

**Atkinson Conservation Commission Minutes**  
**Wednesday, February 24, 2021, 7:00 PM**  
Via Zoom (no physical venue)

Approved March 24, 2021

**Members Present:**

Paul Wainwright, Chair  
Bill Steele, Vice Chair  
Jeff Nenart  
Dennis Krause  
Pete McVay  
Scott Kukshel  
John Fournier (Alternate)

**Others Present:**

Bob Worden, Selectmen Liaison

**1. Call to Order, Emergency Declaration, and Attendance (via roll-call)**

Chair Paul Wainwright called the meeting to order via Zoom conference call at 7:00PM on Wednesday February 24<sup>th</sup>, 2020. Chair Wainwright began the meeting by reading the state-of-emergency declaration that can be found in Attachment A. Chair Wainwright took attendance via a roll call and all members are present with the exception of Member Legault and Alternates Newman and Borisko. Member Fournier will be voting in their stead.

**2. Review and Approval of minutes: January 27, 2021**

Chair Wainwright requested a motion to approve the minutes of the January 27, 2021 public meeting of the Atkinson Conservation Commission as written.

**Member Nenart made a motion to approve the minutes of the January 27, 2021 public session of the Atkinson Conservation Commission, as written. Member Kukshel seconded the motion. Vote: 7/0/0. (The details of this roll-call vote can be found in Attachment B).**

**3. Vote to unseal the non-public minutes of December 23, 2020**

Chair Wainwright stated that the Commission decided to seal these minutes regarding the Marshall Town Forest encroachment issue. Chair Wainwright stated that this topic will be discussed during this meeting so the non-public minutes may be unsealed.

**Member McVay made a motion to unseal the non-public minutes of the December 23, 2020 non-public session of the Atkinson Conservation Commission. Vice Chair Steele seconded the motion. Vote: 7/0/0. (The details of this roll-call vote can be found in Attachment B).**

#### **4. 2021 Treasurer's report**

Chair Wainwright presented the 2021 spending report that is contained in Attachment C. Expenses that have been added to this report since our last meeting are shown in yellow. Chair Wainwright stated that the only funds spent thus far have been by himself and by Member Krause for the map printing projects.

#### **5. Worden Report – Bob**

Selectman Liaison Bob Worden stated that the Town spent the last month interviewing applicants and have subsequently hired a new Fire Chief – Brian Murray, former Assistant Fire Chief in Salem, New Hampshire. Selectman Worden also stated that the bathrooms at Woodlock Park are in serious need of new floors and he plans to have new acrylic flooring installed in the next few weeks. Selectman Worden stated that the Fit Trail's green path will be laid out this week and the path will be washed down in the spring. Selectman Worden stated, finally, that he just completed an \$11,000.00 fund raising effort for this project.

#### **6. Eagle Project Proposals – Jack Carrubba and Jake Martineau**

Vice Chair Steele stated that Jack Carrubba is planning a project on the Woodlock Park trails in which he'd be restoring some benches that are in disrepair, as well as installing some new benches.

Vice Chair Steele also stated that Jake Martineau is planning to put up some trail signage in the Stickney Town Forest, as well as putting up some signage that highlights natural features of the area.

The Commission had a discussion around various needs around Town and how the Eagle Scout projects can be utilized to bring trail signage up to date and to bring some uniformity to the different trails as well.

#### **7. Marshall Town Forest Encroachments Recommendation**

Chair Wainwright produced the letter of recommendation he wrote in regard to the Marshall Town Forest encroachments and requested comments from the

Commission. Chair Wainwright discussed some of the latest updates he made to this letter with input from the Land & Water Conservation Fund administrators as well as from legal counsel. Chair Wainwright stated that he will soon sit with the Town Administrator and Code Enforcement Officer in order to strategize next steps. Chair Wainwright hopes to keep these communications friendly but firm; the Members agreed with this plan of action. The Commission also agreed that what needs to happen is for the homeowners to stop mowing and maintaining this land which is part of the Town Forest so it may return to its natural state. The Commission made comments and proposed edits. Chair Wainwright requested a motion.

