

Atkinson Conservation Commission Minutes
Monday, March 2, 2020
Atkinson Town Hall

Approved May 27, 2020

Members Present:

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

Others Present:

1. Call to Order, Attendance

Chair Wainwright called the meeting to order at 7:09PM on Monday, March 2nd, 2020. Chair Wainwright reviewed the attendance list and declared that a quorum was present.

2. Review and approval of minutes (2): February 3, 2020, public and non-public

Chair Wainwright requested a motion to approve the minutes of the February 3, 2020 Public and Non-public meetings of the Atkinson Conservation Commission, as written.

Member Legault noted a correction on Page 7, Line 8 of the public meeting minutes; Andria Hansen's named should be added after her title "Assistant Town Administrator." Chair Wainwright agreed.

Member Kimball made a motion to approve the minutes of the February 3, 2020 public session of the Atkinson Conservation Commission as amended. Member Nenart seconded the motion. Seven members of the Atkinson Conservation Commission present at the February 3, 2020 public meeting voted in favor. Vote: 7/0/0.

Member Nenart made a motion to approve the minutes of the February 3, 2020 non-public session of the Atkinson Conservation Commission as written. Member Kimball seconded the motion. Seven members of the Atkinson Conservation Commission present at the February 3, 2020 non-public meeting voted in favor. Vote: 7/0/0.

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. Any upcoming costs are highlighted in light orange. Chair Wainwright mentioned some upcoming costs such as expenses related to the printing of maps and the sponsoring of a Boy Scout to go to Barry Conservation Camp.

4. Approval of Amendments to By-laws

Chair Wainwright reminded members that the process for amending the By-laws is to make and second a motion to amend, have discussion, and then table the motion to the next regular meeting where a vote on the motion is made. A motion to amend was made at our February meeting, so this is a continuation of the discussion about amending the By-laws.

After a brief discussion about minor edits since our February meeting, Chair Wainwright called for a vote on the motion to amend that was made at the February meeting.

Seven members of the Atkinson Conservation Commission voted in favor of amending the 1999 version of the By-laws as currently presented by Chair Wainwright. The motion carried, 7/0/0

5. Approval to accept Moose Plate grant funds

Chair Wainwright stated that he is in the process of finalizing the paperwork for the Moose Plate grant to fund the Land Conservation Plan, and that one requirement is that we formally vote to accept the grant funds totaling \$6,380.00. Chair Wainwright stated that accepting any funding is always contingent upon Selectmen approval, but the State "paperwork" seems to indicate that the Commission would need to vote as well.

Member McVay made a motion, pursuant to NH RSA 36-A:4, to accept \$6,380.00 from the New Hampshire State Conservation Committee Moose Plate grant program, subject to approval by the Atkinson Board of Selectmen, and to authorize Paul Wainwright, Chair of the Atkinson Conservation Commission, to execute any documents which may be necessary in fulfilling the grant contract, subject to the approval of the Atkinson Board of Selectmen. Member Nenart seconded the motion. The motion carried, 7/0/0.

6. Glyphosate Presentation Confirmed for May 2 – Kimball Library

Chair Wainwright stated that Glyphosate is the active ingredient in herbicides such as Roundup. Chair Wainwright continued that the Town will likely be using this chemical during the mitigation of invasive plants this year and noted that this

presentation with Dan Wixted from Cornell University is a great way for residents to learn about the hazards of using this chemical.

- a. Approve \$100 to reimburse travel expenses for presenter Dan Wixted

Chair Wainwright indicated that he had \$100.00 commitments from the Friends of the Library and the Garden Club as well as assistance with publicity, and asked that the Commission vote to also appropriate \$100 towards Dan's travel expenses.

Member Legault made a motion to approve spending \$100.00 from the Atkinson Conservation Commission's Special Programs budget to reimburse travel expenses associated with the May 2, 2020 Glyphosate presentation by Dan Wixted. Member Krause seconded the motion. Vote: 7/0/0

- b. Atkinson residents need to REGISTER on Kimball Library website!

Chair Wainwright urged residents and the members of the Commission to go onto the Library's website to register for this event because once it is publicized it should fill up quickly.

- c. Questions for the presenter?

