Atkinson Conservation Commission Minutes Monday, September 10, 2018 Atkinson Town Hall

Approved October 1, 2018

Members Present:

Paul Wainwright, Chair Denise Legault, Vice Chair Dan Kimball Scott Kukshtel Dennis Krause Jeff Nenart, Alternate (voting) Mark Hertrich

Others Present:

Michael Green, Green and Company

1) Call to order, attendance

Chair Wainwright called the meeting to order at 7:31 PM, Monday, September 10, 2018. Chair Paul Wainwright, Vice Chair Denise Legault, Dan Kimball Scott Kukshtel, Dennis Krause, Mark Hertrich and Alternate Jeff Nenart (voting).

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

2) Review and approval of minutes: August 6, 2018

Chair Wainwright requested a motion to approve the minutes of the August 6, 2018 public meeting of the Atkinson Conservation Commission as amended.

Vice Chair Legault made a motion to approve the minutes of the August 6, 2018 public session of the Atkinson Conservation Commission as amended. Alternate Nenart seconded the motion. The motion was approved. Vote: 5/0/2 with Member Kukshtel and Member Hertrich abstaining because they were not present at the August meeting.

3) Page Farm ZBA variance application, and trail access relocation:

Chair Wainwright made reference to the file that was distributed with the agenda showing the proposed new road, and the proposed new trail access. This is attached to these minutes.

Chair Wainwright explained that Green and Company has the option to add seven units. The issue before the Commission at this meeting is only the placement of a road to the proposed seven units, and not a broader discussion about the overall plan. There is a one-hundred-foot designated open space buffer around the property that is intended to shield abutters from the new development. The road would either have to go through wetlands or

through the buffer. Chair Wainwright agreed that the best solution would be to allow the road to go through the buffer.

Chair Wainwright explained that, at present, there is an easement between two of the units for trail access. With the proposed location of the road to the proposed seven additional units, access to the Conservation Land along the stone wall next to the new road would be preferred, and he would recommend that the Zoning Board of Adjustment approve the variance for the location of the road within the designated open space buffer.

Chair Wainwright opened the discussion.

Mr. Green stated that he feels it would be environmentally better for the road to go in its proposed location rather than have it cut through a wetland. It does not affect neighboring homeowners because the abutting land is conservation land, and it provides much simpler, easier access to the conservation trail on the Town's land.

Chair Wainwright stated he walked the proposed road location while blazing trails on the town land, and estimated the amount of trail that would need to be relocated if access was granted along the new road. The new trail would be about 200 feet long, and he believes no trees would have to be cut for the trail. There is no need to pave the trail. Chair Wainwright suggested that the developer cut down several trees on the Town's land, pull the stumps, and put down crushed gravel for a parking lot, and Mr. Green stated that he thought this might be possible.

Alternate Nenart asked if Mr. Green would be willing to move the existing trail easement to the proposed location adjacent to the new road, and Mr. Green replied in the affirmative. Mr. Green also stated that Green and Company would be very amenable to putting in a parking lot. Mr. Green is also willing to put down 10 to 12 feet [width] of crushed stone from the proposed road to the proposed parking area.

The Conservation Commission discussed a proposed parking lot and Chair Wainwright showed the location of the proposed trails on the map. Chair Wainwright also confirmed with Mr. Green that there is no change to the parking area by Knightland Road.

Chair Wainwright pointed out the existing trails on the map. The Commission discussed whether hikers could use the development's private road to go from one trail to the next. Mr. Green stated that it should not be an issue.

Chair Wainwright informed Mr. Green that there are many issues regarding the placement of the proposed seven units. One issue is the exact location of the prime wetland. In his opinion, the "published plan" of the Prime Wetland boundary is not accurate because it was never surveyed. He went on to say that his understanding was that it was the responsibility of the developer to accurately locate the Prime Wetland boundary. Chair Wainwright requested that the developer's wetland scientist flag the prime wetland. Mr. Green stated that he has discussed the issue with his wetlands scientist, and, while actual the location of the prime wetlands may differ from the State's records, the wetland scientist believes the

State's records are what should be used. Chair Wainwright stated that he does not believe this is correct, and said he will be discussing the issue with Eben Lewis at NH DES.