**Member Nenart made a motion to approve the Marshall Town Forest encroachment recommendation letter, as amended. Member McVay seconded the motion. Vote: 7/0/0. (The details of this roll-call vote can be found in Attachment B).**

A copy of the final letter, with attachments, can be found in Attachment D.

## **8. Upcoming Planning Board meeting: Wednesday March 17**

### **a. Hall Farm Road project and wetlands variance (ZBA March 10)**

Chair Wainwright showed a map and highlighted a plot of land on Hall Farm Road owned by Bob Allen. Chair Wainwright continued that Mr. Allen received approval from the Planning Board in 2017 to subdivide his land to create a separate parcel containing the prime wetland on the eastern portion, and to create a road and eight commercial lots on the remainder. Chair Wainwright stated that the land is now up for sale to a new developer who proposes to create one large commercial parcel from 7 of the 8 previously subdivided parcels.

Chair Wainwright showed the applicant's plan for this plot of land. Chair Wainwright pointed out two new wetland areas that were inadvertently created by poorly executed grading when Bob Allen had the land graded in 2017. Chair Wainwright continued that since enough time has passed, water has accumulated and wetland vegetation has started to grow, and the areas are now technically wetlands. Chair Wainwright stated that since they were created out of negligence, his recommendation to the Zoning Board will be to approve the applicant's variance request fill in these newly formed wetlands. There was no objection from commission members.

Chair Wainwright concluded by stating that, in his opinion, the planned commercial development of this land would pose no issues in terms of conservation so long as stormwater management is handled properly.

**b. Page Farm request for another 12-month extension of their conditional approval**

Chair Wainwright showed a map of the Page Farm development showing the original sixty units, and then showed the proposed additional seven-unit mini development within Page Farm.

Chair Wainwright outlined the history of this project and its various permit approvals, extensions & denials. Chair Wainwright continued that the developer plans to return to the Planning Board later this month to get another 12-month extension for this project so they can work through their plans with NH DES. Chair Wainwright stated that he is unsure whether or not the extension will be granted but he hopes it will not.

**9. Short Reports**

**a. Trails and Maps**

Member Krause stated that the maps for Marshall, Sawyer, Woodlock and Crown Hill have all been updated, printed, and distributed to each respective area. Member Krause continued that he was running low on maps for Stickney & Orr so he had some smaller print runs done for those areas as well.

**b. Sawyer “back door” parking and trailhead on Juniper Lane**

Chair Wainwright stated that he received some questions from a neighbor, Diane Dimeglio, about this trail entrance on Juniper Lane. Chair Wainwright produced a map of the Sawyer Town Forest and highlighted the area in which the Commission has created a second entrance. This second entrance will allow easier access and more parking for residents who wish to use the land, and would avoid vehicles blocking the emergency gate and people’s driveways on Forest Road.

**c. *Wild Atkinson* video**

Member McVay stated that this video project is underway and they’ve created a timeline and plan to complete this project. Member McVay appealed to the Commission as well as the audience to please submit any photographs or videos of Atkinson wildlife. Chair Wainwright stated that the best way to submit such material is through email to [conservation@atkinson-nh.gov](mailto:conservation@atkinson-nh.gov).

**d. Pollinator Pathways**

This discussion will be tabled until Alternate Newman is present to speak to it.

**e. Warrant Article Publicity & Annual Report update**

Chair Wainwright stated that, based on this year's Town rules, the Commission's annual report had to be shortened to remove some 2021 warrant article explanations which would have been considered electioneering.

Chair Wainwright stated that his letter to the editor encouraging voters to support Article 18 was published in the Carriage Towne News. A copy of this letter is attached to these minutes.

**f. Moose Plate Land Conservation Plan**

Chair Wainwright stated that he and Julie LaBranche are making slow progress on this plan. Chair Wainwright continued that a draft of the first 4 sections of the plan will be distributed in the near future for review and comment. Chair Wainwright stated, finally, that he is also working on a spreadsheet of all conserved lands in Atkinson, and it will contain full descriptions and detailed maps of each conserved area. This spreadsheet will include conservation lands owned by the Town, conservation easements held by the Town or other land trusts, dedicated open space from cluster developments, and our 8 Prime Wetlands.

