

**Minutes, Atkinson Conservation Commission
April 3, 2006
Atkinson Town Hall**

Call To Order by Chairman Tim Dziechowski at 7:10

Attending:

Tim Dziechowski
Dan Kimball
Scott Kukshel
Pete McVay
Michelle Veasey
Paul Wainwright

Guest Business and Plan Reviews:

NE Soil Consultants for Brooks Properties, wetlands application. Tracey Tarr of NE Soil consultants submitted an after-the-fact minimum impact wetland application on behalf of Brooks Properties for work being done on tax lots 21-4 and 21-4-1. Sue Killam, Planning Board Chairman, was also present. Tim noted that complaint 2005-1993 was filed with the state on this work and gave Tracey a copy of the complaint. Sue noted that no process or plans have been filed with the town for each individual lot, and that the plan presented by Tracey treated both lots as one. The Conservation Commission is concerned that no information was given to the planning board or commission, and this lack of communication makes the entire process by Brooks Properties suspicious. No reason for the need for the changes, including a very large electrical conduit, has ever been given to town agencies. Tim noted that this was curious, because the culvert for trucks and other changes to the property were well done and approval would have been forthcoming if the proper procedures had been followed. The after-the-fact wetland application and accompanying photographs were difficult to assess, because the changes to the lots are already so extensive. Tracey was given a list of missing required documentation and information, including separate site plans, timber cutting, dredge and fill, and information from project abutters. The Conservation Commission will file a letter with the state that the Commission intends to intervene and send in any additional information to the state before approval of any permits. Tracy agreed to collect any feedback and send back results to the commission, including the answers to any correspondence from the abutters. Pete made a motion that Tim write a letter to Wetlands Bureau asking them to intervene in Wetlands file 2006-00581. The motion was seconded and passed unanimously.

Busby/Sawyer land swap. Patti Mangini attended as a guest for the discussion on proposals to obtain the Busby land on East Road in a trade for conservation land in the Sawyer land. The issue is that there are a few lands held by the town, contiguous to or within conservation land, whose covenants and easements do not make them "true" conservation lands—their use could change at any time. One suggestion before the Conservation Commission is to purchase the Busby land and then trade the use of the new land for conservation covenants on land contiguous to the Sawyer lands. The contiguous town land in the Sawyer and Pope land areas. Tim has had discussions with Sumner and Phil Auger about the technical issues of making this trade, and such a swap of lands is highly unusual. Phil is of the opinion that it can be done under RSA 41-14A. There must be a recommendation on the project from the planning board, and selectmen have two public hearings. Sumner feels it must be a warrant article, and it is not clear if a conservation restriction can be removed or changed on conservation land, and there is a question about the proper use of conservation funds. Paul and Scott pointed out that the commission does have the power to purchase land, and could purchase it and put it on a warrant article for next year.

Since RSA 36-A:4 governs what the commission can do, and specifies that the commission only manages conservation land for the town. The commission may purchase and receive land, but does so for the town. Since the commission does not own the land, there should be no issue about transferring the use and title. Sue Killam suggested that there are attorneys who specialize in this kind of purchase, and if we have funds, to hire one of these. Paul noted that a warrant article changed the conservation fund use from strictly land purchase to a broader use. Michelle volunteered to check with DRED on the exact grants and documentation that they have on the lands in question, since they will be doing a site inspection on these properties in May. Scott volunteered to incorporate the land use proposals into the master plan. Pete noted that an easement can be done at any time—it doesn't have to be done at the time of purchase. If necessary, the Commission can use the land use fund to purchase the Busby land and apply the proper changes and use covenants later.

Carole Grant passed around the **scenic byway proposal**, which is to be presented to the state this week. Several of the historic road markers are still on the town roads. Michelle made a motion for the Commission to write a letter to Ted Stewart to cut and remove brush to expose the road marker, to make it visible without causing erosion. The motion was seconded and passed unanimously.

Internal Business

Secretary report: motion made to accept the minutes as amended. Seconded and passed with one abstention.

Treasurer's report: no money to report this period.

Membership: several possible nominations came up. A broader membership, especially from the Island Pond area, would expand representation in the town.

Other Dredge and Fills / Site Walks / Complaints

A complaint was received concerning possible groundwater contamination from piles of mulch on Freshwater Farms. The owner of Freshwater Farms, Chuck Morris, sent Tim a letter on what was contained in the mulch and included Material Safety Data Sheets (MSDS). The complaint does not fall under the jurisdiction of any town agency, since it is on private land and the alleged contamination is entirely into private land. Several Commission members searched the internet for potential contamination hazards of mulch and found none.

Review of Correspondence

Planning Board minutes and agenda: Working on Master Plan update - need participants, web site

ZBA minutes and agenda: Trudel wetlands setback variance 13 Carriage Chase Lane 9/62-10. Tim walked the land and it is not wetlands, but it is unstable because of the runoff from all the other sections. Also needs an open space variance, which may not be granted.

Board of Health public hearing: Casey septic system waiver 36 Stickney Road 23/32. Nothing to report.

Other Business

Sawyer gates are closed for the summer.

Survey bids/markers update. The right-of-way to the Judge Marshall land has an uncertain status. Tim will do a deed search to determine the exact status, since the town may not have a clear right-of-way into these lands. It is possible that some court action might be necessary to clear up title and use.

Trailwrights proposal: Pete would like to submit a proposal to Trailwrights, the organization that helps communities establish and maintain their trails and paths. A motion was made and seconded for Pete to write a proposal to Trailwrights to submit a bid to survey the Sawyer land trails. Motion passed unanimously. Michelle will contact the Sawyer land steward for his involvement as needed. Michelle also mentioned that the steward for the Slade parcel couldn't get back into the trails, and the boundaries are uncertain.

Saving special places report. Michelle, Dan, Pete attended. Michelle attended workshop on showcasing lands and site walks, and working toward positive consensus in gaining open space (hearings control and steering to the positive). Pete attended workshops on wetlands grants, federal and state funding, and mitigation for wetlands removal. Dan attended lectures on meets and bounds and got up to date on GPS surveys and developments in forest management. For \$300-\$700, we could get a state database and software for GPS-type land and forest surveys. Michelle noted that Londonderry has low-key meetings on conservation issues and concerns. The commission could look for grants and proposals for water protection, and also would explore ways to poll townspeople on conservation issues and feelings. Dan commented that in any forest management and harvesting program, we would have to include some high-grade lumber if we expect to attract a bid for clearing. A logging operation could also be geared to trail clearance and maintenance.

A motion was made and seconded to reimburse the attendees for the Saving Special Places meeting. The motion passed unanimously.

The next meeting of the Commission will be Monday, May 1, at 7:00.

The meeting adjourned at 10:10.

Respectfully submitted,

Pete McVay