

**Atkinson Conservation Commission Minutes
Monday April 2, 2018
Atkinson Town Hall**

Approved May 7, 2018

Members Present:

Paul Wainwright, Vice Chair
Pete McVay, Secretary
Dan Kimball
Mark Hertrich

Others Present:

Brent Ebner, Hampstead Conservation Commission
Russ Wolff, Atkinson Cable TV camera operator

1. Call to order, attendance

Vice Chair Wainwright called the meeting to order at 7:30 PM, Monday, April 2, 2018. Mr. Wainwright explained that Chair Dziechowski is still out with medical issues.

Vice Chair Wainwright addressed the television audience and requested volunteers for the Conservation Commission. Applications are available in the Town Offices or on the web site.

2. Reorganization: Vice Chair Paul Wainwright

Not yet. The Selectmen need to make appointments first. This will likely happen in late April.

3. Review and approval of minutes: March 5, 2018

March 5, 2018

Comments:

Line 35, Page 3 – should say, if someone finds infested trees in their wood lot, who should they call.

Member McVay made a motion to accept the minutes of the March 5, 2018 as amended. Member Kimball seconded the motion. All members of the Atkinson Conservation Commission present voted in favor. Vote: 4/0/0.

4. Brent Ebner driveway approval letter:

Vice Chair Wainwright informed the Commission that he spoke to the Town Attorney who stated that it was clear that the right-of-way was allowed so that the property could be used as

a home site, meaning a driveway and buried utilities would be allowed. However, Mr. Ebner does not have the exclusive right to use it as the land belongs to the Town.

A copy of the Commission's letter to Brent and Mary Ebner stating conditions of approval is attached to these minutes.

Member McVay made a motion to approve the letter clarifying the use of the right-of-way to bury utilities and as a driveway. Member Kimball seconded the motion. All members of the Atkinson Conservation Commission voted in favor. Vote: 4/0/0.

Mr. Ebner informed the Commission that representatives of Unitil would be at the property on April 3, 2018 at 9:30 to plan for the installation of buried utilities. Vice Chair Wainwright informed him that he would be there as well.

5. Should we meet with SPNHF about the Trinity Camp (Community Center) deeded conservation easement?

Vice Chair Wainwright explained the history of the conservation easement at the Community Center. The Town acquired the Community Center property and the Town forest property behind it in 1989. It was previously owned by Trinity Camp, a nonprofit day camp. It was transferred to SPNHF and then sold to the Town using LCIP money for half its appraised value. SPNHF retained conservation easements on both properties. There can be no structures in Town Forest, so the property was subdivided so the property behind it could become Town Forest, while the 5-acre front parcel could be used as the Community Center.

Vice Chair Wainwright would like to facilitate communication between SPNHF and the Selectmen.

Vice Chair Wainwright also explained that the storage container used by Elder Services has been an issue with SPNHF. They would like it removed.

Also, the Boy Scouts had requested to put in a shed by the Community Center. Member Hertrich explained that it had been discussed and the Scouts had an anonymous donor for a shed, but the plans fell through. Jeff Flieter is the Scout Master.

Vice Chair Wainwright would like to schedule the June Conservation Commission meeting on a day when SPNHF and the Selectmen are both available and can discuss how to work together under the terms of the conservation easement. Extinguishing the easement would be very difficult to do.

Member Hertrich also informed the Commission that the basement of the Community Center is full of wheel chairs and walkers. The Commission discussed a good place to put the shipping container but had no brilliant ideas. Member McVay informed the Commission that the Elder Services equipment was originally stored at the Police Station, but there was no room there.

The Community Center is on a 5-acre lot that includes the Community Center building, the parking lot, and a fair amount of land in the plot that extends into the woods. Member McVay explained that the Town Forest behind the Community Center is glacial esker and is a unique habitat for various wild life and vegetation.

Another issue for SPNHF is the signage, it needs to be updated.

Member Kimball stated that the Community Center might be a good place for a Conservation Commission tool shed. Vice Chair Wainwright read the deed restrictions, which state that it should not be subdivided, and the lot's use should be compatible with the Town Forest land behind the Community Center lot, it should be used in accordance with RSA 221-A (LCIP), it should be held in public trust as adjunct to and in support of the open space land, and shall not be sold, transferred, conveyed or released from said trust.

