

Atkinson Conservation Commission Minutes
Sunday, May 10, 2020, 1:00 PM
Site Walk: 1 Murray Drive, Atkinson

Approved May 27, 2020

Members Present:

Paul Wainwright, Chair
Denise Legault, Vice Chair
Jeff Nenart
Bill Steele
Dennis Krause
Suzie Newman, Alternate, voting

Others Present:

Richard & Noriko Travers

1. Call to Order, Attendance

Chair Wainwright called the meeting to order at 1:00 PM on Sunday, May 10, 2020. Chair Wainwright reviewed the attendance list and declared that a quorum was present. Chair Wainwright also stated that his meeting was properly posted several days ago.

Chair Wainwright announced that we will defer the election of officers and review of minutes until our next regular meeting on May 27, 2020.

2. Review of Variance Application for a Garage 60+- feet from Wetland, Map 14 Lot 79

Richard and Noriko Travers presented their plans for a detached garage at 1 Murray Drive, Map 14 Lot 79. The following observations were made:

- This type of variance has been granted many times in the past. The fact that the proposed structure actually straddles the 100' buffer line helps considerably.
- The wetlands on the property were delineated and flagged for the 1987 subdivision plan for this parcel, and the Commission members reviewed a copy of that plan. The 100' wetland setback line shown on the sketch is consistent with the 1987 plan.
- It is always preferable to have motor vehicles stored in a garage rather than in an open driveway because this provides better protection from oil drips.
- While we would ordinarily like to see a plan showing both the wetland and actual dimensions of the structure and its distance from the wetland, we do not think that is essential in this case because:
 - a. NH GranitView shows no hydric soils anywhere on that side of Murray Drive, and

- b. The setback encroachment is relatively minor, and the topography is pretty flat, meaning there should not be any effect on the wetland from runoff from an uphill grade.
- Although the sketch showing the proposed garage does not contain wetland setback distances, our conclusion from studying the sketch and the 1987 plan is that the requested 40' variance seems more than adequate to accommodate the proposed structure as shown in the sketch.

Although not part of the permitting process, it would be good if tree removal were held to a minimum, and no further landscaping (other than is required for safety) be done in the setback zone.

Jeff Nenart made a motion to write a letter to the ZBA recommending approval of a 40-foot wetland setback variance for the construction of a detached garage on Map 14 Lot 79 as shown in the application. Denise Legault seconded the motion. The motion carried unanimously, 6/0/0.

Mr. and Mrs. Travers departed the meeting at approximately 1:15 PM.

3. Conservation Easement on 4 Industrial Way, Map 16 Lot 4

Chair Wainwright reported that he has received the proposed conservation easement deed language from Bill Ermer, the owner of 4 Industrial Way, and it was essentially identical to the sample he had provided to Tim Lavelle in February. He has provided Mr. Lavelle with two minor corrections. We previously voted to recommend the wetland setback variance for that parcel contingent upon receiving an acceptable conservation easement [see the minutes from February 3, 2020], so Chair Wainwright stated that he would write a letter to the ZBA recommending approval of the wetland setback variance. The commission members were in consensus.

Chair Wainwright asked for a motion to accept the gift of the conservation easement on a portion of Map 16 Lot 4, as described in the easement deed and associated plan.

Suzie Newman made a motion to accept the gift of the conservation easement on a portion of Map 16 Lot 4. Bill Steele seconded the motion. The motion carried unanimously, 6/0/0.

4. Invasive Plant Management in the Sawyer Town Forest – next steps

Chair Wainwright reminded the members that in Town Meeting in March the Town approved spending \$19,000 from the Forest Maintenance Fund for controlling invasive plants in the Town Forests. Chair Wainwright proposed that we spend the funds in increments less than \$5000 to avoid the overhead of formal bidding from potential vendors. This would also enable us to re-evaluate our approach to invasive plant control, and make changes in our procedures based on our experiences. Members were in agreement.

Chair Wainwright recommended that we seek proposals on what a vendor could accomplish this year for \$4500, and choose a vendor who could deliver the most value for that amount of money.

Bill Steele made a motion to authorize the Chair to seek proposals from qualified invasive plant mitigation vendors to propose what steps they could do to control invasive plants in the Sawyer Town Forest for a fixed budget of \$4500. Denise Legault seconded the motion. The motion carried unanimously, 6/0/0.