Chair Wainwright stated that he'd like to gather a list of questions for Mr. Wixted to help him focus his presentation to meet the needs of the Atkinson community; the Commission members offered the following questions:

1. What precautions should you take on a routine basis to protect yourself when using glyphosate or similar chemicals?
2. What is the best method of application for glyphosate?
3. How could glyphosate effect wild or domestic animals?
4. How could glyphosate effect an animal's offspring?
5. Are there any secondary effects of glyphosate (i.e. coming into contact with an area that has been sprayed and then dried)?
6. How long will glyphosate stay on the plants and in the soil?
7. Could glyphosate pollute the groundwater?
8. What is the science behind the health hazards of using or being exposed to glyphosate?
9. What are the best glyphosate alternatives?
10. Who funded your glyphosate research?

7. Conservation Easement – Map 16 Lot 4 (4 Industrial Way) – Tim Lavelle

Chair Wainwright stated that he has not yet seen the conservation easement that Tim Lavelle promised in return for supporting his project to build a structure in close proximity to a prime wetland. Chair Wainwright stated he'll be writing a letter to the Zoning Board of Adjustments to let them know that the Commission at this time cannot recommend approval of the variance without the conservation easement. A copy of this letter is attached.

8. Repairs to the washout on Sawyer: What's the plan? – Jeff and Bill

Member Steele produced photos of the washout for the Commission's consideration. Member Steele stated that there are currently two ten-inch culverts in this location when they should probably be eighteen inches in diameter. Chair Wainwright stated that the Commission should come up with a short-term fix and a long-term fix. Member Nenart offered to put down some crushed stone as a short-term fix. The Commission discussed purchasing eight to ten yards of crushed stone; Chair Wainwright stated that there was money in the budget for this. The Commission discussed moving the stone with a backhoe; Chair Wainwright stated that Road Agent Ted Stewart has offered to help with this effort as well.

Chair Wainwright asked if the area would be better off removing the culverts and changing it back into a stream? Member Nenart stated that the area above the culverts is swampy and removing the culverts would drain the swamp too quickly. Chair Wainwright thanked Members Nenart and Steele for their efforts thus far.

9. Tree Give-away: date & venue, advertising, and "instructions" – Scott and Dan

Chair Wainwright stated that he'd like to schedule the tree giveaway to be held on Saturday, April, 25th which lines up well with Earth Day; the event will tentatively be located in the Kimball Library parking lot. Chair Wainwright stated that he'll publicize this through all of the available channels and asked Members Kimball and Kukshel to come up with a plan for picking up and preparing the seedlings.

10. Trail and Grants Working Group: Maps? – Pete & Dennis

Member Krause stated that all of the eight different maps are designed & ready for final proof review and then produced hardcopy maps for the Commission's review. Member Krause discussed the viability of different kinds of trail kiosks and believes that these will be a great way to advertise the Towns great trails. Member Nenart stated the high volume of hikers he's seen out on the trails recently which further illustrates the need for nice maps & kiosks.

Chair Wainwright discussed the matter of paying for the invoices and will work it out with Member Krause offline. Member Krause stated that if everyone is pleased with the maps he's provided this evening he will let the printer know to print the rest of the maps. The Commission agreed that these maps, if not perfect, are fine maps and they should be printed. Chair Wainwright requested a motion.

Member McVay made a motion to approve the printing of the remainder of the Atkinson town trail maps. Member Nenart seconded the motion. Vote: 7/0/0

11. 50th anniversary of Earth Day (April 22) event for Atkinson Seniors @ Community Center

Chair Wainwright stated that Noriko contacted him and asked if the Commission could come up with an activity for the senior citizens since this is the fiftieth anniversary of Earth Day. Chair Wainwright continued that it would be great if the Commission members could visit with the senior citizens on April 22nd to explain what the Commission does and some of the projects they've been working on.

12. Brief Reports & Other Business

a. Wildlife Tracking on February 15 recap – Paul & others

Chair Wainwright stated that this wildlife tracking session was a great success and had about a dozen attendees. Member Legault stated that UNH Wildlife Biologist Emma Tutein did a great job leading the session. The other Members who were in attendance agreed with how knowledgeable Ms. Tutein was. Chair Wainwright stated that in June, July & August he'd like to hold outdoor activities instead of office hours and he asked the Commission to start thinking of ideas for activities we can sponsor.

b. Merrill Drive tree being taken care of by Ted Stewart

Chair Wainwright stated that Ted Stewart is taking care of the tree that fell over in a homeowner's yard from the conservation land on Merrill Drive.

c. Any Scout business? – Bill

Member Steele stated that he has the Scouts ready to help with the mitigation of invasive plant species project as well as the washout project if necessary. Member Steele also stated that there will be three Eagle Scouts coming up very soon; with Eagle Scout Projects to follow.

