

**Minutes, Atkinson Conservation Commission  
October 6, 2008  
Atkinson Town Hall**

**Call To Order** by Chairman Tim Dziechowski at 7:30.

**Attending:**

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

**Guest Business and Plan Reviews:**

**James Lavelle for Gilles Gagnon**, wetlands setback variance request, Map 16 Lot 50, Industrial Drive. There was considerable discussion about the setback variance and the nature (and existence) of wetlands on or near the lot. Review of the plans and discussion of land history shows that a site walk and workshop would be needed. Since this request is not yet on the ZBA agenda, a walk will be scheduled before then. A tentative site walk date of 18 Oct was scheduled, with Pete, Dan, Paul and Scott to do the walk.

**Internal Business**

**Secretary report:** deferred to November.

**Treasurer's report:** Dan submitted a bill for post material and spray (~\$32) for signage on Sawyer land.

**Other:** 2008 membership – Scott renewed his commission membership and was sworn in.

**Other Dredge and Fills / Site Walks / Complaints**

- **Conservation commission commentary on HAWC groundwater withdrawal proposal.** The DES letter to the HAWC lawyer stated that HAWC needs a boundary larger than 75 feet, and it extends into the forest. DES will not grant a permit without an easement on the town forest from the Conservation Commission. The stewardship arrangements for the Slade Forest may not permit this type of easement.
- **HAWC minimum impact dredge and fill application for temporary test weir** on outflow stream from Stewarts Farm Pond. The Commission voted to approve the request based on a site walk done during the workshop meeting on 4 Oct.
- **Maple Heights subdivision at 40 Maple Ave.** A site walk was done with Kevin Hatch during the 4 Oct workshop, to look at a trail easement to connect to trail easement on Scott Kukshel's land for through trail to Kelly Lane. A possible wetland was discovered during the walk that was not indicated on the surveys. More investigation is needed.
- **Kevin Bresnahan request for wetlands setback** to rebuild preexisting nonconforming deck at 5 Jasmine Drive. A site walk was done at the 4 Oct workshop and the Commission voted to recommend variance to the ZBA. Tim will write a recommendation letter.
- **Illegal brushcutting on easement on Willowvale Avenue, Tax Map 9, lot 14-3.** A site walk to inspect the damage was done during the 4 Oct workshop. The members present discussed the situation and decided that, while the action did considerable damage to the wetlands area, the best remedy is to let the land recover naturally without assistance. Dan will draft a letter for Pete and Tim to send.

## Review of Correspondence

### Planning Board minutes and agenda

- **Prime wetlands warrant article update:** Sue Killam agreed to put this on the agenda. There was some question about existing houses that are within 100 feet of the proposed prime wetlands. There are houses along Maple Avenue by the Sawmill Swamp that could be affected, and there are issues about fees and grandfathering. Tim asked Michelle to talk with Jim Garrity. The Commission could put all seven prime wetlands forward or any combination of those.
- New 9-hole executive golf course at Atkinson Farm
- Lincmark ("mini-mall") site plan is being redone as a residential plan.

### ZBA minutes and agenda

- **Ferreira-Ludwig, special exception to add 2<sup>nd</sup> story addition**, 12B Stickney Road, Map 23, Lot 48, and also conversion from seasonal to year round, both approved. This was not a duly noticed public hearing because the conservation commission is an abutter and was not notified. Formal request for rehearing submitted 9/10 to ZBA, will be acted on at 10/8 ZBA meeting. Shoreland waiver applied for 10/2/08.
- **Dobrov, expansion/alteration (teardown/rebuild)** replacing cottage with new primary residence at 3 Valcat Lane, Map 22, Lot 48. The ZBA felt that this complied with the new shoreland protection act. Variance and year-round conversion both approved. No shoreland waiver applied for so wetlands complaint filed.
- **Orlando, special exception/expansion** to extend existing bedroom 75" x 10.5'. 7 Valcat Lane, Map 22, Lot 50.

### Other Business

- Town meeting articles - new powers of conservation commissions. If warrant is adopted by town meeting: (1) allows purchase of land outside municipality. (2) Conservation fund can be used to purchase an interest in land not held by the town.
- Forestry plan: get Charlie Moreno or find another forester.
- "DR cutter" string mower repair status: deferred
- Surveying for Maple Heights trail needs to be done.
- Chain/cable for problem boat parking area at big island pond: Pete will contact East Coast Lumber and get cable made.
- McPherson lot has a lot of encroachment by an abutter. Tim will see about getting a fence put in.
- Tuck in canoe/kayak dock for winter. The pond is scheduled to be lowered on 12 Oct. The dock can stay on the pond bed, but ice may be a problem, so the dock should be monitored.
- Conservation commission before Superior Court: a motion was made that in the event the request for a rehearing on the Ferreira-Ludwig variance is denied on October 8<sup>th</sup>, the chairman is authorized to hire legal counsel to represent the Commission in its appeal of the decision before the Superior Court. Motion was seconded. The motion passed 6 to 1.
- No hunting signs: will at least be posted on the entrances.

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

The meeting adjourned at 9:35.

Respectfully submitted,

Pete McVay