**g. Reappointments**

Chair Wainwright stated that Members Legault, Kukshel, Krause and Borisko are up for reappointments this year and asked for a response soon as to whether or not these individuals would like to continue to serve.

**h. Other reports?**

Selectman Worden stated that the Selectmen have formed a Water Resource Committee which needs volunteers to advise the Selectmen on proper policy, to apply for & manage grants, and to spread awareness in the community. Applications can be found in Town Hall.

Member Krause stated that the Library is putting together welcome packages for new residents and reached out to see if the Commission had anything they'd like to contribute. The Members discussed a few items that could be good to add to a welcome package.

**10. Other Business**

**11. Next meeting: March 24, 2021 (4<sup>th</sup> Wednesday at 7:00)**

**12. Hold the date: NH ACC Annual Conference will be Saturday, November 6, 2021**

**13. Adjournment**

Chair Wainwright requested a motion to adjourn.

**Vice Chair Steele made a motion to adjourn the meeting. Member Nenart seconded the motion. Motion passed by consensus.**

The meeting adjourned at 8:42PM.

Respectfully Submitted,

Zachary Gilberti, Recording Clerk

**Attachments:**

- a. State-of-Emergency Declaration**
- b. Details of Roll-Call Votes**
- c. Treasurer's Report**
- d. Letter recommending encroachment enforcement**
- e. Letter to the Editor concerning Article 18**

## Attachment A

### A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency

As Chair of the [Atkinson Conservation Commission](#), I find that, due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing [Zoom](#) for this electronic meeting. All members of the [Commission](#) have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # [+1 929 205 6099](#) with meeting ID [919 0632 2385](#) and **phone** password [676831](#), or by clicking on the following website address:

<https://zoom.us/j/92163965777?pwd=VndoaVU3NW1jdit0QlI0SG9mdW5mZz09>

*b) Providing public notice of the necessary information for accessing the meeting:*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the [Town of Atkinson](#) at:

[www.town-atkinsonnh.com](http://www.town-atkinsonnh.com).

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

If anybody has a problem, please call [362-4549](#) or email at: [stationmgr@atkinson-nh.gov](mailto:stationmgr@atkinson-nh.gov).

*d) Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.







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

February 26, 2021

David Cressman, Atkinson Town Administrator --  
Members of the Atkinson Board of Selectmen --

**Re: Apparent Abutter Encroachments in the Ruth Marshall Town Forest**

**Introduction** – During a perambulation of the Marshall Town Forest in late October 2000, Conservation Commission member Denise Legault and I discovered an apparent encroachment behind two of the homes on Boulder Cove Road. Subsequently, the Commission hired James Lavelle and Associates to survey and stake the property lines of all the abutting properties in that part of the Town Forest, which revealed a total of five properties that appear to be encroaching onto Town land on one way or another. These apparent encroachments are documented in Attachment A.

A review of the property records for the Marshall land revealed two reasons why the Town is obligated to take action to mitigate these encroachments. These are:

**Deed Language and LWCF Funding Agreements** – This property was acquired by the Conservation Commission in 1979 with funding from the Land and Water Conservation Fund (LWCF). In accepting this funding, the Selectmen agreed to abide by Section 6(f)(3) of the LWCF Act of 1965. Meredith Reynolds, Chair of the Board of Selectmen at the time, signed the agreement on September 8, 1979. Attachment B contains this section of the law, together with several relevant paragraphs from the Agreement. I have the complete law and the agreement on file should you need them.

The essence of the LWCF restrictions can be summarized by the following language from the deed to the Marshall land:

The property herein described has been acquired with federal Land and Water Conservation Fund assistance under New Hampshire project #33-00363 and cannot be converted to other than public outdoor recreation use without the written approval of the Secretary of the U. S. Department of the Interior.

This deed can be found in the Rockingham County Registry of Deeds, Book 2356, Page 0667.

I have had numerous correspondences with Eric Feldbaum and Bill Geges from the NH Department of Natural and Cultural Resources (DNCR), which is the state agency that administers the Land and Water Conservation Fund in New Hampshire, who have informed me that the Town does not have the option of turning our backs on this problem. I anticipate you may hear from them separately about this.

**Bargain Sale and Donor Intent** – A second reason why the Town is obligated to take action on these encroachments is the fact that this land acquisition was a bargain sale with donor intent, as documented in Attachment C.

