### **3. Treasurer's Report**

Chair Wainwright presented the latest Treasurer's Report. A copy is attached. Invoices submitted for the past month are highlighted in yellow. Chair Wainwright stated that since it is still early in the year, not much has been spent yet.

### **4. Plan Review – Map 16 Lot 4 (4 Industrial Way) – Tim Lavelle**

[Please refer to previous discussions of this matter by reviewing the minutes from our meeting on May 6, 2019, and our site walk on May 11, 2019]

Chair Wainwright stated that Tim Lavelle is representing Bill Ermer of Palmer Gas & Oil, who is considering developing the land at 4 Industrial Way. Mr. Lavelle distributed plans to the Commission, and stated that Palmer Gas & Oil plans on building a storage building for oil trucks and other equipment, and would include bathrooms and a septic system. Mr. Lavelle continued that since this building will be used to store oil trucks, there will be a floor drain that leads to a storage tank under the parking area outside that will be large enough to contain any oil spill from a truck. Mr. Lavelle stated that no propane trucks would be stored inside the structure to comply with building codes.

A copy of the plan is attached to these minutes.

Mr. Lavelle reviewed the plan, and pointed out that the building would be placed 28 feet from the wetland, whereas local zoning calls for a 100-foot setback. Therefore, a 72-foot variance would be needed. Chair Wainwright summarized the previous discussion of this matter, and said that while this variance request is considerably larger than what the Commission would typically recommend approval for, the consensus was that approval could be recommended if the back of the parcel (as shown on the attached plan) could have a conservation easement placed on it.

Mr. Lavelle asked what sort of public access should be provided. Chair Wainwright stated that not all conservation land needs public trails, and there is good value in this land for watershed and wildlife habitat protection. Since the land should be inspected annually for compliance with the conservation easement, there should be a "right of passage" for commission members to walk the land as needed.

The Commission noted that this is a much larger variance than the Commission is normally comfortable with recommending to the ZBA, but sees this as a fair deal if the conservation easement is water-tight on the rest of the land. Chair Wainwright stated that the Commission would be happy to write a letter of support but it would be contingent upon the completion of the easement deal.

**Member Nenart made a motion to write a letter of support to the Atkinson ZBA to recommend approval of a 78-foot variance for the wetland setback for this project at Map 16, Lot 4, contingent upon filing a deeded conservation easement to the satisfaction of the Commission. Member Legault seconded the motion. Vote: 7/0/0**

**5. Proposed Land Acquisition: Map 12 Lot 1-15**

Chair Wainwright stated that his two reservations about acquiring this land are as follows:

1. The land is already a protected open area for the Settler's Ridge condominium development.
2. The original owners (The Stewart family) reserved the right to clear cut this land for use as a tree farm, and although agriculture is a good use of conservation land, it doesn't make sense here since this is an upland buffer for the Stewart Farm Pond Prime Wetland.

Chair Wainwright explained that, in his opinion, either of these two points would eliminate the possibility of obtaining grant funding for purchase of the land. Chair Wainwright recommended that the Commission not proceed with negotiating purchase of this land. The members agreed.

Chair Wainwright stated that he discussed these matters with Steve Lewis, and Mr. Lewis agreed with the points. As a result, Mr. Lewis agreed to back out of the deal as well.

**6. Scout Troop 9 happenings – Bill Steele**

**a. Barry Conservation Camp scholarship: Jake Martineau**

Member Steele stated that he had three applicants for this scholarship but Jake Martineau set himself apart from the others by doing his research and sending a well-thought-out letter which outlined his interest in conservation and his intentions for the future. Member Steele continued that he's known J. Martineau for many years and stated what a great person he is and what a great candidate he is for this camp.

Chair Wainwright reviewed the procedure for completing the application, and stated that the camp would send a confirmation code around mid-February, and Jake's family would need to complete the application by mid-March, using the confirmation code. Once the application is completed and accepted by the camp, Chair Wainwright will approve the invoice for the tuition, which is \$315.