Another issue is the area that will be clear cut for the additional seven units. Chair Wainwright stated that there is a dashed line between the dedicated open space and the area that will be developed, and that a good portion of the land being removed from the Dedicated Open Space is wetland. Chair Wainwright asked if the developer would be cutting trees there. Mr. Green stated that he planned to do very little cutting on the west side of the development where the wetland is. Chair Wainwright stated that he would like to see a plan for tree cutting before work begins in this area. Mr. Green neither agreed nor disagreed with this request.

Mr. Green also stated that enough trees would be cut for a yard and nothing in the wetland would be cut.

Chair Wainwright asked about earth removal and runoff. Mr. Green responded that there will be a tremendous amount of earth removal for the proposed additional seven units and that there will be several detention and retention areas for runoff.

Chair Wainwright requested a motion to recommend approval of the variance to allow a service road to pass through the 100-foot dedicated open space buffer as shown on the developer's plan.

Member Krause made a motion for the Conservation Commission to recommend approval of a variance application to allow the applicant, Midland Investments, to construct a service road which would pass through a 100-foot buffer to a proposed seven additional units on property located at the previously created convertible land of the Page Farm Development. Member Kukshtel seconded the motion. All members present voted in favor. Vote: 7/0/0.

A copy of this letter to the ZBA is attached to these minutes.

4) Resolution of Komornick lot line complaint (Map 5 Lot 40-1, 16 Robie Lane):

Tim Lavelle has completed a survey and boundary verification of all of the lot lines between the three Robie Lane properties and the Orr Town Forest, and has clearly marked all of the boundary pins, which were verified to be in the correct locations as stated in the metes and bounds in the deeds. Tony and Leigh Komornick still had questions regarding the placement of the pins between their property and the Orr Town forest. Chair Wainwright and Member Kimball met with the Komorincks, and after some discussion they agreed that their property line was correct as marked.

Mr. Lavelle's letter, together with a portion of the survey showing the points that were verified (pink dots), are attached to these minutes.

Alternate Nenart explained that the intermediate stakes that were placed by Lavelle are needed to assist with any survey in the future, and recommended that they be left in place.

5) Proposed donation of conservation easement on Map 9 Lots 38-1, 39, & 40:

Chair Wainwright explained that the Conservation Commission received an email from George Kutzelman, 51 Maple Avenue. They will be selling their home and would like to donate to the town a conservation easement to part of their land, to be under the supervision of the Atkinson Conservation Commission.

Chair Wainwright had several phone conversations with Mr. Kutzelman, and sent him a copy of a deed for a previous conservation easement on adjacent land as an example. A formal vote by the Conservation Commission and the Selectmen will be needed to accept the donation.

A portion of the tax map showing the proposed easement in purple is attached to these minutes.

6) Treasurer's report and 2019 budget:

Chair Wainwright handed out copies of the Treasurer's Report and reviewed the figures for the Commission. A copy of this report is attached to these minutes. Chair Wainwright would like to redistribute funds between lines in our budget in order to meet current financial obligations. As currently planned, after all funds are redistributed and spent, approximately \$200 will be left. Member Kukshtel stated that he believes there is an RSA allowing unspent Conservation funds to be carried over and will research it.

Chair Wainwright explained that the back gate to Sawyer Town Forest needs to be replaced. He received a firm quote from the commercial division of Fences Unlimited for \$1510 to replace the gate and take the old one away. He does not believe competitive bids are necessary for the project, and Fences Unlimited is a reputable company, and they do quality work.

Chair Wainwright continued to review the budget. Chair Wainwright also explained that Member Kimball would like to purchase an electric pole saw for the Conservation Commission costing \$500.

Another issue would be money for Eagle Scout projects. Member Hertrich informed the Commission that there are no projects at present.

Chair Wainwright would also like to send at least 4 Commission members to the New Hampshire Association of Conservation Commissions Annual Conference. The early registration fee is \$60. There are several sessions available. Early registration ends October 17th.

Chair Wainwright received a quote of \$250 plus shipping for custom signs.

The current plan shows the amount spent in 2018 should total \$9,723, and the proposed for 2019 budget is the last column, and is the same as the amount requested for 2018, just distributed differently.

Chair Wainwright requested a motion to approve \$1,510 to replace the gate to Sawyer Town Forest.

Vice Chair Legault made a motion to approve \$1,510 to replace gate to Sawyer Town Forest. Member Kimball seconded the motion. All members of the Atkinson Conservation Commission voted in favor. Vote: 7/0/0.