In correspondence with Tom Donovan, Director of Charitable Trusts in the AG's office, a bargain sale establishes a Charitable Trust because a portion of the value of the land was a donation to the Town with clear donor intent. In this case, as documented in Attachment C, Ruth Marshall's intent was:

*"I want to see my land remain as open space; I wish to donate the balance of the \$105,500 value [\$52,750] as a charitable donation."*

Therefore, the Town has a fiduciary responsibility to take action to enforce Ruth Marshall's intent.

**Violations of State Laws** – In consultation with the Land and Water Conservation Fund administrators, and with attorney Amy Manzelli of BCM Environmental & Land Law, the following is a partial list of State laws that may have been violated by one or more of the abutters:

- **RSA 227-J:8** – Timber trespass, Civil Penalty
- **RSA 227-J:8a** – Timber trespass, Criminal Penalty
- **RSA 227-J:10** – Disposal of "slash" on another's property
- **RSA 472:6** – Removing or altering property boundary markers
- **RSA 163-B:3** – Littering and illegal dumping

It should be noted that Adverse Possession laws do not apply to land owned by a New Hampshire municipality.

It should also be noted, based on conversations with the LWCF administrators and attorney Manzelli, that we have omitted our Town Counsel's recommendation of applying RSA 635:2, the Criminal Trespass statute, because it seems incongruous to us to post conservation land against trespassing. Furthermore, attorney Manzelli, who deals with this sort of problem frequently, says that use of 635:2 in this case would be a "novel approach," meaning that in her experience she has not seen the Criminal Trespass statute applied to an encroachment situation before.

**Recommendations** – At its regular meeting on February 24, 2021, the Atkinson Conservation Commission voted to recommend the following corrective actions:

1. Working through the Code Enforcement Officer, the Town should investigate the apparent encroachments to determine who the responsible abutters are;
2. The responsible abutters must immediately cease and desist from maintaining and using the Town's land as their own;
3. Within a reasonable amount of time, the responsible abutters must completely remove all personal objects such as sheds, vehicles, and other materials that are located on the Town's land;
4. The responsible abutters must allow and promote the complete restoration of the Town's conservation land to its natural state of vegetation; and
5. All abutters must take steps to denote their property lines, and respect and maintain both surveyor and Conservation Commission boundary markers.

The exact steps and time frames for accomplishing these recommendations should be determined on a case-by-case basis for each of the responsible abutters.

**Conclusions** – Although pursuant to NH RSA 36-A:4 this land is under the administration and control of the Conservation Commission, the land is actually owned by the Town of Atkinson. We do not believe that the Commission is empowered to take enforcement actions. In this case, in 1979 the Board of Selectmen accepted the land as Town property, accepted the difference between the bargain sale and fair market value as a gift to the Town, and entered into an agreement with the Land and Water Conservation Fund to abide by the provisions of the LWCF Act of 1965. Therefore, we must rely on the Selectmen and other Town resources to take enforcement actions to accomplish the above recommendations.

Let me also say that this has been a very difficult issue for the Conservation Commission, since we do not mean to do harm to our neighbors. In this case, however, we feel we have no latitude other than to recommend the actions noted above.

Please let me know how the Commission can be of assistance in this matter.

Sincerely,



Paul Wainwright, Chair  
Atkinson Conservation Commission

Copt to:

Bill Geges, DNCR  
Eric Feldbaum, DNCR  
Tom Donovan, Director of Charitable Trusts, NH AG's office  
Sumner Kalman, Atkinson Town Attorney

## Attachment A

### Description of Encroachments

**Introduction** – The attached plan shows the Marshall Town Forest in green, and the areas of encroachment shaded in light red. There are also a number of photographs labeled View A, View B, etc. The location and direction of the camera is indicated in the small drawing in the upper left of each photograph. The following description of encroachments makes reference to these photographs.

The property lines shown on these photographs are based on a recent survey by James Lavelle and Associates, which was conducted at Town expense. The purpose of the survey was to find and mark the boundary markers for the property lines.