5. Page Farm Alteration of Terrain permit

Chair Wainwright gave an update on the status of the Alteration of Terrain permit for the 7 additional units of the Page Farm development. DES has denied the AoT permit, and it is still being appealed by the developer. This appeal is currently scheduled for a hearing before the Water Council on June 12, 2020. This is the group in DES that hears appeals. Chair Wainwright stated that he would like to appear at the hearing and speak on behalf of the Conservation Commission.

Bill Steele made a motion to support Chair Wainwright's plans to speak at Water Council hearings and other forums in opposition to the issuance of the AoT permit for the 7 additional units at Page Farm. Dennis Krause seconded the motion. The motion carried unanimously, 6/0/0.

6. Planning Board Alternate Appointment

Chair Wainwright reported that he has been appointed as an alternate member of the Planning Board, and wanted a formal acknowledgement from the Commission that he represents their interests and speaks on their behalf at Planning Board meetings.

Denise Legault made a motion to authorize Chair Wainwright to speak and vote in Planning board meetings on behalf of the Conservation Commission. Jeff Nenart seconded the motion. The motion carried unanimously, 6/0/0.

7. Bench Repairs along the Woodlock Trails

Member Nenart reported that his daughter Catie would like to make repairs to three benches along the Woodlock trails in the Chadwick Town Forest as part of a Girl Scout public service project.

Suzie Newman made a motion to endorse the work of Catie Nenart to repair three benches along the Woodlock trails, and to reimburse her for any

expenses up to \$100. Bill Steele seconded the motion. The motion carried 5/0/1, with Jeff Nenart abstaining.

8. Zoom Meetings

Chair Wainwright reported that our next meeting on May 27 will be via Zoom with no physical venue for either members or the public, and this is likely to continue for some time. He offered “lessons” to any members who would like to learn this technology.

9. Non-public session under NH RSA 91-A:3, II (d), for consideration of the acquisition of land

Denise Legault made a motion to go into a non-public session under NH RSA 91-A:3, II (d), for consideration of the acquisition of land. Dennis Krause seconded the motion. Vote: 6/0/0.

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

Jeff Nenart made a motion to exit non-public session. Denise Legault seconded. The motion carried 6/0/0.

Denise Legault made a motion to seal the minutes of the non-public session. Suzie Newman seconded. The motion carried, 6/0/0.

10. Adjournment

Chair Wainwright asked if there was any additional business, and hearing none, requested a motion to adjourn.

Denise Legault made a motion to adjourn. Dennis Krause seconded. The motion carried, 6/0/0.

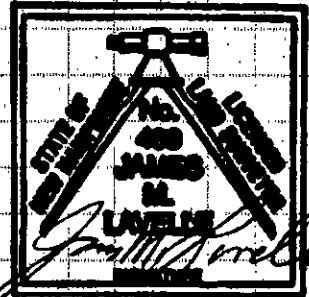
The meeting adjourned at 1:40 PM.

Attachments:

- a) Plan for a garage at 1 Murray Drive
- b) Letter to the ZBA concerning the garage
- c) Letter to the ZBA concerning the Conservation Easement on 4 Industrial Way