Alternate Nenart asked about field mowing. The upper field in the Sawyer Town Forest [the "Bonin Field"] is getting really high with trees. Member Kimball informed the Commission that he would mow all the fields in October when it is dry, and that the current condition of the fields should be "no problem" for his mower.

The Commission also discussed the location of the keys. Chair Wainwright will make sure Member Kimball has keys to both the Orr and Sawyer Town Forests.

7) **Signs**:

Chair Wainwright has purchased some signs and has also received a quote of \$250 plus shipping for custom signs. Chair Wainwright passed around a few signs which he has recently purchased.

Chair Wainwright passed out a final draft of the custom trail sign, a copy of which is attached to these minutes. Chair Wainwright took the "Stay on the Trail" off of the proposed custom sign, and replaced it with a line stating "Enjoy the Woods". Chair Wainwright stated that the purpose of this sign is purely public relations, and he would like to purchase 20 of the signs. They will be 20"x16" and made of aluminum, full color and UV coated with a cost of up to \$400.

The Commission discussed fines for violations of the trail rules. Hampstead has passed an ordinance with fines for up to \$1,000, but at present, Atkinson has no fines.

Chair Wainwright requested a motion approving the language and purchase of the signs.

Vice Chair Legault made a motion to approve purchase of the Conservation Trail signs for a cost of up to \$400. Member Kimball seconded the motion.

Discussion: The Commission discussed material and how to attach the signs to the trees. Chair Wainwright informed the Commission that they can be nailed to posts or to trees.

All in favor. Vote: 7/0/0.

Member Kukshtel has a book on signs, trails and waysides for Commission members to look at.

Chair Wainwright informed the Commission that the Selectmen have expressed concern about keeping track of the Conservation Commission's equipment, and have inquired where we store it. Chair Wainwright has informed the Selectmen that we have a spreadsheet of all equipment and supplies. Also, he is having "Property of Atkinson Conservation Commission" tags with serial numbers 1-100 made, and they should be arriving soon. The Selectmen have stated that a corner of the Town Garage has been offered for storage, and Chair Wainwright will discuss this with Road Agent Ted Stuart.

8) Preliminary review of hunting regulations:

Chair Wainwright passed out examples of the Selectmen's Office hand-out regarding hunting regulations. A bow hunting permit is required, which can be obtained without charge at the Selectmen's Office. The third page is a map of the Town Forests. The first two pages explain what hunting is and is not allowed. These regulations have been voted on at Town meeting. Chair Wainwright has looked these over and sees no problem with them, and requested Member Kimball look at the regulations because he is a hunter. The 4th page is a copy of the bow hunting permit, and the last two pages are frequently asked questions. Chair Wainwright suggested that the fact that blinds and ATVs are not allowed should be added to the hand-outs provided by the Selectmen's Office, and Barbara Snicer has agreed.

A final copy of the hunting regulations will be attached to the minutes of a future meeting once they are approved.

9) Multi-town Conservation Commission news: Brent Ebner (not present)

Not discussed.

10) <u>GPS trail mapping – Pete & Peter</u>: Member Pete McVay and Alternate Peter Bradshaw are not present.

Chair Wainwright has requested a table showing what properties have been mapped. Chair Wainwright also explained that there are several social media sites where trails can be published.

11) Judge Marshall Town Forest access from Industrial Way

There is a big pile of rubble in the town's access to the Judger Marshall Town Forest from Industrial Way. Several members of the Atkinson Conservation Commission have looked at it. It was suggested that if the abutter put the rubble there, we should have him remove it.

Chair Wainwright reported that, according to Road Agent Ted Stuart, a plan has been submitted for storm water runoff on the abutting property, and Code Enforcement Officer Jim Kirsch should have access to it.

[Further investigation since the meeting has shown that the pile of rubble has apparently been there since 1992.]

12) Brief Reports & Other Business:

<u>Storage</u> – The Road Agent has offered a corner of the Town Garage. Chair Wainwright looked at the area. It cannot be secured and Chair Wainwright would prefer another location. The Commission discussed a shed at the Community Center.

<u>Salt and Streams</u> – Vice Chair Legault informed the Commission that there would be a stormwater management plan coming from the Rockingham Planning Commission.