**Views A and B** – These photographs illustrate the back yards of 42 and 44 Boulder Cove Road, Map 23 Lots 87 and 86, respectively. The orange line denotes the property line between the homes on the left, and the Town Forest on the right. As can be seen from the photographs, the back yards of both of these homes have been extended more than 50 feet into the Town Forest. Trees and other natural vegetation have been removed, soil has been added to make the land level with the yards, a lawn has been planted and is being regularly maintained, and the area is used for personal enjoyment by the homeowners. There is a storage shed, a recreational vehicle in storage, and a swing set. The above-mentioned survey indicates that the closest point of the storage shed is more than 32 feet beyond the property line. Behind the lawn there is an area for dumping and burning trash, which is pictured in View H below.

**View C** – This photograph illustrates a large pile of branches and other yard waste behind 46 Boulder Cove Road, Map 23 Lot 85. The property line is shown in orange, with the yard in the upper right of the photograph, and the yard waste on the left and center. It appears that the yard waste is piled on top of a seasonal stream.

**Views D and E** – These photographs illustrate a large area of materials that are being stored in the Town Forest behind (to the east of) 48 Boulder Cove Road, Map 23 Lot 84. In View D the Town Forest is on the right, and in View E the Town forest is on the left.

**View F** – This photograph illustrates a shooting range that has been established a short distance into the woods behind (to the east of) 48 Boulder Cove Road.

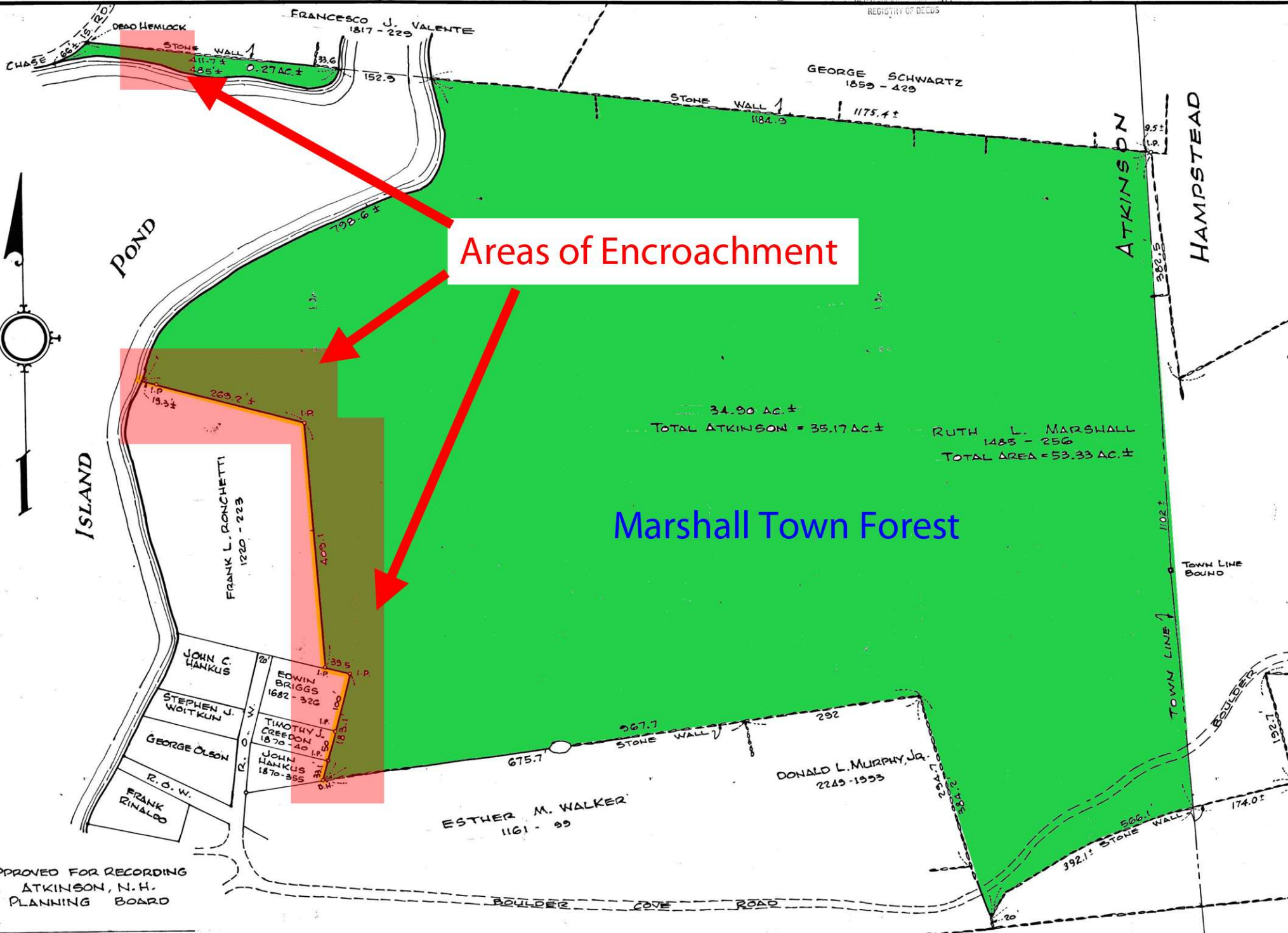
**View G** – This photograph illustrates an area (to the north of) 48 Boulder cove road that is being used for vehicle storage. The yard is to the left, and the Town Forest is to the right in the photograph. Natural vegetation has been removed, the area has been

