

Atkinson Conservation Commission Minutes
Tuesday, June 12, 2018
Atkinson Town Hall
Approved July 2, 2018

Members Present:

Paul Wainwright, Chair
Denise Legault, Vice Chair
Pete McVay, Secretary
Dan Kimball
Scott Kukshel
Peter Bradshaw, Alternate

Others Present:

Brent Ebner, Hampstead Conservation Commission
Douglas Yoho
Selectman Harold Morse
Alan Phair, Town Administrator
Naomi Houle, Forest Society
Reagan Bissonnette, Esq., Forest Society

1. Call to order, attendance

Chair Wainwright called the meeting to order at 7:32 PM, Tuesday, June 12, 2018. Chair Wainwright declared that a quorum was present, and since two of the regular members were absent, Alternate Peter Bradshaw would be acting as a member.

Because there were a number of guests, and because the meeting was being televised live, Chair Wainwright asked the members to introduce themselves.

Chair Wainwright passed around a sign-in sheet for members and guests.

2. Housekeeping: Elect a Secretary

Chair Wainwright asked Pete McVay if he would act as Secretary to the Conservation Commission and he said yes. Chair Wainwright called for a motion.

Member Dan Kimball made a motion to elect Pete McVay Secretary of the Atkinson Conservation Commission. Vice Chair Legault seconded the motion. Five members of the Atkinson Conservation Commission present voted in favor with Pete McVay abstaining. Vote: 5/0/1.

3. Review and approval of minutes: May 7, 2018 and June 3, 2018

The May 7 minutes were reviewed with minimal amendments. Chair Wainwright requested a motion to approve the minutes of the May 7, 2018 meeting of the Atkinson Conservation Commission as amended.

Member Scott Kukshel made a motion to approve the minutes of the May 7, 2018 meeting of the Atkinson Conservation Commission as amended. Alternate Peter Bradshaw seconded the motion. All members of the Atkinson Conservation Commission present at both the May 7, 2018 meeting and the June 12, 2018 meeting of

the Atkinson Conservation Commission voted in favor. Vote: 4/0/0.

June 3, 2018 Site Walk Minutes:

The June 3 site walk minutes were reviewed without amendments.

Chair Wainwright requested a motion to approve as written.

Member Dan Kimball made a motion to approve the minutes of the June 3, 2018 site walk as written. Scott Kukshel seconded the motion. All members of the Atkinson Conservation Commission present at the June 3, 2018 site walk voted in favor. Vote: 3/0/0.

4. Scout Troop 9:

- a. **Eagle Projects - Cooper Howson & Josh Flieder:** Chair Wainwright informed the Commission that Member Mark Hertrich, Scout Troop liaison injured his back and was unable to attend today's meeting. No scouts were in attendance.
- b. **Field Mowing and Troop 9 Encampment:** The Scouts will not be camping in the Bonin Field this spring so it will not need to be mowed until after bird nesting season.
- c. **Upcoming Trail Maintenance: Sawmill South:** Member Hertrich had asked about community service ideas. There are several scouts that need some hours of community service. The trails in the southern area of Sawmill Swamp need maintenance and Chair Wainwright has informed Member Hertrich that trail clearing in the southern area of the Sawmill Swamp trail would be a good community service project.

5. Atkinson's Community Center Land Use:

Chair Wainwright requested that Selectman Harold Morse, Town Administrator Alan Phair, Reagan Bissonnette, Director of Easements, Forest Society, and Naomi Houle, Director of Easement Stewardship, Forest Society, move up to the meeting table. Chair Wainwright explained that, although the Conservation Commission has no jurisdiction over the Community Center land, this meeting was his idea since the Conservation Commission seems to become involved whenever there is an issue about the Town's use of this land.

Chair Wainwright requested a history of the land. Ms. Bissonnette explained that the Forest Society is a state-wide land conservation nonprofit that has been in operation since 1901. They hold about 750 conservation easements and deed restrictions. It is their responsibility to ensure that the conservation easements and deed restrictions are being enforced.

Ms. Houle gave a brief history of the Atkinson Community Center land. The Town owns the 69-acre forest behind the five-acre parcel where the Atkinson Community Center is located.

The Town forest, the five-acre parcel and three house lots on Robie Lane originally belonged to Trinity House Camp. They were going out of business and wanted to sell the land and also wanted it to be protected forever, so they approached the Forest Society. The Forest Society agreed to purchase the land. The three house lots were sold off by the Forest Society. The 69-acre plot that is now Town Forest was purchased by the Town with funds from the Land Conservation Investment Program (LCIP). The reason the five-acre parcel abutting the road was not included with the purchase of the 69-acre lot was so that the Town could keep the building that is now the Community Center. With LCIP funds, the land could not have any buildings. Therefore, the Forest Society agreed to sell the five-acre lot to the Town but with deed restrictions to ensure that it would forever remain an access way and road frontage to the Town Forest.