Regarding salt around Big Island Pond, she met with the Road Agent and discussed the beach. \$60 a ton is the cost of regular salt and \$600 a ton is the cost of the environmentally friendly de-icer. It would cost about \$20,000 to use environmentally friendly salt around Big Island Pond. The plowers have been told by the State to keep the roads black and wet on NH Rte. 111, which abuts Big Island Pond. The Town impact is minimal compared to the State impact.

<u>Boat Dock</u> - The boat dock needs repair. Chair Wainwright will discuss pulling the dock out and repairing it with the Road Agent.

13) Next Meeting & Adjournment

The next regular meeting of the Conservation Commission is Monday, October 1, 2018, then November 5th and December 3rd. Chair Wainwright will not attend the December meeting. Vice Chair Legault will conduct the December meeting.

Chair Wainwright requested a motion to adjourn.

Vice Chair Legault made a motion to adjourn the September 10, 2018 public meeting of the Atkinson Conservation Commission at 8:46 PM. Member Krause seconded the motion. All members of the Atkinson Conservation Commission present voted in favor. Vote: 7/0/0.

Attachments:

- a) Page Farm 7-unit expansion plan: proposed new road and trail access
- b) Letter to the ZBA concerning the placement of this proposed road
- c) Letter from Tim Lavelle concerning the verification of the Orr Town Forest lot lines along Robie Lane
- d) Portion of the Orr Town Forest survey showing the verified boundary pins
- e) Tax Map showing the proposed Kutzelman conservation easement (in purple)

- f) September 10 Treasurer's Report
- g) Custom trail sign final draft

LAZ

BY

PO Box 219

Stratham, NH 03885

85 Portsmouth Ave. Civil Engineering Services

603-772-4746

Owner of Record:

FAX: 603-772-0227

E-MAIL: JBE@JONESANDBEACH.COM

PROPOSED-ACCESS

OPEN SPACE TO

TAX MAP 13 LOT 29 WINSLOW DRIVE REALTY GROUP LLC. JAMESON RIDGE HOMEOWNERS' ASSOCIATION

WINSLOW DRIVE

ATKINSON, NH 03811

DESCRIPTION PROPERTY LINES

EDGE OF PAVEMENT FRESHWATER WETLANDS

STONEWALL

OPEN SPACE

DECLARED LAND

SCENIC OPEN SPACE

43.86 AC

10.31 AC 33.89 AC

13.89 AC

44.20 AC (50.4%)

56.45 AC (64.4%)

PROJECT PARCEL

TOWN OF ATKINSON

TAX MAP 13, LOTS 26 & 87

TAX MAP 18 LOT 2

R.C.R.D. BK. 5875 PG. 0490

TOTAL LOT AREA

3,820,700 SQ. FT.

87.71 ACRES

MAIN ST. & KNIGHTLAND RD, ATKINSON, NH 03811

MIDLANDS INVESTMENTS, LLC.

11 LAFAYETTE ROAD, NORTH HAMPTON, NH 03862

DRAWING No.

SHEET 2 OF 1

JBE PROJECT NO. 17239

FRESHWATER WETLANDS LINE

PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE).

ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE

AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

7/20/18

DATE

REV.

ISSUED FOR REVIEW

REVISION

Town of Atkinson Conservation Commission 21 Academy Avenue Atkinson, New Hampshire 03811

September 11, 2018

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

Re: Variance application for placing a road within the 100' Buffer of the Page Farm Development adjacent to Conservation Land (Item 2 on your 9/12/2018 agenda)

Dear Chairman -

Michael Green of Green and Company appeared before the Atkinson Conservation Commission on September 10, 2018, asking for our opinion concerning the placement of a road within the 100 foot dedicated open space buffer between the Page Farm project and the Atkinson Town Forest, Map 18 Lot 77. This is agenda item 2 for your September 12, 2018 meeting.

After careful consideration of the placement of the proposed road, the Commission voted unanimously to recommend that the ZBA grant this variance. Our decision was based on the fact that, if the road were to be placed outside of the buffer, it would have to cross a wetland. Also, by placing the road close to the Town Forest property line, there is a good opportunity to provide parking and trail access to a conservation trail.

It should be noted that this vote focused solely on the variance for the placement of the road, and should not be construed as a blanket endorsement of the proposal to add 7 units to the Page Farm Plan. There are yet many things to discuss, and this will be done through the Planning Board.