d. Example of file sharing? – Pete

Member McVay showed a demonstration of the Microsoft SharePoint program and explained the benefits of utilizing a program such as this. Member McVay continued that SharePoint is great because it allows the user to download and view files

created in certain programs regardless of whether or not the user owns that program (e.g. the user may download and view a Microsoft Word document even if they don't have Microsoft Word on their computer). Chair Wainwright stated that he'd need to see a clear picture of how the Commission would use this program before committing to it.

e. Senate Bill 588 – Denise

Member Legault stated that this bill would prohibit and define wanton waste of wild animals, and place a ban on coyote killing contests in New Hampshire. Member Legault continued that the bill is not an attempt to limit hunting or constrain proper wildlife management practices. Member Legault stated, finally, that this bill is being voted on this week. Member McVay urged people to call and make their feelings known to their representative so this bill can become law.

f. Owl Brook Hunter Education Center – Paul

Chair Wainwright stated that the fish & game officers at last week's presentation about bobcats recommended visiting the Owl Brook Hunter Education Center in Holderness, New Hampshire. Chair Wainwright stated that more information can be found at www.huntnh.com/owlbrook.

g. Status of encroachment on Stickney – Pete

Member McVay stated that there were a lot of trees down when he visited today but otherwise the area looks good, the construction materials have been removed and the chain is still in place.

h. HuntStand GIS App - \$24.99/year – Paul is evaluating

Chair Wainwright stated that he purchased the HuntStand GIS app for \$24.99 for a year's subscription. Chair Wainwright showed the app to the Commission and stated that he'd let them know how he likes it after some field use.

i. 3rd Saturday “office hours” resume March 21 - need a volunteer

Chair Wainwright asked for a volunteer and Member Steele volunteered for the March session. Member McVay volunteered for the April session. Member Nenart tentatively volunteered for the May session.

j. Settler's Ridge Gate

Chair Wainwright stated that there is a paved path between Settler's Ridge and Woodlock Park, and the gate on the Settler's Ridge end was recently replaced by Road Agent Ted Stewart. The new gate makes it difficult for pedestrians and bicycles to pass. Chair Wainwright stated that the Road Agent hadn't considered the foot-traffic, but will see what he can do to make it easier for pedestrians and bicyclists to use the path to Woodlock Park.

13. Next meetings: April 6 and May 4, 2020

14. Save the date: NH ACC Annual Conference: Saturday, November 7, 2020

15. 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 Legault made a motion to go into a non-public session under NH RSA 91-A:3, II (d), consideration of the acquisition of land. Member Krause 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 to exit non-public session. Member McVay seconded. The motion carried 7/0/0

Member McVay made a motion to seal the minutes of the non-public session. Member Steel seconded. The motion carried, 7/0/0

16. Adjournment

Member Legault made a motion to adjourn. Member Krause seconded. The motion carried, 7/0/0

Attachments:

- a) Treasurer's Report
- b) Letter to the ZBA about the variance application for 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, Feb 3, 2020	4.5	2/8/2020	2/8/2020	\$81.00		
			Minutes, Jan 6, 2020	4	1/10/2020	1/10/2020	\$72.00	\$ 153.00	remove
			Budget Adjustment - removed			00/00/2020	\$ -		\$ -
40.46111.110.00	RECORDING CLERK	\$ 1,680.00	Budget Adjustment - removed			00/00/2020	\$ -		\$ 1,527.00
			Minutes, Feb 3, 2020		2/8/2020	2/8/2020	\$5.02		
			Minutes, Jan 6, 2020		1/10/2020	1/10/2020	\$4.46	\$ 9.49	add
			Budget Adjustment - removed			12/17/2019	\$ -		\$0.00
40.45111.220.00	FICA .062	\$ 105.00	Budget Adjustment - added			8/12/2019	\$ -		\$ 95.51
			Minutes, Feb 3, 2020		2/8/2020	2/8/2020	\$1.17		
			Minutes, Jan 6, 2020		1/10/2020	1/10/2020	\$1.04	\$ 2.22	add
			Budget Adjustment - removed			12/17/2019	\$ -		\$ -
40.45111.225.00	Medicare .0145	\$ 25.00	Budget Adjustment - added			8/12/2019	\$ -		\$ 22.78
			Trail Maps: Graphic Design	\$250.00				\$ -	add
			Budget Adjustment - added			12/16/2019	\$ -		\$ -
40.46111.390.00	OTHER PROF SERVICES	\$ 2,500.00	Budget Adjustment - added			8/12/2019	\$ -		\$ 2,500.00
			Trail Maps: Printing	\$450.00				\$ -	add
			Budget Adjustment - Added			12/17/2019	\$ -		\$ -
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					
			Scott - Tree Give-away	\$210.00	2/3/2020	2/3/2020	\$210.00	\$ 210.00	remove
			Budget Adjustment - removed			12/15/2019	\$ -		\$ -
40.46111.840.00	SPECIAL PROGRAMS	\$ 1,000.00	Budget Adjustment - removed			8/12/2019	\$ -		\$ 790.00
			Budget Adjustment - Added			12/17/2019	\$ -		add
40.46111.850.00	EDUCATION & CONFERENCES	\$ 250.00	Budget Adjustment			8/12/2019	\$ -		\$ 250.00
			Trail Maps: Sign Printing	\$250.00				\$ -	remove
			Budget Adjustment			12/17/2019	\$ -		\$ -
40.46111.875.00	SIGNS	\$ 500.00	Budget Adjustment - removed			8/12/2019	\$ -		\$ 500.00
	TOTALS	\$ 9,886.00						\$ 374.70	\$ 9,511.30