The Forest Society purchased the entire parcel from Trinity Camp. The house lots were sold off with restrictions that there could be only one house on each lot. This all occurred between 1989 and 1990. The Town purchased the five-acre lot with Town funds for \$67,000 which was a 50% discount. The 59-acre parcel was purchased with LCIP funds and is monitored by the State.

The intent of the restrictions for the five-acre lot was to protect the road frontage and access to the larger Town Forest and to ensure that it would not be developed further. At one time, there was a pool and a barn on the property but they were taken down by the Town.

Chair Wainwright informed the Forest Society that, in the opinion of the Conservation Commission, the storage container for Elder Services equipment and the clothing collection bins do not endanger the Town Forest, and asked the Forest Society if they were being too strict about the deed restrictions.

Ms. Bissonnette explained that the Forest Society's concern is the incremental expansion of use of the property. The parking lot was paved, a commercial sign for an adjacent business was put on the property, the clothing bins were put in, and trees were cleared for a pad for the storage container.

Secretary McVay explained that the Town has an active Elder Services department with offices in the Community Center. They require storage for medical equipment that they loan to Town residents. The Community Center has no available storage in the building.

Member Kukshel was on the Commission when the parcel was purchased by the Town. He explained that the biggest debate at that time was if the pool should be reopened. It was decided to fill it in. Originally, the main house was boarded up because of fire regulations. The second floor is still storage only. At that time, the Commission was more concerned about uses of the Community Center than the deed restrictions being proposed by the Forest Society. The rest of the property had some tent platforms, and those were removed. The LCIP steward looks at the Town Forest yearly. The need to pave the parking lot became an issue when the Town decided to hold voting there.

Chair Wainwright stated that the report by the Forest Society also mentions that the signs for

the Town Forest have deteriorated and asked Member Kimball if he could make signs for the Town Forest.

Member Kimball agreed and also stated that he was concerned about storage for Conservation Commission equipment. Ms. Houle stated that she was aware that the Boy Scouts wanted to build a shed and agreed that would be an agricultural/recreational use.

Chair Wainwright requested comments from Selectman Morse. Selectman Morse stated that, speaking for himself, he sees it [the Community Center land] as a commercial use type of property, and inspections once a year and reports that things need to be removed are not needed.

Chair Wainwright explained that the Conservation Commission has no jurisdiction but is interested because the Community Center borders Town Forest. The Town will continue to grow and evolve and the use of the Community Center land must also continue to grow and evolve.

Ms. Bissonnette explained that without delving into the language of the deeds, from the Forest Society perspective, there are still conservation restrictions on the property. It was decided that the Forest Society should be in direct communication with the Board of Selectmen.

The Commission requested that Ms. Bissonnette read the lines of the deed with the conservation restrictions. They are summarized as follows:

The property cannot be subdivided, the use of the tract shall be those uses that are compatible with the open space character of the adjacent Town Forest, and this piece of property shall be held in public trust as adjunct to and in support of the adjacent Town Forest.

Member Kukshel proposed a structure or barn at the end of the parking lot that could be used as storage and also for instructional purposes. Ms. Bissonnette agreed that a structure that would be used to store tools for maintaining the Town Forest would “probably be fine.” [Exact wording here was confirmed from the video recording of the meeting.] The Forest Society is concerned about the so-called “creep factor,” and wants to ensure that any additional structures or improvements on the property are supportive of the Town Forest.

Chair Wainwright asked if the storage container would be moved. Selectman Morse stated that the Board of Selectmen voted to allow it and did not see a reason for it to be moved. As far as supporting the Town Forest, access is allowed, but it [the Community Center] is still Town land and the Town should be able to put whatever they want on it. Ms. Bissonnette replied that there are restrictions.

Member Kukshel stated that although the restrictions might be vague, in his opinion they can still stand up in court.

The representatives of the Forest Society agreed to provide a more definitive explanation of

the deed restrictions to the Board of Selectmen and it was agreed that the Forest Society would be notified of any changes.

Ms. Bissonnette agreed that the first step would be for all parties to agree as to what the restrictions mean and how they would be applied. She will start the process by writing a letter to the Town clarifying the mission of the Forest Society, the history of the Community Center property, and their opinion about what the deed language means in relation to the Town's desire to effectively utilize the Community Center property.