If you have any questions please do not hesitate to contact me.

Sincerely,

Paul Wainwright, Chair, Atkinson Conservation Commission

email: conservation@atkinson-nh.gov

Copy to:

Sue Coppeta, Town of Atkinson Planning and Zoning Administrator

James M. Lavelle Associates

LICENSED LAND SURVEYORS 2 STARWOOD DRIVE HAMPSTEAD, NH 03841 603-329-6851

Surveyors Report

August 29, 2018

Town of Atkinson Conservation Commission 21 Academy Ave. Atkinson, NH 03811

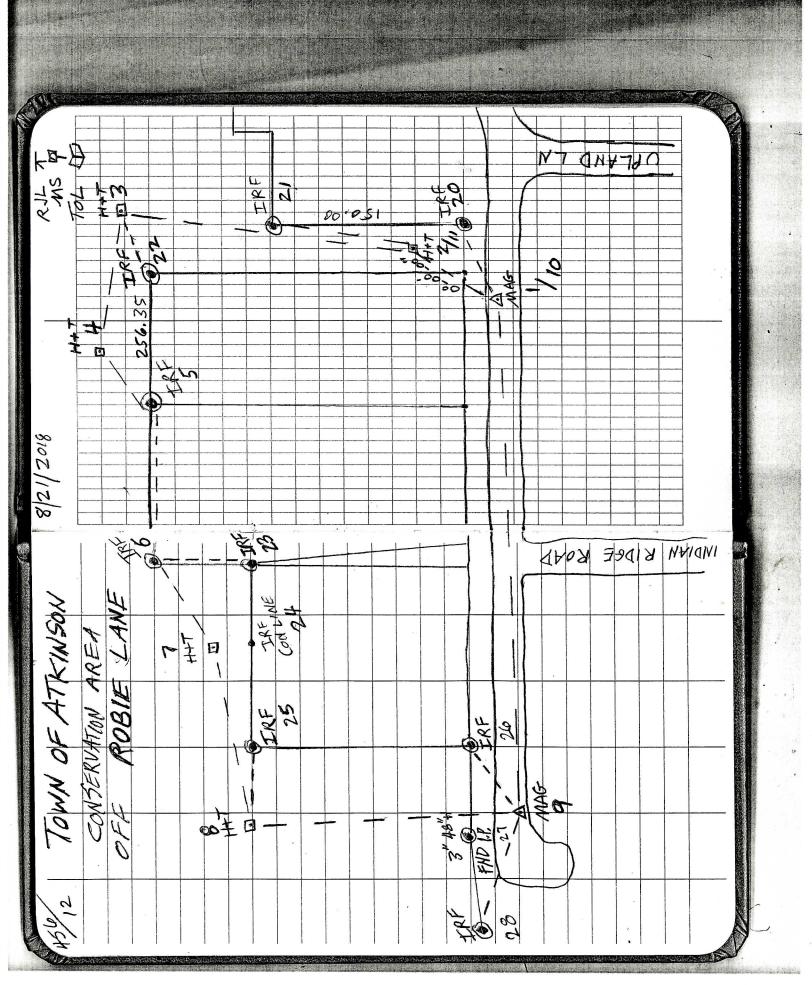
RE: Property lines for Map 5, Lot 48 specifically abutting Lots 5-40-1, 5-65, 5/66 and 5-42