## **b. Eagle projects**

Member Steele stated that he has had a few Scouts approach him about Eagle Scout projects, including the stream bridges in disrepair on the Sawyer Land. Member Steele also stated that he's begun soliciting interest to help with the invasive plant removal project.

As a possible Eagle project, Member Nenart recommended repairing a trail on the Sawyer Land that has been washed out due to insufficient culverting. Chair Wainwright suggested that to complete this project properly larger culverts should be installed, to which Member Steele stated that that would be outside the skillset of an Eagle Scout candidate. Chair Wainwright asked Member Nenart to come up with a short-term solution to this issue. Member Nenart agreed and stated that adding some larger rocks as well as some crushed stone should be sufficient in the short-term. Chair Wainwright said he would find out if a Dredge & Fill permit would be needed from DES.

As another possible Eagle project, Member Krause suggested restoring the fifteen-station interpreted nature trail on the Marshall Land. Member Legault stated that a lot of the landmarks no longer exist so new landmarks will need to be placed in order to reestablish each station. The Commission agreed that this would be a good project for an Eagle scout to do.

## **7. Update on GIS tools and file sharing - Pete**

Chair Wainwright asked for an update on the GIS tool project. Member McVay stated that, although he researched many versions of GIS tools, he is having trouble finding all of the data he needs to move forward. Chair Wainwright reminded Member McVay to focus on the goal of this project – to be able to easily determine whose land you are on while out in the woods.

Chair Wainwright asked for an update on the file sharing project. Member McVay stated that the Town has a commercial license for the Microsoft Office Suite which includes access to the "SharePoint" program. The SharePoint program would give the Commission a way to share files both internally and externally without the end user needing any special computer software. Chair Wainwright stated that most people are not as technologically savvy, to which Member McVay responded that using this program would make finding files much easier for the end user. The Commission asked for a demonstration of the program prior to moving forward with its use.

## **8. Trail and Grants Working Group – Pete & Dennis**

Chair Wainwright stated that at the last meeting, a vote should have been made in regard to the following expenditures as part of Member Krause’s map-printing project.

- Graphic Design Total: \$250.00
  - To be charged to the “Other Professional Services” line-item of the budget.
- Map Printing Total: \$450.00
  - To be charged to the “Printing & Binding” line-item of the budget.
- Sign Printing Total: \$250.00
  - To be charged to the “Signs” line-item of the budget.
  
- Project Total: \$950.00

**Member Kukshtel made a motion to expend a total of \$950.00 to produce trail maps and signage on Town conservation lands. Member McVay seconded the motion. Vote: 7/0/0**

Member Krause handed out draft hard-copy maps for the Commission’s review & comment. Chair Wainwright stated his appreciation for the great work Member Krause is doing and asked the Members to review the maps and return with comments before the next meeting.

## **9. Conservation Commission By-laws Review**

Chair Wainwright stated that the Conservation Commission’s By-laws have not been reviewed since 1999. Chair Wainwright stated that he updated the last version of the By-laws, removed any information that has changed since the last update, and added any new information that made sense based on similar towns’ conservation By-laws.

Chair Wainwright explained that the process for amending By-laws is to make a motion to amend, discuss the amendments, then table the motion until the next meeting, at which a vote may be taken. A 2/3 vote is required to amend the By-laws.

**Member Legault made a motion to amend the 1999 version of the Atkinson Conservation Commission’s By-laws. Member Kimball seconded the motion.**

The Commission discussed a handful of changes they’d like to make to the by-laws. This discussion was then tabled until the next Commission meeting so Members can have a chance to review the changes and propose any additional amendments.

## **10. Brief Reports & Other Business**

### **a. Deliberative Session Overview**

Chair Wainwright stated that he attended the Deliberative Session and presented the warrant article to spend funds from the Forest Maintenance Fund for invasive plant control, which received good support from the residents.