Member McVay stated that it is a wonderful outdoor learning area.

The Commission decided to hold its regular June meeting on June 12, 2018 instead of the usual first Monday of the month to enable SPNHF and the Selectmen to attend.

6. Eagle Project Status Report – Mark Hertrich:

Vice Chair Wainwright asked Member Hertrich which Scouts have completed their Eagle Scout projects. In November 2017 Cooper Howson and Ben Comeau met with the Commission. In December 2016, Tim Troy and Keagan met with the Commission. In July 2016 Zachary Hertrich met with the Commission.

Vice Chair Wainwright informed the Commission that he found all the minutes, and has put them in a contiguous, searchable PDF file, which makes it easy to find previous discussions such as this. Secretary McVay offered the Commission the use of his server. Vice Chair Wainwright asked to wait to make a decision because the concatenated file contains both Public and Non-Public minutes.

Member Hertrich followed up with John Troy, the Scout's Eagle Committee Chair. Scout Cooper Howson was tentatively planning to improve a small section of trail and a bridge in they Sawyer Town Forest. Member Hertrich stated that he has not heard from him but expects he

will soon. The Conservation Commission approved the project at their October 2017 meeting. Member Hertrich stated that Scout Cooper needs approval from the Scout Master and will return to the Board to request funds. Scout Ben Comeau had considered doing some work on the Champion Ash but decided to work on a project with one of the schools instead.

Member Hertrich would like the Commission to make a list of options that he can present to the Scouts.

Vice Chair Wainwright stated that he would like to hire a Town employee, preferably one of the DPW assistants to use a chain saw when needed to clear trails. He is concerned with safety and liability when a volunteer uses a town-owned chain saw to do work at our request on town-owned land.

Concerning blazes, Vice Chair Wainwright informed the Commission that in March of 2016 the Commission voted to use paint and then in June of 2017 the Commission discussed using metal. Mr. Ebner informed the Commission that he had put up blazes of laminated plywood and PVC. The lettering is truck lettering. Member Kimball also informed the Commission that he still has tick signs and there are also tick signs in the storage room.

Member Hertrich informed the Commission that Scouts are always looking for service projects and they do not necessarily need to be Eagle Scout Projects.

Mr. Wolff suggested making trail warriors. Vice Chair Wainwright suggested setting aside a day for clearing trails.

Member McVay suggested using crushed stone over landscape fabric for trails. The Commission needs to decide which trails it would like to improve.

The focus of our May meeting will be on trail maintenance.

7. Wetland variance application: Map 9, Lot 29 (Blunts Pond):

Vice Chair Wainwright reported that the application has been withdrawn for now. The applicant went to the ZBA to request a continuance and was turned down so the application was withdrawn without prejudice.

8. 26 Maple Ave (wetland buffer mitigation)

Vice Chair Wainwright reported that he has discussed this with Tim Lavelle, and according to Mr. Lavelle the application has been completed and is waiting state approval.

9. Emerald Ash Borer updates: discuss email from Bill Davidson

Via email (see attached), Mr. Davidson informed the Commission that he visited the Sawyer Town Forest and has flagged several trees near the trail entrance off Forest Road. The trees are between 4.5 and 12 inches in diameter. The adult borers will start emerging from the trees at the end of May so this is the time to cut the trees and chip them. This will be enough to prevent the larvae from maturing. Mr. Davidson will cut the trees. Vice Chair Wainwright informed the Commission that he met with Ted Stewart, the Road Agent and was informed that the Road Agent has a source for a sufficiently large chipper. It will cost around \$300 per day. Vice Chair Wainwright wants to hire some of the road crew to help Mr. Davidson chip the trees.

Additional trees have also been identified to be treated with a special insecticide. A type of wasp that is a natural enemy of the Emerald Ash Borer (but not harmful to humans) will also be released later in the summer to be used as a natural deterrent.

Other than the cost of the chipper, this work is being done by the State of New Hampshire at no cost to the town because we are on the “front lines” of the battle to keep this highly invasive insect from advancing further north into the state.