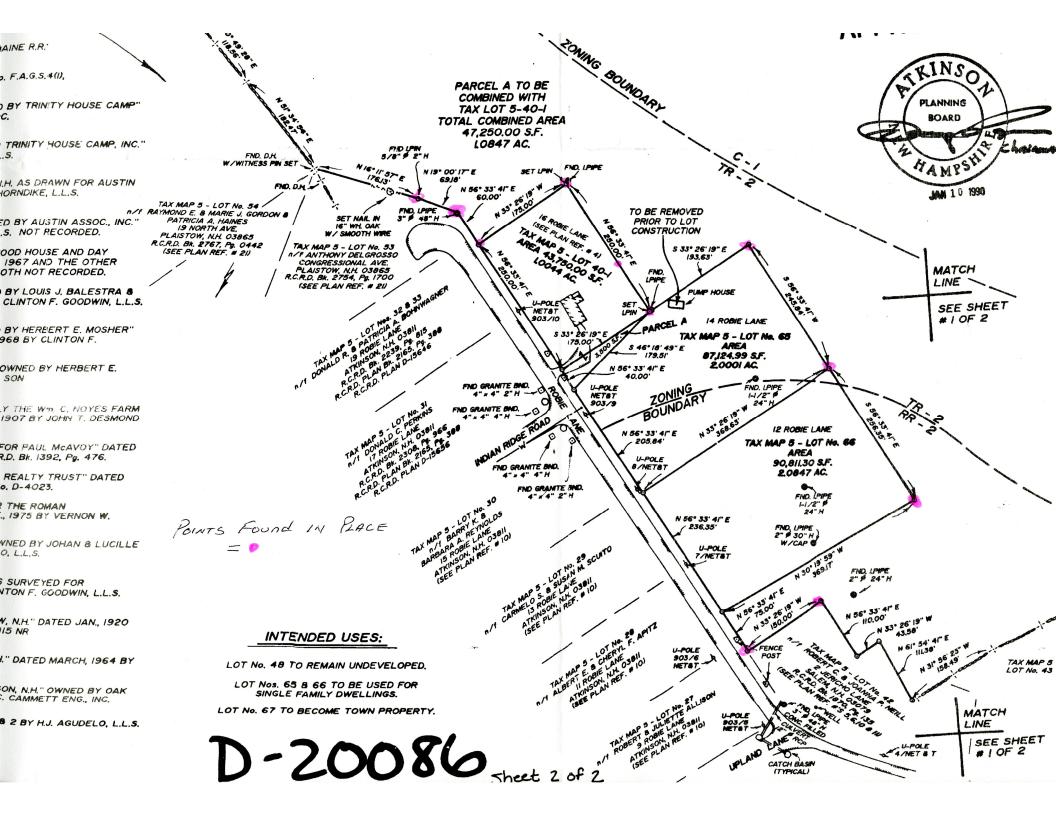
On August 20, 2018 our survey crew was successful in finding existing monumentation marking Lot 40-1 and at the rear of Lots 65 & 66. Iron rods were also found at abutting Lot 42. In order to determine the accuracy of the found points a survey for location was conducted on August 21, 2018. The iron rods found at the corners of Lot 40-1 were found to be accurately placed including one found along its rear property line. The rear lot corners for both Lots 65 & 66 were iron rods and found to accurate along with iron rods found on the easterly side line of Lot 42.

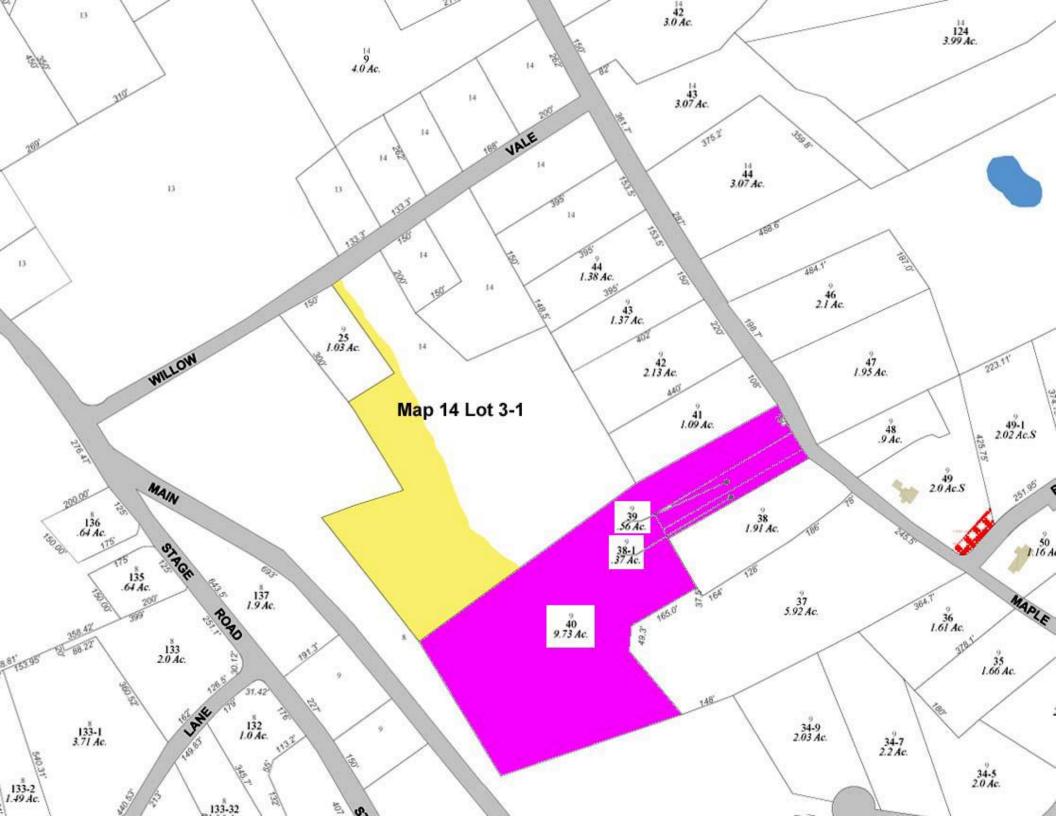
Enclosed please find a copy of the Record Plan #20086 with highlighted points found and a copy of our field notes for our closed survey.