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

March 4, 2020

Atkinson Zoning Board of Adjustment
21 Academy Avenue
Atkinson, NH 03811

Re: Application for Wetland Setback Variance at 4 Industrial Way

Dear Chairman and Members of the ZBA –

I am writing to you in our capacity as an advisor to your board in matters that affect the town's wetlands and other natural resources.

At a regular meeting of the Atkinson Conservation Commission held on April 1, 2019, and again on May 6, 2019, Tim Lavelle of James Lavelle and Associates presented a development plan for 4 Industrial Way, Map 16 Lot 4, on behalf of Bill Ermer of Palmer Gas & Oil. The plan that was presented was for a garage structure to be placed 28.42 feet from a wetland, where zoning requires a 100-foot setback from wetlands.

At both of these meetings, the Commission pointed out that a wetland setback variance of more than 70 feet was considerably larger than what would typically be recommended for approval. It was also stated that, in the past, the Commission has treated wetlands in the Industrial Way development the same as any other wetland in town, and that approval from the Commission would not be likely.

Also, at both of these meetings, Mr. Lavelle stated that his client would be willing to donate a deeded Conservation Easement for the back of the property to the Town if approval were granted for the requested variance.

Subsequently, at a special meeting of the Commission on May 11, 2019, members of the Commission walked the land in question. The following text from the minutes to that meeting summarize our consensus on the matter of the variance application.

Members expressed concern that the proposed wetland setback variance was exceptionally large, and was much larger than other setbacks for which we have typically recommended approval. Also, it was noted that denying this variance did not seem like a hardship to us since the project would be new construction, not an addition to an existing structure.

Mr. Lavelle stated that his client was willing to donate a conservation easement to the town on the entire back portion of the lot in order to preserve it as open space for wildlife habitat in perpetuity. Members expressed great interest in this possibility, and suggested that this would be a good deal for the town if the area could be preserved as a condition of granting the variance.

Chair Wainwright gave Mr. Lavelle a copy of a conservation easement on a property on Willowvale Avenue that had been donated to the town about 10 years ago, and suggested a similarly worded easement would be considered favorably by the commission. Others present were in consensus

Mr. Lavelle returned to the regular meeting of the Commission that was held on February 2, 2020, and presented the final plan, which still had the building 28.42 feet from the wetland, and stated that he would be appearing before the ZBA in March seeking approval. No draft easement was presented. The following text from our February 2 minutes summarizes our position on this issue (highlighting added):

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

On February 26, 2020, Mr. Lavelle requested another sample easement for his client's consideration, stating that he had apparently lost the example that was given to him back in May of 2019. Another example (in MS Word format) was forwarded to Mr. Lavelle on that day.

To date, we have not been presented with a draft easement for consideration, and therefore are not in a position to recommend approval at this time. It seems to us that a continuance to a future meeting of the ZBA might be appropriate in order to give Mr. Lavelle more time to respond.

It should be noted that our next regular meeting is scheduled for April 6, 2020. Also, since a review by the Atkinson Town Attorney will be needed, we encourage Mr. Lavelle to send us a draft copy of an easement at his earliest opportunity.

If you have any questions, please do not hesitate to call me at 362-6589.

Sincerely,



Paul Wainwright, Chair, Atkinson Conservation Commission
email: conservation@atkinson-nh.gov

Copy to :

Sue Coppeta, Town of Atkinson Planning and Zoning Administrator

Tim Lavelle, James Lavelle and Associates