10. Loans and Grants Workshop:

The workshop is run by New Hampshire DES. The State of New Hampshire received more than \$200 million from the Exxon-Mobile MtBE settlement, to be used for mitigation grants to protect drinking water supplies. The workshop is to inform communities how to receive part of the grant. The morning session is for construction projects and Harold Morse will be attending as a representative from the Hampstead Area Water Company. The afternoon session is for Conservation projects. Vice Chair Wainwright and Member McVay will attend to learn whether there might be grant money available for conservation land purchases.

11. Conservation Commission Mission Statement: preliminary discussions

Vice Chair Wainwright would like to write a mission statement because of the candidates’ night questions he asked regarding a Selectman liaison. It became apparent to him that the Selectmen do not know what the mission is of the Conservation Commission.

One issue for the Selectmen is trail maintenance. Vice Chair Wainwright stated that the Conservation Commission is not necessarily groundskeeper for the Town’s conservation lands. RSA 36-A lists the responsibilities of conservation commissions, and trail maintenance is not high on the list. However, trail maintenance is the most visible of our responsibilities. As for trail maintenance, the Commission would be most effective lending oversight and organizing others.

Vice Chair Wainwright requested comments.

Member Kimball wanted to change one statement, so that it read...an advocate for conservation of..., and on the 4th paragraph, first line replace supervise with advise and educate.

Member McVay suggested rather than stating hunting regulation, it should state hunting and other public use. Member Kimball suggested just using public use. Vice Chair Wainwright agreed.

Vice Chair Wainwright would like to add the Conservation Commission work with the Scouts in the mission statement.

Member McVay suggested talks at Atkinson Academy.

Vice Chair Wainwright stated Atkinson has wonderful conservation lands that not many people know about. He would make it a personal project to make a photographic tour of some of the conservation lands and make a slide show to take to various community organizations.

Mr. Wolff stated that Atkinson Cable Company would love to air it on their station. Vice Chair Wainwright agreed and stated that he would like to make a presentation to the Lions Club.

Vice Chair Wainwright stated that he would be surveying the trails. Member McVay stated that he could get a State Forester to come out through Covens as well.

12. Other Business

12a - Hunting Blinds:

Vice Chair Wainwright stated the Commission should review the issue of hunting blinds. Member Kimball has a proposal. The Commission had voted to allow ground blinds at the June 17, 2017 meeting. In July of 2017, the Commission discussed updating the regulation to not allow blinds. Member Kimball stated that there were issues with public safety and esthetics and has a statement regarding their use (see attached). The statement covers, tree blinds, ground blinds and pit blinds. Any blind would have to be built out of natural material. He decided to allow ground blinds if they were made of natural material. The Commission reviewed the proposed policy.

Vice Chair Wainwright requested a motion.

Discussion: The link on the Conservation Commission web site regarding hunting regulations should be revised.

Secretary McVay made a motion to adopt the attached policy proposed by Member Kimball regarding blinds. Member Hertrich seconded the motion. All members of the Atkinson Conservation Commission present voted in favor. Vote: 4/0/0.

12b - Conservation Commission Equipment Inventory

Vice Chair Wainwright reviewed some invoices. Based on maintenance records, the Echo brush cutter at Tim's appears to belong to the Conservation Commission. The DR brush cutter also belongs to the Conservation Commission. There was another brush cutter, but Vice Chair Wainwright is not sure if it belongs to the Conservation Commission. Also, there is an invoice from Member Kimball for trail marking paint and equipment, which Mr. Kimball acknowledged is in his possession.

Vice Chair Wainwright requested Member Kimball and Member McVay make a list of Conservation Commission equipment in their possession.

Member McVay also informed the Commission that it has two licenses for Terrain Navigator Pro. One of the licenses could be used by the Scouts. Member Hertrich will be using a Garmin GPS to map the trails.

12c - Chainsaw Safety Class

Member McVay stated that he would be attending. There is an issue of liability for people using chain saws to assist with clearing trails. The insurance companies provide the training free of charge.

13. Next Meeting(s) & Adjournment

The next regular meeting of the Conservation Commission is Monday, May 7, 2018 at 7:30 PM. Trail maintenance will be discussed.

Vice Chair Wainwright once again requested volunteers from the television audience.

Member McVay made a motion to adjourn the April 2, 2018 meeting of the Atkinson Conservation Commission at 8:47 PM. Member Kimball seconded the motion. All members of the Atkinson Conservation Commission present voted in favor. Vote: 4/0/0.