Respectfully Submitted,

James M. Lavelle LLS







Town of Atkinson Conservation Commission 2018 Budget Tracking and 2019 Projection

Account number	Description	TM-approved Encumbered Budget from 2017			Available as of 1/1/2018		Spent as of 9/1/2018		Committed as of 9/10/2018		et to go	io go		Proposed realignment		Unspent in 2018		Spent in 2018		Proposed 2019	
40.46111.110.00	RECORDING CLERK	\$	600.00		\$	600.00	\$	630.00		\$	380.00		\$	410.00	\$	-	\$	1,010.00	\$	1,000.00	
40.46111.390.00	OTHER PROF SERVICES	\$	2,500.00		\$	2,500.00	\$	600.00	\$ 1,550.00	\$	350.00				\$	-	\$	2,500.00	\$	2,500.00	
40.46111.550.00	PRINTING AND BINDING	\$	100.00		\$	100.00	\$	-					\$	(100.00)	\$	-	\$	-	\$	1.00	
40.46111.560.00	DUES/SUBS/MEMBERSHIPS	\$	400.00		\$	400.00	\$	363.00							\$	37.00	\$	363.00	\$	400.00	
40.46111.620.00	OFFICE SUPPLIES	\$	100.00		\$	100.00	_	59.00							\$	41.00	\$	59.00	\$		
40.46111.625.00	POSTAGE	\$	1.00		\$	1.00	\$	-		H					\$	1.00	\$	-	\$	1.00	
40.46111.650.00	CARE OF GROUNDS	\$	3,000.00 \$	900.00	\$	3,900.00	\$	439.00	\$ 146.26	\$	2,410.00		\$	(825.00)	\$	79.74	\$	2,995.26	\$	3,000.00	
40.46111.740.00	NEW EQUIPMENT	\$	500.00		\$	500.00	\$	489.00		Ś	500.00		\$	500.00	\$	11.00	\$	989.00	\$	300.00	
40.46111.820.00	MILEAGE	\$	1.00		\$	1.00	_	-		Ľ	300.00		7	555.50	\$	1.00	\$	-	\$		
40.46111.840.00	SPECIAL PROGRAMS	\$	1,225.00		\$	1,225.00	\$			\$	500.00		\$	(725.00)	\$	-	\$	500.00	\$	1,000.00	
40.46111.850.00	EDUCATION & CONFERENCES	\$	100.00		\$	100.00	\$	-		\$	240.00		\$	140.00	\$	-	\$	240.00	\$	5 250.00	
40.46111.875.00	SIGNS	\$	500.00		\$	500.00	\$	-	\$ 767.50	\$	300.00		\$	600.00	\$	32.50	\$	1,067.50	\$	500.00	
	TOTALS	\$	9,027.00 \$	900.00	\$	9,927.00	\$	2,580.00	\$ 2,463.76	\$	4,680.00		\$	-	\$	203.24	\$	9,723.76	\$	9,027.00	



Atkinson Conservation Trail

WELCOME!

Please:

- 1. Enjoy the woods
- 2. Do not litter
- 3. No fires or camping
- 4. Respect private property where posted
- 5. Volunteer to help maintain this trail contact: contact: conservation@atkinson-nh.gov

ABSOLUTELY NO ATVs or other motorized vehicles

Maximum fine \$1000