6. Brent Ebner, Hampstead Conservation Commission:

- a. **Multi-Town Conservation Commission news:** Mr. Ebner explained that there has been no meeting of the Plaistow Conservation Commission. There will be a meeting next week regarding forest management. The only issue with the Hampstead Conservation Commission is an access dispute in East Hampstead.
- b. **Emergency responder mapping update:** The emergency responder trails have been mapped and given to Neat Line Associates. He has marked all the junctions and Neat Line has been working on a quote for the markers. He should also have a quote for the lettering. There are only five junction markers in Atkinson and asked if the Conservation Commission would allow him to purchase them and be reimbursed by the Conservation Commission. The Conservation Commission agreed and requested Mr. Ebner send an invoice once they are purchased.
- c. **Chambers-Fila Town Forest parking update:** Work has been started on the parking lot. The land has been cleared.
- d. **Trail Maintenance Progress:** Mr. Ebner asked about the posts, if it would be a Boy Scout project or if he should find some volunteers. Chair Wainwright responded that he did not know if the Scouts would be available and asked if the posts could be put in by other volunteers. The Scouts can install the kiosk.

7. Proposal for Trail Connectivity Across the Page Farm Development: Chair Wainwright, Scott Kukshtel and Dennis Krause walked the trails in the southern area of Sawmill Swamp starting from Woodlawn Drive and came out at the clear-cut area in the rear of the Page Farm development. They walked across the clear-cut area and found the trail again. What has not been cut is presumed to be the dedicated open space, and it is very wet. Chair Wainwright spoke with Michael Green, the developer, and confirmed with him (from an earlier conversation) that the Conservation Commission no longer wanted to buy the back land. The proposed plan is to negotiate two trail access points in the development, one heading south and one heading north and also to gain permission to allow "through hikers" to walk on the road through the development. The Commission agreed to the plan.

8. Other Business

- a. **Walk northern part of Sawmill trails:** Chair Wainwright would like to walk the northern part of the Sawmill trails and find the Hampstead end of the trails. Mr. Yoho and Alternate Bradshaw have both walked those trails. Chair Wainwright agreed to coordinate a time by email with Mr. Yoho and other members of the Commission. Mr. Yoho suggested researching whether Hampstead has an easement on the property. Chair Wainwright will ask Brent Ebner, Hampstead Conservation Commission, for help finding the trail access point in Hampstead.
 - b. **Dock Issue – Denise:** There was a letter from NH DES about a dock on Big Island Pond that was installed by Jams and Eva Perry without a permit. Ms. Legault spoke with Bill Bilodeau, the compliance specialist who wrote the letter, who works in the land resource management program. He gave the Perrys 20 days to respond, but Ms. Legault does not believe the 20 days has expired. She believes he will follow through and will inform the Commission. It is a private property dock.
 - c. **Emerald Ash Borer Update:** The infested trees on the Sawyer Town Forest have been cut down and chipped. Secretary McVay informed that Emerald Ash Borer infestation is a disaster. There are no ash trees in Minnesota and upstate New York.
 - d. **Ruth McPherson Land Trust:** Ms. McPherson left a large amount of land to the Town and set up a trust to purchase land in the Town. Carol Grant was the Trustee. She is deceased. Her husband Ken called Chair Wainwright and informed him that there was about \$50,000 left in the trust. It is up to the State to appoint a new trustee. Chair Wainwright would like the money for the Conservation Fund to fulfill Ms. McPherson’s will to purchase land in town.
 - e. **Trail Maintenance Updates:** Chair Wainwright got a letter from Dennis Krause stating that he completed the re-blazing of the Sawyer trails. There is some minor clean up on the yellow trails. The trails near Haverhill are still a bit wet. The Commission discussed what could be done about ATV damage. The Commission agreed to put up signs on the Massachusetts boarder. Chair Wainwright stated he could purchase generic signs from Voss signs and also suggested “Welcome to Atkinson Trails” signs with rules for using the trails.
 - f. **A letter from the Rockingham County Conservation District offering assistance with invasive plants:** Chair Wainwright replied to the letter and suggested the County evaluate and treat, if necessary, the Atkinson brush dump, which abuts dedicated open space to the north, and Town Forest to the south.
 - g. **Conservation Commission Equipment Inventory:** Member Kimball requested Commission members email him with items to be added to the equipment inventory, which he maintains.
9. **Nonpublic Session under RSA 91-A: 3 II(d) to Discuss Possible Land Acquisition:**

Chair Wainwright requested a motion for the Atkinson Conservation Commission to go into nonpublic session under RSA 91-A:3 II(d) to discuss possible land acquisition.

Vice Chair Legault made a motion for the Atkinson Conservation Commission to go into nonpublic session under RSA 91-A:3 II(d) to discuss possible land acquisition. Chair Wainwright seconded the motion. All members present voted in favor. Vote: 6/0/0.

The nonpublic session adjourned at approximately 9:05 PM. No decisions were made.

10. Next Meeting & Adjournment

The next regular meeting of the Atkinson Conservation Commission is Monday, July 2, 2018 at 7:30 PM.

Chair Wainwright requested a motion to adjourn.

Vice Chair Legault made a motion to adjourn the June 12, 2018 meeting of the Atkinson Conservation Commission at 9:10 PM. Member Kimball seconded the motion. All members of the Atkinson Conservation Commission present voted in favor. Vote: 6/0/0.