graded and paved with crushed stone, and a semi-permanent storage tent has been set up.

**View H** – This photograph illustrates the area used for trash burning behind the lawn areas of 42 and 44 Boulder Cove Road (see Views A and B). On the day this photograph was made there was a fire that was still smoldering. There was no evidence of any precautions that were taken to prevent the spread of fire into the Forest.

**Views I and J** – These photographs illustrate the relatively recent cutting of additional trees in the Town Forest behind 42 and 44 Boulder Cove Road. Our Consulting Forester, Charlie Moreno, estimates that these trees were cut within the last 8 years.

**View K** – This photograph illustrates an area behind (to the south of) 5 Chase Island Road, Map 22 Lot 12, that is being used as a boat launch that is not accessible to the public. The property line is the stone wall, and the orange line indicates the stone wall's extension. The home is to the right and the Marshall land is to the left. Natural vegetation has been removed, and a lawn has been planted and is being regularly maintained. A portion of the stone wall may also have been removed. A floating dock is installed on a seasonal basis adjacent to the shore line of the Town's property of Big Island Pond.



Areas of Encroachment

Marshall Town Forest

APPROVED FOR RECORDING  
ATKINSON, N.H.  
PLANNING BOARD

# View A

Map 23 Lot 84  
(48 Boulder cove road)







# View C

Map 23 Lot 84  
(48 Boulder cove road)



# View D

Map 23 Lot 84  
(48 Boulder cove road)



# View E

Map 23 Lot 84  
(48 Boulder cove road)





# View G

Map 23 Lot 84  
(48 Boulder cove road)



# View H

Map 23 Lot 84  
(48 Boulder cove road)



# View I

Map 23 Lot 84  
(48 Boulder cove road)

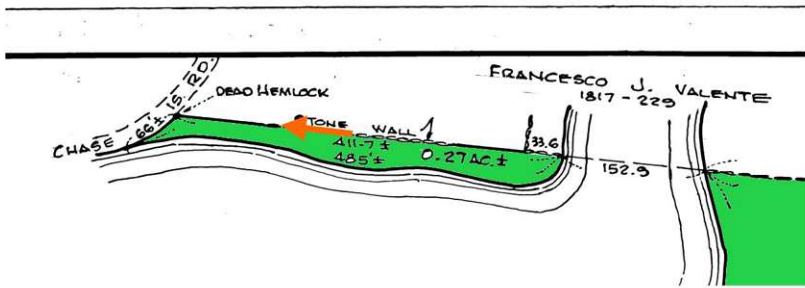




# View J

Map 23 Lot 84  
(48 Boulder cove road)





View K



## Attachment B

From the LWCF Act of 1965 and Signed Project Agreement

### From the Land and Water Conservation Act of 1965:

(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.: Provided, That wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.