### **b. Glyphosate Risks – Web page of articles, and presentation planned for May 2**

Chair Wainwright stated that he put together a web page to collect all pertinent Glyphosate articles for our review. That page may be found here:

[http://www.paulwainwrightphotography.com/5\\_atk\\_cons\\_resource\\_docs/glyphosate\\_home\\_1.html](http://www.paulwainwrightphotography.com/5_atk_cons_resource_docs/glyphosate_home_1.html)

Chair Wainwright stated that Dan Wixted, an expert in pesticide and herbicide safety from Cornell University, will be coming to speak at the Kimball Library on Saturday, May 2 at 10:30AM. Chair Wainwright asked Mr. Wixted to help residents understand the risks of using Glyphosate, how to minimize those risks, and to explain what the risks are to residents when the Town hires professionals to apply these products around Town.

### **c. Land Conservation Plan – Work to begin in March – Grant “paperwork” Not Yet Done**

Chair Wainwright stated that there is no progress yet on this plan, and thinks it would make more sense to complete the By-law amendments prior to beginning this work.

### **d. February 15, 2020 – Wildlife Tracking – Re-scheduled from January**

Chair Wainwright stated that since the January wildlife tracking session was postponed until February, some of the registered attendees dropped off. He plans on advertising this locally to ensure Atkinson residents who'd like to attend have an opportunity.

### **e. 3<sup>rd</sup> Saturday “Office Hours” Resume March 21**

Chair Wainwright stated that there would be no February office hours due to the wildlife tracking session, so office hours will resume in March.

### **f. Spring Tree Give-Away – Scott Kukshel**

Chair Wainwright asked for an update on this project. Member Kukshel stated that he already placed the order for the seedlings, so the Commission just needs to decide when to give them out to residents. The Commission needs to decide how and when it will be advertised. Chair Wainwright suggested at least a one-month period of advertising to make sure enough residents know

about the give-away. Member Nenart suggested giving out planting instructions with each of the seedlings to ensure a higher success rate. Chair Wainwright asked Members Kukshel and Kimball to write up planting instructions.

**g. Tree Down at 10 Merrill Drive**

Chair Wainwright stated that he received an email from assistant Town Administrator Andrea Hansen informing him of a tree that is down at 10 Merrill Drive. Chair Wainwright stated that, after viewing the tree with Member Krause, he thinks that it will be too much for the Commission to handle. Chair Wainwright said that a small birch tree had fallen onto, and is suspended off the ground by, some Bittersweet vine. Chair Wainwright stated that he'll ask the Road Agent Ted Stewart to remove the tree.

**h. Stickney Road Construction Site**

Chair Wainwright brought up the construction project on Stickney Road in which the developer was storing a portable lavatory and some vehicles on Conservation Land. Chair Wainwright stated that the construction project is now done, and asked Member McVay to go view the area to ensure it has been satisfactorily cleaned up. Member McVay agreed to do this.

**i. Belknap Drive Salt Lick**

Chair Wainwright stated that he received email from a resident on Belknap Drive asking if there are any rules against putting up a salt lick for deer. Chair Wainwright's response was that as far as he knows, if it is on your land, you are entitled to put it up although your neighbors may not be happy about it. The Commission Members agreed.

**11. Next Meetings: March 2 and April 6, 2020**

**12. Save the Date: NH ACC Annual Conference: Saturday, November 7, 2020**

**13. Non-public Session Under NH RSA 91-A:3, II (d), Consideration of the acquisition of land**

Chair Wainwright addressed the television audience and said that the Commission was about to go into non-public session to discuss acquiring a piece of land, as allowed by RSA 91-A. He explained that this is being done because it would not be in the Town's best interest to discuss our intention to purchase land in public, and also that this particular landowner had asked that it not be discussed in public either.

Chair Wainwright went on to inform the television audience that the Commission would come back into public session following the land discussion, and that the only business yet to be conducted would be to vote to seal the non-public minutes and then adjourn for the evening.

**Member Nenart made a motion to go into non-public session to consider the acquisition of land under NH RSA 91-A:3, II (d). Member Legault seconded the motion. Vote: 7/0/0.**

[the minutes of the non-public session are contained in a separate document]

**Member Nenart made a motion exit non-public session under RSA 91-A:3, II (d). Member Kimball seconded. The motion passed, 7/0/0.**

**Member Legault made a motion to seal the minutes of the non-public session. Member Kukshel seconded. The motion passed, 7/0/0.**

#### **14. Adjournment**

**Member Legault made a motion to adjourn. Member Kukshel seconded. The motion passed, 7/0/0.**

The meeting adjourned at 9:02 PM. Chair wainwright apologized for the long meeting.