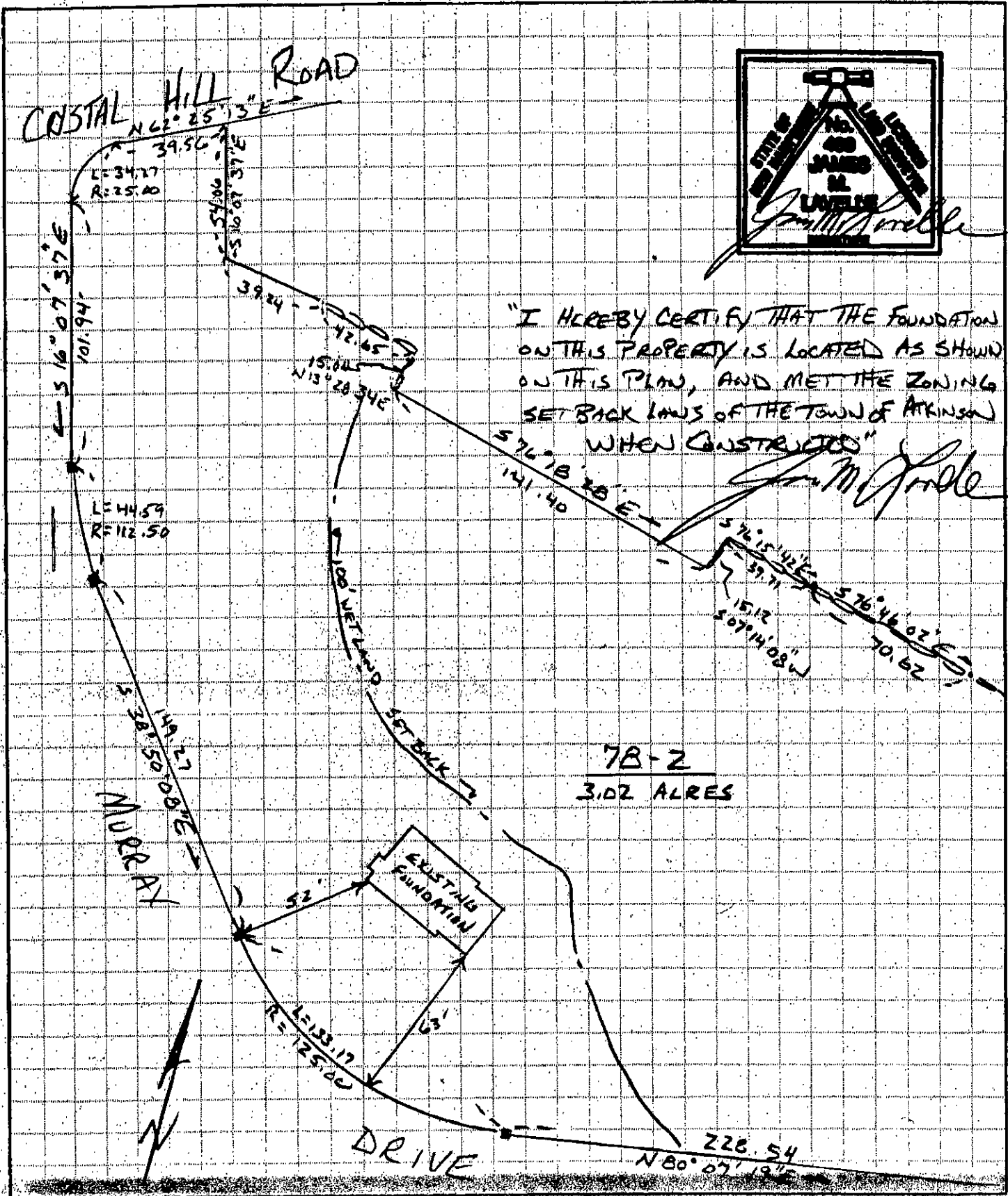
JAMES M. LAVELLE ASSOCIATES
 Stage Road Junction
 HAMPSTEAD, NEW HAMPSHIRE 03841
 (603) 329-6851

JOB PLOT PLAN
 SUBMIT NO. ATKINSON NH
 CALCULATED BY _____ DATE _____
 CHECKED BY TPL DATE 7/18/94
 SCALE 1"=50'