### Relevant sections from Project Agreement 33-00363, signed by Selectman Chair Meredith Reynolds:

B. The State agrees that the property described in the project agreement and the dated project boundary map made part of that agreement is being acquired or developed with Land and Water Conservation Fund assistance, or is integral to such acquisition or development, and that, without the approval of the Secretary, it shall not be converted to other than public outdoor recreation use but shall be maintained in public outdoor recreation in perpetuity

F. The State agrees that a permanent record shall be kept in the project participant's public property records and available for public inspection to the effect that the property described in the scope of the project agreement, and the dated project boundary map made part of that agreement, has been acquired or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the Secretary of the Interior.

F. Property acquired or developed under this program will be retained and used for public outdoor recreation purposes in perpetuity or as otherwise provided for in this project agreement. No other uses, or the conversion or disposal of any part of the project site will be permitted without prior approval of the New Hampshire State Liaison Officer and the Director of the Bureau of Outdoor Recreation.

**Attachment C**

**Waiver of Right to Just Compensation**

Department of Resources and Economic Development  
RECREATION SERVICES  
State House Annex, Box 856  
Concord, New Hampshire 03301

WAIVER OF RIGHT TO JUST COMPENSATION

With reference to the acquisition of my real property, consisting of 35.17 acres in Rockingham County, State of New Hampshire:

(1) I have been informed of all of my rights and benefits under the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970 (Public Law 91-646).

(2) I have been provided with a written statement of just compensation and a written offer to purchase for that amount of \$105,500.

(3) I am accepting the sum of \$52,750 in full for said real property, and am satisfied with price even though it is less than the amount of just compensation and the approved appraisal of fair market value.

The reasons that I have elected to accept this lesser amount are as follows:

I want to see my land remain as open space.

I wish to donate the balance of the \$105,500 value as a charitable donation.

(4) I do hereby waive all of my rights to the amount by which the just compensation and fair market value figure exceeds the purchase price I am accepting.

Owner's Signature Pat L Marshall

Address ( 51 Stage Street )  
( Haverhill, Mass. 01830 )  
11 Allard Street  
Exeter, NH. 03833

Dated: Nov. 14, 1979

Phillip P. [Signature]  
Witness to Signature

## Voters of Atkinson:

### To the Editor:

As Chair of the Atkinson Conservation Commission, I am writing to encourage Atkinson voters to support article 2021-18. This article would enable us to use an existing section of State law to “get more bang for the buck” when spending funds to protect the Town’s natural resources. A conservation easement is an excellent way to work with a willing landowner to protect open land and its resources in perpetuity. Advantages to the landowner often include “keeping the land in the family,” using the land for agriculture or tree farming, or income tax deductions.

Passing Article 18 would give the Commission the option to financially partner with land trusts in establishing conservation easements on environmentally significant, privately-owned land in town. Working with a land trust on an easement is a more practical and economical alternative to purchasing land to protect Atkinson’s open spaces.

The best way to explain why we want this option is to give an example. In 2018, long-time residents George and Lyn Kutzelman expressed a desire to donate a conservation easement on part of their land between Maple Avenue and Main Street. We were excited about this offer because, among other things, it would help protect a

wooded stretch of Main Street that is one of the iconic vistas of this town. After careful review, the easement was accepted by the Selectmen as a gift to the town.

Contrary to popular belief, the easement holder – the Town of Atkinson in this case – has no latitude in deciding what can and cannot be done on the land. That has already been decided by the Kutzelmans in the easement language. It does not matter who owns the easement – whether the Town or a third party – the protections remain the same. However, the easement holder has a responsibility to monitor the land and enforce the terms of the easement, which could potentially cost the Town if a future landowner violates the terms of the easement. This is the problem we are trying to solve. By partnering with

a land trust, the Town would get the advantage of preserved open space but not have the long-term responsibility of enforcing the easement.

Whenever a land trust agrees to hold and monitor a conservation easement, they usually ask for a one-time payment of funds to be used for future stewardship and enforcement of the easement. These funds may come from the landowner, or another interested party, such as the Town. Passing Article 18 would simply give us the option to financially support such efforts after input from the public.

I want to thank the Atkinson Selectmen for their unanimous support of this article, and I ask for your support as well. Please vote “Yes” on 18.

**Paul Wainwright, Chair  
Atkinson Conservation  
Commission**