

Atkinson Conservation Commission Minutes
Wednesday, October 24, 2018, 8:00 AM
Special Meeting
Site Walk: Map 22 Lot 12, 5 Chase Island Road

Approved November 5, 2018

Members Present:

Paul Wainwright, Chair
Denise Legault, Vice Chair
Pete McVay, Secretary
Dan Kimball
Dennis Krause

Others Present:

James Lavelle
James Foley
Arlene Hawkins
Noreen Mouser, BIPC

1) Call to order, attendance

Chair Wainwright called the meeting to order at about 8:00 AM. The chair stated that this meeting announcement had been posted last Monday, October 22, at both Town Hall and the Community Center, and declared that a quorum was present. He requested that visitors print their names on the attendance sheet.

Chair Wainwright stated that the purpose of this special meeting of the Atkinson Conservation Commission was to perform a site walk of the proposed subdivision of Map 22 Lot 12 being presented to the Planning Board by Jim and Jean Foley. He stated that the Conservation Commission was interested in viewing the wetlands, and viewing the boundaries between the proposed subdivision and the Marshall Town Forest. He acknowledged that there may be other issues of interest to the neighbors that fell outside the scope of the Commission's responsibility.

2) Presentation of the plan:

Jim Lavelle briefly presented the current plan to subdivide Map 22 Lot 12, which differed from the plan presented to the Planning Board on October 17, 2018 because the proposed driveway would be off of Hemlock Heights Road rather than Chase Island Road. This would result in considerably less pavement, which pleased the Conservation Commission.

3) Site walk and discussion:

Jim Lavelle proceeded to lead a walk of the property, starting with the property line between the Foley's land and the Town's land immediately off of Chase Island Road. The following things were observed:

- a) No permanent monument was found at the end of the property line closest to the road – the 1978 survey (when the Town acquired the Marshall Town Forest) notes at that time there was a dead hemlock tree marking the line.
- b) A stone wall was observed, that is presumably the stone wall shown as the property line on the survey of the Marshall Town Forest.
- c) An area of fill over a small wetland, with a culvert, was noted along a gravel drive between Chase Island Road and the Foley's back yard. Mr. Foley stated that this had been installed about 5 years ago, and no Dredge and Fill permit had been obtained from NH DES.
- d) A dock, apparently belonging to the Foleys, was noted on the shore of Big Island Pond on what appeared to be the Town's side of the property line. Mr. Foley stated that this had also been there about 5 years.
- e) A drill hole was found at the far end of the stone wall adjacent to the shore of the pond.

The walk then proceeded through the Foley's back yard and around the north side of the wetland to the area where the Foleys propose to build their retirement home. The following things were noted:

- a) The area is a nice high-and-dry wooded lot.
- b) No wetland flags were observed. Mr. Lavelle stated that the wetland scientist who had flagged the wetlands was Bruce Gilday, and that the wetland flags had been eaten by the deer. Chair Wainwright suggested that, in the future, deer-resistant flagging be used.
- c) The property line to the east (between the Foley's land and the "tree farm") consists of a stone wall.
- d) Following that stone wall going south, we arrived at another stone wall marking the southern boundary between the Foley's land and the Marshall Town Forest. A drill hole was found.
- e) Following that stone wall going west, we arrived at the shore of the pond. Jim Lavelle mentioned that there was a drill hole, although none was observed.
- f) Along this stone wall there was a "No Trespassing" sign (placed by the Foleys) found on a tree facing the Foley's land. Chair Wainwright recommended that Mr. Foley place the sign on the other side of the tree so that people on the Town's conservation land could see it.

The walk proceeded to follow the path of the proposed driveway onto Hemlock Heights Road. The proposed driveway would be over a proposed easement across an abutter's land.

4) Letter to the Planning Board:

Chair Wainwright stated that he felt the Commission should communicate its findings back to the Planning board, and called for a motion.

Member McVay made a motion to send a letter to the Planning Board recommending that the property lines between the proposed subdivision and both sections of the Marshall Town Forest be accurately surveyed and permanently marked with durable monuments, and that these lines be shown on the subdivision plan along with a notation that the land beyond them is owned by the Town of Atkinson. Furthermore, the letter should request that any encroachments found to be on the Town's land be immediately and permanently removed. Member Legault seconded the motion. All members of the Atkinson Conservation Commission present voted in favor. Vote: 5/0/0.

Chair Wainwright stated that he would also contact Eben Lewis of the NH Department of Environmental Services concerning the wetland crossing that had been done apparently without a D&F permit.

11) Adjournment

Jim Lavelle remarked that it was a nice morning for a walk in the woods.

Chair Wainwright requested a motion to adjourn.

Member McVay made a motion to adjourn the special October 24, 2018 public meeting of the Atkinson Conservation Commission at about 8:45 AM. Member Legault seconded the motion. All members of the Atkinson Conservation Commission present voted in favor. Vote: 5/0/0.

Attachments

- Letter to the Planning Board

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

October 24, 2018

Atkinson Planning Board
21 Academy Avenue
Atkinson, NH 03811

Re: Application for Subdivision of Map 22 Lot 12 – James and Jean Foley

Dear Chairperson –

As discussed during the Planning Board meeting on October 17, 2018, the Atkinson Conservation Commission this morning conducted a Site Walk of the proposed subdivision of Map 22 Lot 12, which is being considered by your board.

The plan presented by Jim Lavelle differed from the October 17 version presented to your board in that the proposed driveway is now directly off of Hemlock Heights Road on a proposed easement over an abutter's property, resulting in much less paved surface. This pleased the Commission.

While no wetland flags were observed (Jim Lavelle claimed they had been eaten by deer), it did not appear that there would be any issues at all concerning wetland setbacks.

Our concerns mostly involve the property line between the Foley's existing house and the small strip of Town land ("Parcel B" of the Marshall Town Forest) that separates their existing back yard from Big Island Pond. We strongly recommend the following:

1. Both property lines between the Foley's land and the Town's land need to be accurately surveyed, and durable monuments need to be installed where necessary. These lines and monuments need to be clearly shown on the subdivision plan, with the notation that the land beyond them is owned by the Town of Atkinson. This is especially true for the Town's land that abuts Chase Island Road since one of the property markers on the Town's 1978 survey is noted as a "dead hemlock tree."
2. A dock has been installed by the Foleys at the shore of Big Island Pond on land that is (apparently) owned by the Town. If further surveying by Jim Lavelle shows this to be the case, this dock needs to be permanently removed.

While not the concern of the Planning Board, a gravel drive with a culverted wetland crossing was observed off of Chase Island Road leading to the Foley's existing back yard, which was apparently installed by the Foleys without a Dredge and Fill permit. I will discuss this with Eben Lewis of the NH DES.

I have attached a DRAFT copy of our meeting minutes.

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

Sincerely,

A handwritten signature in blue ink that reads "Paul Wainwright". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Paul Wainwright, Chair, Atkinson Conservation Commission

email: conservation@atkinson-nh.gov

Copy to :

Sue Coppeta, Town of Atkinson Planning and Zoning Administrator