Respectfully Submitted,

Zachary Gilberti, Recording Clerk

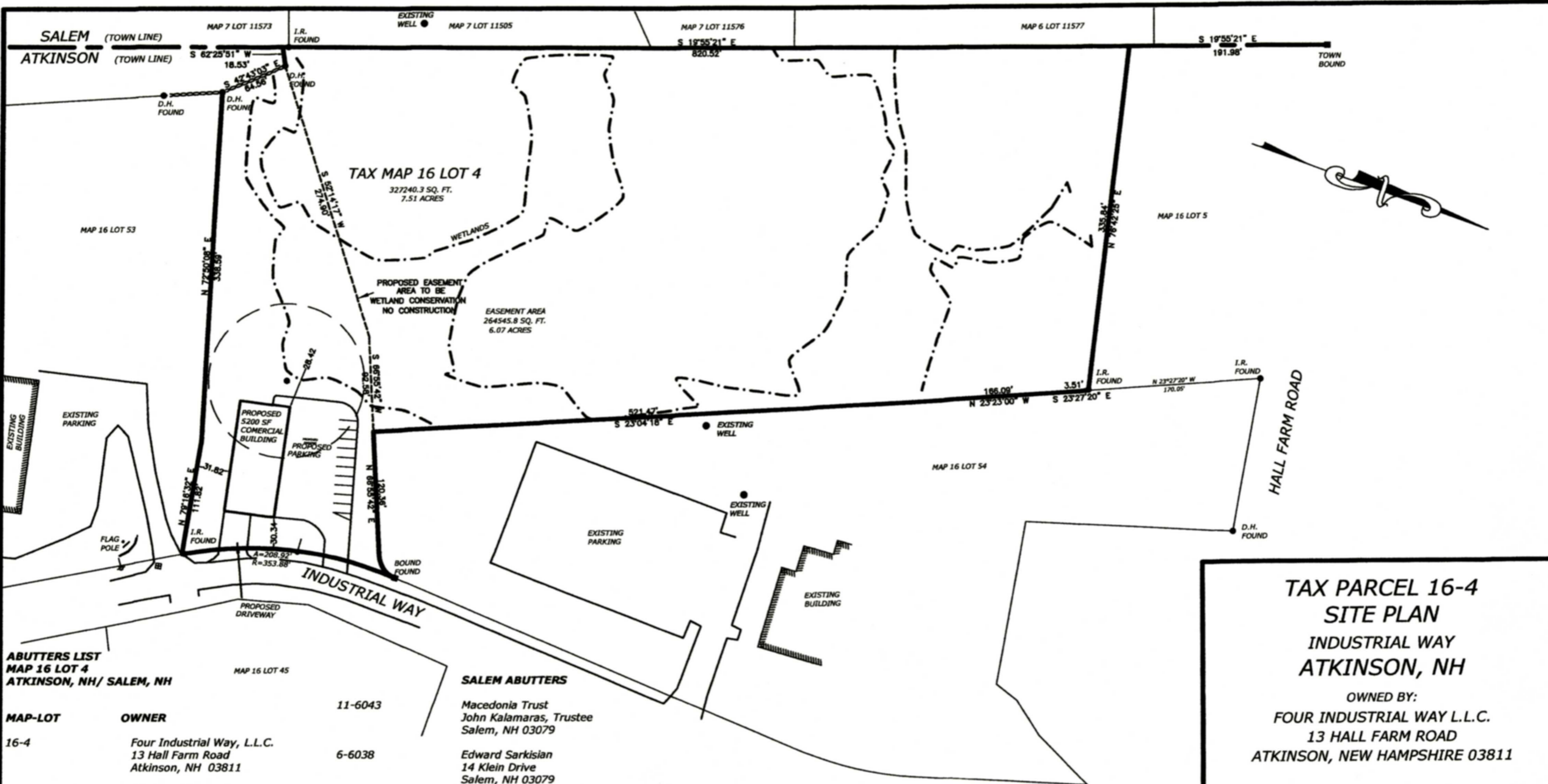
#### **Attachments:**

- a) Treasurer's Report
- b) Plan for Map 16 Lot 4 (4 Industrial Way)