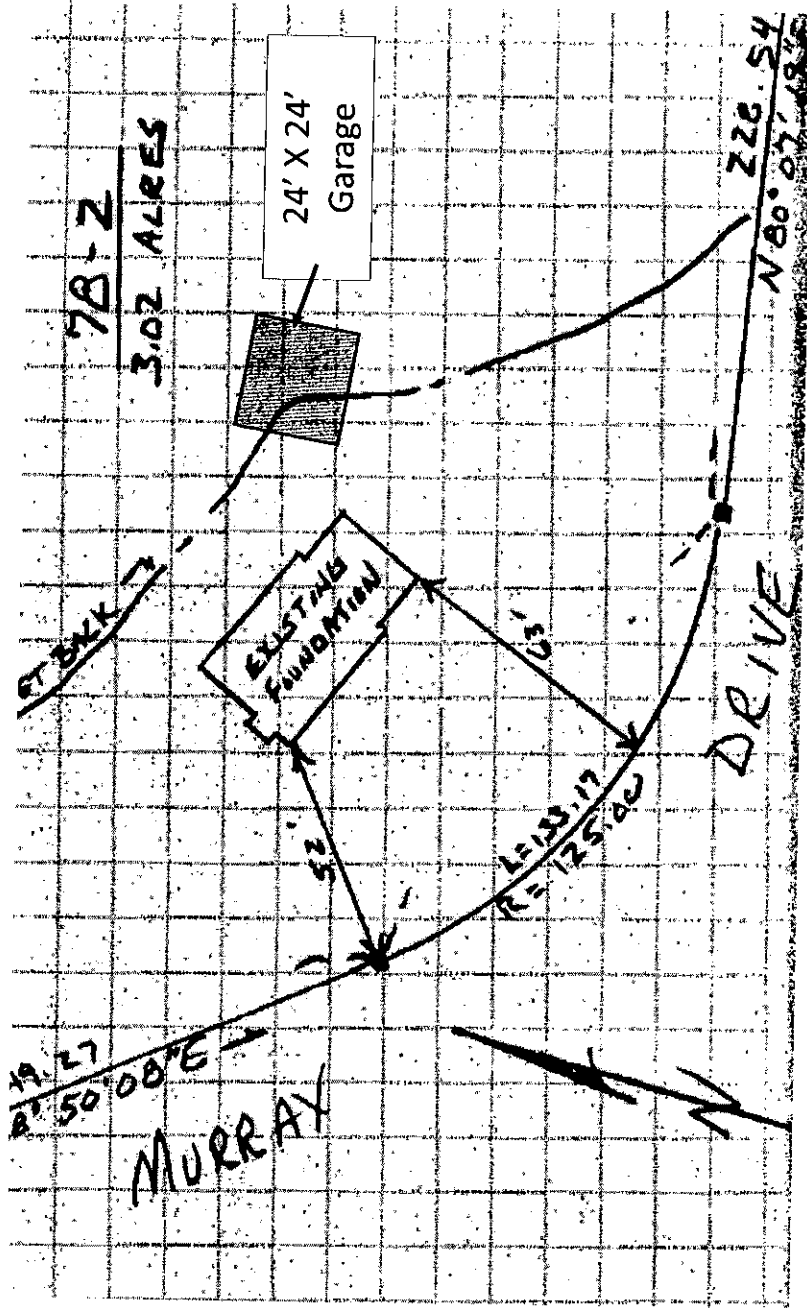


"I HEREBY CERTIFY THAT THE FOUNDATION ON THIS PROPERTY IS LOCATED AS SHOWN ON THIS PLAN, AND MET THE ZONING SET BACK LAWS OF THE TOWN OF ATKINSON WHEN CONSTRUCTED"

