

**Minutes, Atkinson Conservation Commission
February 1, 2007
Atkinson Town Hall**

Call To Order by Chairman Tim Dziechowski at 7:15.

Attending:

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

Internal Business

Secretary report: A motion to accept the January 25th minutes as amended. The motion was seconded and passed unanimously, with two abstentions.

Commission went into private session under RSA 91-A:3, II (a) (d) to discuss land and possible gift lands. It was moved and seconded to go into private session, Passed unanimously.

Private session was closed at 8:19 by motion that passed unanimously. The Chairman noted that no business was transacted in the private session.

Guest Business and Plan Reviews:

Sue Killam: right-of-way access to the Marshall land. Sue had gone to several attorneys for opinions. And cited the book "A Hard Road to Travel", from the New Hampshire Local Government Center for authority and procedures. There are two actions necessary for a town road: dedication (complete when the planning board signs a plan with the right-of-way). (2) town accepts the road, typically at town meeting. Tim seems to think that there is a dedicated right-of-way, and it is on the tax maps. For right-of-ways dedicated before 1969, there is a 20-year limit for acceptance or it expires. For right-of-ways dedicated after 1969, there is no automatic expiration date. Dedication of the Marshall Land happened in 1983 on Industrial Way. It was never accepted by the town by a town warrant. "Highway dedication isn't described in the statutes. It takes looking at case law to find out what dedication is...a dedication is any express act showing intent to permanently donate a particular strip of land..."

"Paper street' is a term applied to a dedicated piece of land that shows on paper but was not accepted or dedicated (RSA 231:51). There are markers on the corner of Metal Spinning Company, owned by Brian Castle, on Industrial way, and the right-of-way is from these markers.

There are several possible right-of-ways into the Marshall Land: across lot 13 onto Marshall, and there is an existing right-of-way through lot 72 at the end of Deer Run road. The Commission would like to get clear title to the right-of-way first, then move it all the way to the end of the street.

The next meeting of the Commission will be Monday, February 5th, at 7:00.

The meeting adjourned at 8:55.

Respectfully submitted,

Pete McVay