Town of Atkinson Conservation Commission 2020 Expenditure Tracking

Account Number	Description	TM Approved 2019 Budget	What	Amount	Date Prepared	Date Submitted	Amount Submitted	YTD Total	YTD Unspent
				Hrs					
			Minutes. Jan 6, 2020	4	\$72.00	1/10/2020	1/10/2020	\$ 72.00	
40.46111.110.00	RECORDING CLERK	\$ 1,680.00	Budget Adjustment - removed			00/00/2020		\$ -	remove \$ -
			Budget Adjustment - removed			00/00/2020		\$ -	\$ 1,608.00
			Minutes. Jan 6, 2020		\$4.46	1/10/2020	1/10/2020	\$ 4.46	add \$0.00
40.45111.220.00	FICA .062	\$ 105.00	Budget Adjustment - removed			12/17/2019		\$ -	
			Budget Adjustment - added			8/12/2019		\$ -	\$ 100.54
			Minutes. Jan 6, 2020		\$1.04	1/10/2020	1/10/2020	\$ 1.04	add \$ -
40.45111.225.00	Medicare .0145	\$ 25.00	Budget Adjustment - removed			12/17/2019		\$ -	
			Budget Adjustment - added			8/12/2019		\$ -	\$ 23.96
			Budget Adjustment - added			12/16/2019		\$ -	add \$ -
40.46111.390.00	OTHER PROF SERVICES	\$ 2,500.00	Budget Adjustment - added			8/12/2019		\$ -	\$ 2,500.00
			Budget Adjustment - Added			12/17/2019		\$ -	add \$ -
40.46111.550.00	PRINTING AND BINDING	\$ 500.00	Budget Adjustment					\$ -	\$ 500.00
			Budget Adjustment - removed			12/16/2019		\$ -	add \$ -
40.46111.560.00	DUES/SUBS/MEMBERSHIPS	\$ 450.00	Budget Adjustment - added			8/12/2019		\$ -	\$ 450.00
			Budget Adjustment - removed			12/16/2019		\$ -	remove \$ -
40.46111.620.00	OFFICE SUPPLIES	\$ 1.00	Budget Adjustment			8/12/2019		\$ -	\$ 1.00
			Budget Adjustment - Added			12/17/2019		\$ -	add \$ -
40.46111.625.00	POSTAGE	\$ 1.00	Budget Adjustment			8/12/2019		\$ -	\$ 1.00
			Budget Adjustment - removed			12/15/2019		\$ -	remove \$ -
40.46111.650.00	CARE OF GROUNDS	\$ 2,500.00	Budget Adjustment - removed			8/12/2019		\$ -	\$ 2,500.00
			Budget Adjustment - removed			12/15/2019		\$ -	remove \$ -
40.46111.740.00	NEW EQUIPMENT	\$ 300.00	Budget Adjustment			8/12/2019		\$ -	\$ 300.00
			Budget Adjustment - removed			12/15/2019		\$ -	remove \$ -
40.46111.820.00	MILEAGE	\$ 74.00	Budget Adjustment			8/12/2019		\$ -	\$ 74.00
			Barry Cons. Camp - Jake Martineau		\$315.00			\$ -	remove \$ -
			Scott - Tree Give-away		\$210.00			\$ -	\$ -
40.46111.840.00	SPECIAL PROGRAMS	\$ 1,000.00	Budget Adjustment - removed			12/15/2019		\$ -	remove \$ -
			Budget Adjustment - removed			8/12/2019		\$ -	\$ 1,000.00
			Budget Adjustment - Added			12/17/2019		\$ -	add \$ -
40.46111.850.00	EDUCATION & CONFERENCES	\$ 250.00	Budget Adjustment			8/12/2019		\$ -	\$ 250.00
			Budget Adjustment			12/17/2019		\$ -	remove \$ -
40.46111.875.00	SIGNS	\$ 500.00	Budget Adjustment - removed			8/12/2019		\$ -	\$ 500.00
<b>TOTALS</b>		<b>\$ 9,886.00</b>						<b>\$ 77.51</b>	<b>\$ 9,808.49</b> \$ -