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

April 2, 2018

Mr. & Mrs. Brent Ebner
11 Collins Drive
Hampstead, NH 03826

Re: Deeded right-of-way over the Fila-Chambers Town Forest (Atkinson Map 19 Lot 18)

Dear Brent and Mary –

Upon careful review of your proposal to exercise your deeded right-of-way over a portion of the Fila-Chambers Town Forest (Atkinson Map 19 Lot 18), the Atkinson Conservation Commission has concluded that you have the right to use this right-of-way to reach your proposed home location (Hampstead Map 15 Lot 14). As noted in your attorney's letter of August 5, 2016, the intent of this right-of-way, which was originally established in 1953, was clearly intended to enable your land to be used as a home site.

It is our conclusion that you have the non-exclusive right both to construct and maintain a driveway over this portion of the Town Forest, and to bury utilities along the right-of-way, so that you may effectively use your land as a home site. By "non-exclusive," we mean that others must also have the right to use this driveway to access the Town Forest and the trails that exist there. Also, access must be allowed for other purposes, including but not limited to first responders and logging equipment. Maintenance of the driveway will remain your responsibility.

One condition is that this driveway must be made of non-pervious material (as you have described in our meetings). Since you are crossing a Town Forest, any paving or other improvements that you or your successors do to this driveway would require approval of the Atkinson Conservation Commission, which has responsibility for managing Town Forests under RSA 31:112.

Our review of your proposal has included confidential discussions with our town attorney Sumner Kalman, our own careful deed search back to the creation of this right-of-way in 1953, and numerous discussions with you in Conservation Commission meetings, including September 12, 2016, April 3, 2017, July 10, 2017, and March 5, 2018. These discussions are documented in our minutes, which can be found on the town's web site. Your verbal

assurances made during these meetings become part of our condition of approval, and will also apply to future owners of your property.

The Commission would also like to express our appreciation for your offer to provide for parking along the driveway for people wishing to use the trails in the Town Forest.

Sincerely,



Paul Wainwright, Vice Chair

Atkinson Conservation Commission

email: conservation@atkinson-nh.gov

Copy to :

Atkinson Board of Selectmen

Atkinson Planning Board

Atkinson Zoning Board of Adjustment

Email from Bill Davidson 3/23/2018

Hi Paul,

I went down to the Sawyer Town Forest in Atkinson yesterday to assess what initial work will need to be completed for the emerald ash borer management program that I had proposed. I flagged 17 ash trees near the trail entrance off of Forest Road that are heavily infested and that I would like to fell and chip. Most of the flagged trees are between 5 in. and 11 in. DBH with a few larger trees, the largest being 16 in. DBH, and all of the flagged trees are within 100 ft. of the trail intersection just off of the road. Adult EAB will start emerging from the trees sometime near the end of May so this work will need to be carried out before then, I am thinking sometime after the snow melts between mid-April and mid-May (however I will be out of town from April 19th – 30th and won't be able to do it then). We will be able take care of tree felling on my end a day or two prior to bringing a chipper in. If you are able to provide a chipper it should be quick work, I think around a half a day, give or take a few hours. We can manage moving the logs to the chipper on our own but if anyone is willing to volunteer to help move logs it will speed things along and make the work easier. Let me know a date that works for you and we can accommodate on our end.

Sometime in early summer, after ash in the area leaf-out, I will identify and treat with insecticide ~15 large/healthy ash and girdle an accompanying nearby tree. The biological control releases will begin around this time as well.

Sincerely,
Bill Davidson
Forest Health Specialist
NH Division of Forests and Lands
603-892-5156

Atkinson Conservation Commission

Policy on use of blinds in Town Forests

Approved April 2, 2018

For the purposes of public safety, proper forest management, and woodland aesthetics, it is the policy of the Atkinson Conservation Commission to prohibit the use of blinds above ground (tree blinds), at ground level, or below ground (pit blinds) constructed partly or wholly of manufactured material for hunting, observation, or photography of wildlife in town forests. This policy does not prohibit the use of camouflage garments, nor the use of temporary ground-level blinds constructed of dead natural materials found in the vicinity of the blind.

Exception to this policy requires specific (when, where, purpose, duration, type of construction) written approval of the Commission.