James M. Lavelle



1 Murray Drive with garage plot



TAX LOT 19-56
 NIF ROBERT F. AND PRISCILLA A. CROMPTAN
 Box 21, ATKINSON, NH 03811

TAX LOT 19-55
 NIF NEAL R. AND THERESA KRONH
 3 CRYSTAL HILL RD.
 ATKINSON, N.H. 03811

TAX LOT 19-73
 NIF GEORGE & SHIRLEY ANGELICA
 6 CRYSTAL HILL RD.
 ATKINSON, N.H. 03811

TAX LOT 19-72
 NIF WILLIAM E. AND JOANNI ERICKSON
 8 CRYSTAL HILL RD.
 ATKINSON, N.H., 03811

FINAL PLAN

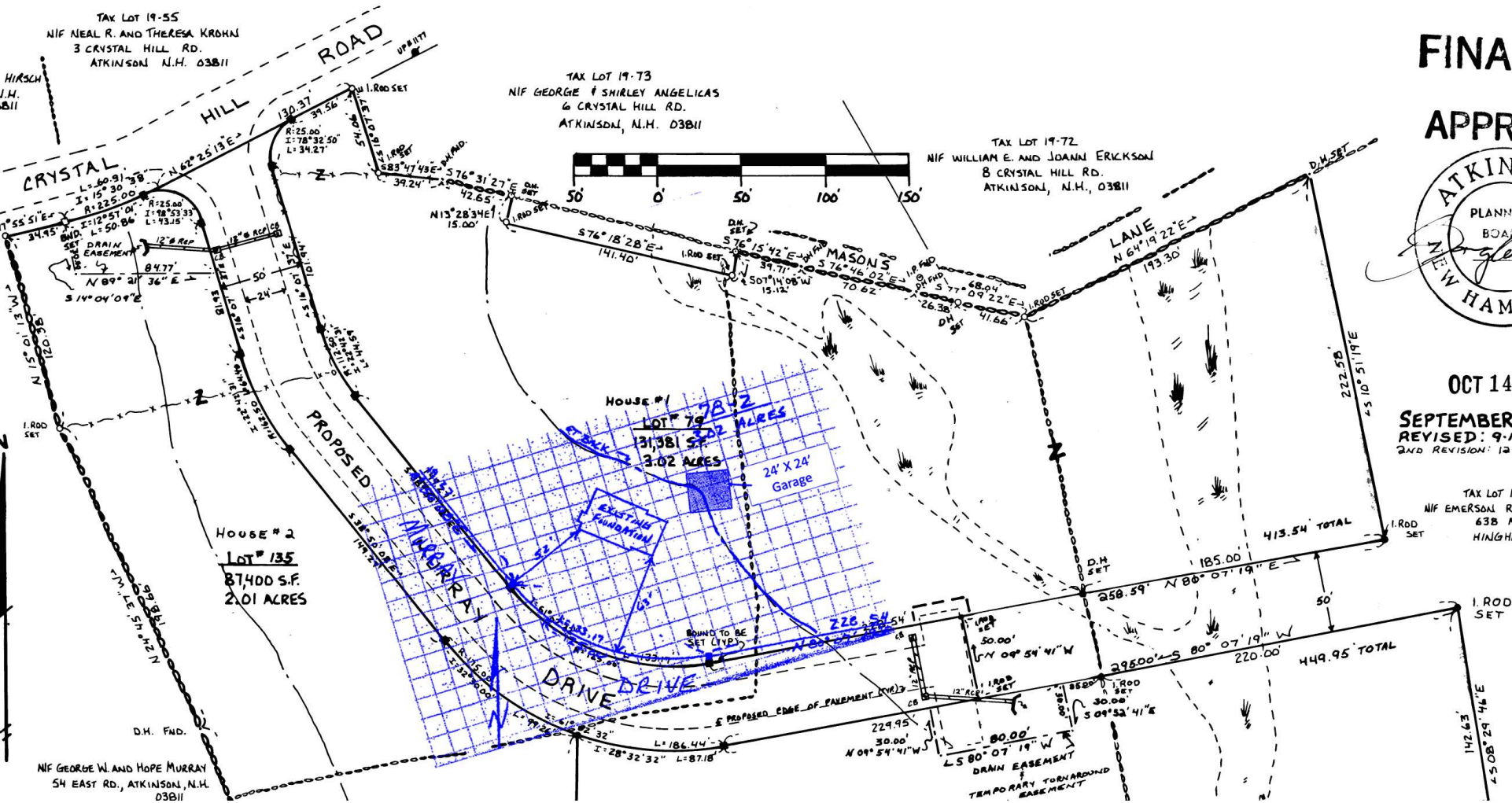
APPROVED



OCT 14 1987

SEPTEMBER 9, 1987
 REVISED: 9-18-87
 2ND REVISION: 12-1-87

TAX LOT 14-110
 NIF EMERSON REALTY TRUST
 63B MAIN ST.
 HINGHAM, MA. 02043



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

May 11, 2020

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

Re: Application for Wetland Setback Variance at 1 Murray Drive, Map 14 Lot 79

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.

The Atkinson Conservation Commission met in special session on Sunday, May 10, 2020 to perform a site walk of the above-referenced variance application. The proposal is to construct a detached garage partly in the 100-foot setback from a low-value wetland.

This variance is similar to many for which we have recommended approval in the past. The request for a 40-foot variance seems more than adequate for the project. The homeowner has submitted a perfectly acceptable plan, and the fact that more exact measurements were not shown on the plan did not concern us. We did review the original 1987 subdivision plan for this lot, and, as far as the variance is concerned, we do not feel that the homeowner needs to re-flag the wetlands or provide a plan with more precise measurements.

A quorum was present at the May 10 site walk and the special meeting was legally posted. The Commission voted unanimously to recommend approval of this variance.

Although not part of the permitting process, it would be good if tree removal were held to a minimum, and no further landscaping (other than is required for safety) be done in the setback zone.

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

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

May 11, 2020

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

Re: Application for Wetland Setback Variance at 4 Industrial Drive, Map 16 Lot 4

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.

As noted in my letter to you dated March 4, 2020, for the past year we have been studying the applicant's request for the above-referenced wetland setback variance. Although the size of the variance would be larger than what we would typically recommend for approval to your board, the applicant's offer of a conservation easement on a large portion of the parcel seems to us to mitigate any negative impact on the wetland.

At our meeting on February 3, 2020, the Conservation Commission voted unanimously to recommend approval of this variance contingent upon completion of a conservation easement as described in that meeting.

This easement deed and corresponding notations on the plan have now been completed to the satisfaction of the Conservation Commission, and we recommend approval of the wetland setback variance, contingent, of course, on filing the deed and plan with the Registry of Deeds.

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