**ABUTTERS LIST  
MAP 16 LOT 4  
ATKINSON, NH/ SALEM, NH**

MAP-LOT	OWNER	11-6043
16-4	Four Industrial Way, L.L.C. 13 Hall Farm Road Atkinson, NH 03811	6-6038
<b>MAP-LOT</b>	<b>ATKINSON ABUTTERS</b>	
16-5	Cheryl Malley Trust Loie Markievitz, Trustee 29 Hall Farm Road Atkinson, NH 03811	6-11577 & 6-6042
16-45	Benjamin Hoag 49 Dumas Ave Hampton, NH 03842	6-11571
16-54	2 Industrail Way Trust Gary & Karla Russell, Trustee 2 Industrial Way Atkinson, NH 03811	7-11573
16-61	Macedonia Trust John Kalamaras, Trustee 104 Haverhill Road Salem, NH 03079	7-11575
		7-11576

**SALEM ABUTTERS**

Macedonia Trust John Kalamaras, Trustee Salem, NH 03079
Edward Sarkisian 14 Klein Drive Salem, NH 03079
Stonehenge Estates Conservation Town of Salem Exeter, NH 03833
Christina Hill 8 Theodore Ave Salem, NH 03079
Theodore W. Hatem P.O. Box 406 North Salem, NH 03079
Gregory & Alicia Emerson 12 Theodore Ave Salem, NH 03079
Lori Heymans 13 Theodore Ave Salem, NH 3079

**Surveyor**

**CONSULTANTS**

James M. Lavelle, Associates  
2 Starwood Drive  
Hampstead, NH 03841

Gove Environmental Services, Inc.  
James p. Gove  
8 Continental Dr. Bldg 2 Unit H  
Exeter, NH 03833

**Soil Scientist**



SCALE: 1"=50' DATE: 3/19/2019



PREPARED BY  
JAMES M. LAVELLE, LLS  
2 STARWOOD DRIVE  
HAMPSTEAD, NH 03841

**TAX PARCEL 16-4  
SITE PLAN  
INDUSTRIAL WAY  
ATKINSON, NH**

OWNED BY:  
FOUR INDUSTRIAL WAY L.L.C.  
13 HALL FARM ROAD  
ATKINSON, NEW HAMPSHIRE 03811

MAP 16 LOT 53

PROPOSED EASEMENT  
AREA TO BE  
WETLAND CONSERVATION  
NO CONSTRUCTION

PROPOSED  
WELL

N 72°50'08" E  
338.59'

S 88°55'42" W  
92.58'

PROPOSED  
UNDERGROUND  
PROPANE  
TANK

PROPOSED  
5200 SF  
COMERCIAL  
BUILDING

PROPOSED  
PARKING

PROPOSED  
UNDERGROUND  
WATER  
TANK

PROPOSED  
UNDERGROUND  
HOLDING  
TANK

MAP 16 LOT 54

N 88°55'42" E  
120.38'

N 78°16'32" E  
111.82'

PROPOSED  
SEPTIC

FLAG  
POLE

I.R.  
FOUND

A=208.92'  
R=353.88'

BOUND  
FOUND

INDUSTRIAL WAY

**TAX PARCEL 16-4  
SITE PLAN  
INDUSTRIAL WAY  
ATKINSON, NH**

OWNED BY:  
**FOUR INDUSTRIAL WAY L.L.C.  
13 HALL FARM ROAD  
ATKINSON, NEW HAMPSHIRE 03811**



SCALE: 1"=50' DATE: 3/19/2019  
0' 50' 100' 150' 200'



PREPARED BY  
**JAMES M. LAVELLE, LLS  
2 STARWOOD DRIVE  
HAMPSTEAD, NH 03841**