

**Minutes, Atkinson Conservation Commission
March 6, 2006
Atkinson Town Hall**

Call To Order by Chairman Tim Dziechowski at 7:09.

Attending:

Tim Dziechowski
Dan Kimball
Scott Kukshel
Pete McVay
Michelle Veasey

Guest Business and Plan Reviews:

Chris/Paul Shea request for wetlands setback variance 5 Valcat lane lot 22/49. Request for variance to build a new deck and bedroom to the side of the house, so the distance to the wetlands (Island Pond) remains the same. Tim noted that we are in an interim period, where a change to the wetlands ordinance is on the ballot but not approved, so the stricter set of rules apply to all applications. A variance for a new septic was attached from the state. Pete noted that many septic are failing along the lake, causing serious health issues, and anything done to improve these failing septic should be given special consideration. However, the septic variance is not a conservation issue. Given the extreme slope of the lot, commission members recommended planting for drainage control. Dan made a motion to entertain the variance and ask for gutters to drain into a dry well and plantings for erosion control. The motion was seconded and passed, 4 aye, 1 opposed. Tim will attend the zoning board meeting on Wednesday and will pass along the commission recommendation for approval.

Doug Dow asked for clarification on a potential request for a wetlands variance at 4 Devonshire, lot 14/88. He is remodeling the house, moving bedrooms upstairs and redoing the garage and driveway placement. Since there is a wetland area (stream) near the construction site, Doug wanted to know how the commission would treat a variance request. Tim had done a site walk and noted that the stream was at least 45 feet from the proposed changes. Also, since the construction is done on the same footprint, no variance would be needed for any of that work. The new ordinance has stricter rules for driveway placement, but unless the new driveway is within 50 feet of the wetlands, again no variance is needed. The overall advisory statement of the commission is that no variance would be needed for this construction, based on what was presented to the commission.

Scenic Byway: Tim reviewed the requirements and found that there is a limit to the amount of commercial development that may be in a byway. The heavy commercial development in the south end of 121 excludes it from consideration. The Historical Society is meeting and has many pictures and other data that can be used to bolster the application. Pete has not contacted the adjoining towns (Hampstead, Chester, Candia) yet for a possible joint application.

There was additional discussion of improvement of the area around **Hovey Pond**, with possible improvement of trail system and access, and a picnic and trail area along the pond edge.

Other Dredge and Fills / Site Walks / Complaints

Horse paddock request for variance on Pope Road and West Side Drive may be moot, since the house is for sale.

Brooks Properties Route 111 Lot 21-4, DES file 2005-01993. Tim noted that material processing is being done in the area in violation of town ordinances, since the proper permits were never filed. The state has not acted on the complaint about this development.

Internal Business

Secretary report: The February 2006 minutes were reviewed. A motion was made to accept the minutes as amended. The motion was seconded and passed unanimously.

SPNHF easement monitoring: nothing to report

Conservation Web Site: minutes and new meetings have been updated. Scott and Tim are working on adding and revising Wetlands notes and other pertinent conservation documents. Pete will continue to add conservation minutes and meeting date updates.

Tim noted that plot plans, deeds, and registry information is available at <http://www.nhdeeds.com>. This tools is proving to be extremely useful for verifying boundaries and covenants. The information has been updated to 1950, and some is available all the way back to 1639.

Treasurer's report: The 2006 budget, as approved, is up by \$1,000, but not all of the grant money was put into the budget. The Betournay easement plan cost \$24 and deed registration was \$48. The final cost for engineering and surveying for the Betournay easement was \$6,320. A motion was made to reimburse Rita Betounay for half of this amount, funds to be paid from the conservation fund (\$3,160). The motion was seconded and passed unanimously.

Review of Correspondence

Planning Board Agenda Items: the Master Plan is under review, and a meeting is scheduled for March 22nd to begin change planning. The Planning Board is looking for volunteers to be on the Master Plan committee for revision. The scenic byway plan will be included in the master plan update.

Zoning Board Agenda items: this week's agenda includes the Chambers lot, Valcat avenue (Shea variance discussed above), and the setback variance at 13 Carriage Chase Lane, lot 9/62-10.

Board of Health: meets on March 13th, with a waiver requested for a septic system at 36 Stickney Road, lot 23/32.

Other Business

Trail map update: some money is available for trail map reprints. Tim asked if the web trail map can be updated to show allowed hunting zones. Pete will update the web map with the hunting zone outlines added.

Sawyer gates Spring closing: The gates on Sawyer avenue will be closed on April 1st.

Survey markers on problem boundaries: Tim had heard back from the town lawyer concerning possible loss of easement or right-of-way restrictions through lack of enforcement. Sumner said that all government prescriptions are permanent, regardless of enforcement (or lack of enforcement) of any covenant. However, the Industrial Way easement could be at risk, since the boundaries and easements were never clearly defined or accepted by the town when the land was first set aside. Tim had walked the area and found markers defining the curvature of the easement radius. LaValle gave an estimate of \$650 to survey and mark the boundaries.

Survey bids update: nothing new to report, other than more bids are being solicited for boundary surveys. Tim noted that usually the cheapest bid is the surveyor that did the original survey. Since this is a slowdown period for surveyors, that may not always be the case.

Wetlands Ordinance: a press release was prepared, and Scott has reviewed it and will email his comments to the commission and to Tim for release. Michelle will contact the town Postmistress to ensure that the card mailings will get out on time. Pete is preparing posterboard signs for display on Saturday.

Forestry plans: Dan has been updating the original plan from the scanned copy, but has none of the maps to go with it. Pete will check for the maps, which he's sure were scanned. Charlie Moreno will not be contacted for update until the plan is in a complete state.

Dan noted that the "plan" as written isn't really a plan: it is an assessment by a single forester of what could be done in each area. The plan needs a genuine statement of mission, goals, and overall plan as a front part. Also, the current plan is now 20 years out of date. The forestry data in the plan should be an appendix. Tim commented that the plan needs to be in an editable format (electronic) before changes are made. Pete will investigate setting up a web site, independent of the conservation web site, where collaboration on revision can be done remotely, reducing the number of direct meetings needed to update the plan. Dan said revision of the plan should be done in sections and prioritized, and should be an ongoing process.

Tax maps: Tim had a copy of the current tax map, obtained from the Selectmen's office. Terra Map wants \$250 for each copy of the map, and Staples wanted \$35 for color copies. Pete will contact Russ and also Terra-Map to see about getting online copies of the files.

The master plan initiative includes setting up a web page and listing **Special Places** in Atkinson, such as the floating island, dry bridge, and meeting rock.

A letter from the Tamworth Conservation Commission was received urging support of their court case concerning **local control of land use**. A ruling in favor of the plaintiff (Motorsports holdings LLC) could potentially impact any New Hampshire community's attempt to assert regulations on public lands within their boundaries. Pete will respond with an amicus (friend of the court support) letter to the New Hampshire Association of Conservation Commissions.

Rules for Conservation Lands was deferred to a workshop meeting.

Conservation Easements

The **LCHIP grant** for I-93 expansion mitigation will be going to compensate towns that directly border the expansion, so Atkinson will not be included in any funding.

The next meeting of the Commission will be Monday, April 3rd, at 7:00.

The meeting adjourned at 10:06.

Respectfully submitted,

Pete McVay