

**Town of Atkinson  
Conservation Commission  
Regular Meeting 7:00 pm  
Monday, December 6, 2010**

**Open Regular Meeting:**

Chairman Dziechowski opened the Regular Meeting of the Town of Atkinson Conservation Commission at 7:14 p.m. on Monday, December 6, 2010, in the Atkinson Town Hall.

**Members Present:**

Tim Dziechowski, Chairman  
Paul Wainwright, Vice-President  
Dan Kimball  
Denise Legault  
Michelle Veasey  
Peter McVay

**Others Present:**

Elizabeth Gagnon, 10 Hemlock Shore Dr,  
Julie LaBranche, RPC  
Glenn Saba, Century Construction

**New Business**

**Public Hearing:**

Elizabeth Gagnon, expedite minimum impact application to repair retaining wall at 10 Hemlock Shore Drive, Map 22 Lot 72

Tim explained that he has reviewed the request of the guest and feels that everything is in order to sign off. Denise asked Tim to explain. Tim explained that the stone wall is falling apart and that Ms. Gagnon's land will erode into the lake if not repaired while the lake is down for the winter. DES suggested that Ms. Gagnon use a minimum impact expedited application. Ms. Legault stated that on the tax card the wall is 49'11 3/4". Ms. Gagnon stated that she talked to the DES and has a reference number from a staffer who said the length would not affect the application. The woman from DES was Jocelyn Deglar, and if there was any question regarding the length to refer to the following #ENV-WT303.04(c). Tim suggested to make sure a "North" directional arrow is in the Legend. Ms. Gagnon showed a map/drawing that the contractor had done. Ms. Legault asked about the rock. Ms. Gagnon was unsure if they would be taken away or used as back fill. Ms. Gagnon stated that the contractor may pour a footing but did not state he was bringing in any stone. Tim stated to Ms. Gagnon that he was confused by the map and that DES might be confused as well. Tim suggested that Ms. Gagnon put on the map where her house was and maybe label the lake side. Tim asked how far the house is from the lake. Tim checked the tax card. Ms. Legault asked if DES wanted a site plan or to have the land surveyed. Ms. Gagnon stated no. Ms. Gagnon sent out letters to the abutters last week. Ms. Legault asked if the "wall guy" has done work like this in the water before. Ms. Gagnon stated yes and that he was a local guy and was recommend by a gentleman who lives on the lake. Ms. Legault asked if Ms. Gagnon was hand delivering application to DES. Tim stated that after the Conservation Commission reviews and signs the application the Town Clerk has to sign it and send it to DES. Mr. McVay read to the Board what steps the applicant needed to follow. Tim made the following recommendations: to put on the "sketch" where the lake is, where the road

is, where the house is and a directional arrow pointing from the house to the lake (the lake is north). That should meet the DES requirements. Ms. Legault asked if the contractor would be able to come in on the side of the house. Ms. Gagnon stated that she spoke with her neighbor, Michael Morris. The Morris's stated that the Contractor could use their driveway and that Ms. Gagnon had some young Forsythia bushes that could be taken out and replaced with minimal impact. Tim stated that anyone on the Commission could sign an expedited application. Mr. McVay asked if a motion should be made. Tim stated that it was not necessary for an expedited application but if someone did want to make the motion that would be fine as well. Tim wanted the minutes to reflect the discussion. Tim signed all 4 copies.

Glenn Saba, Century Builders, requests the Conservation Commission's recommendation for a wetlands setback variance for a deck at a house on Blackford Drive, Map 9 Lot 49-3

Ms. Veasey asked if this was the new development off Maple. Mr. Saba stated that it was. Tim mentioned that the Town tax maps did not show the new development. Discussion on the contractor that maintains the taxmaps is not doing the job properly. Ms. Legault asked if this map was the only map marked up. Mr. Saba stated that it wasn't and that he uses a yellow highlighter and the rest was stamped by a certified land surveyor. Mr. Saba has pictures that coincide with the maps marked A & B. Mr. Saba also a certified plan of the foundation and how it sits on the lot. Mr. McVay asked if it was entirely new construction. Mr. Saba stated it was. Ms. Veasey asked where Maple Ave was. Mr. Saba showed where Maple was. Mr. Saba stated that the lot is a 3.38 acre lot. The certified map shows that the wetlands is just a finger, which is not a primary wetlands. Mr. Wainwright asked if it was wooded wetlands. Mr. Saba affirmed that it was and that it was walkable. There was drainage from the sub-division that may run in that direction. Mr. Wainwright asked that the house is far enough away from the wetlands and that it was just the deck. Mr. Saba stated that it was the deck and a porch. He's building on speculation because houses on Blackford Drive had porches and if a perspective buyer wants the porch he'd like to have the option to do it. Mr. Wainwright stated a screen-in-porch would be nice with the mosquitoes from the wetlands. Ms. Legault asked that the deck is in "yellow". Mr. Saba stated that at the least the deck/porch would be a 12x16 and at the very most it would be a 12x24 with half being a deck and half being screened in porch. Mr. Wainwright asked if there was a regulation regarding a roof over a structure. Tim stated that was only under the Shoreline protection act. Tim stated to Mr. Saba that he should request from the ZBA exactly what it is he wanted because if you apply for a deck and someone later wants to put a screen porch on they may give the person a hard time. Mr. Saba stated it was to be a screened in porch without glass windows or insulation and the structure would be on pillars and not a foundation. Tim stated that the developers from Portsmouth made all the lots that are just small enough that everybody is going to have to apply for a wetlands variance to do whatever they need to do to the lots and that it's wrong. Tim feels that request Mr. Saba is making is a reasonable request and should be granted. Discussion on the property location and where the 2 barn owls are. Mr. Saba stated that there are 3 lots left. Discussion on aquifers. Tim asked if the Commission would like to make a recommendation to the ZBA. Mr. McVay made a motion that a letter of recommendation be written to the ZBA, that the Conservation Commission has no objections to Mr. Saba's request for a wetlands setback variance of 10 feet

for a deck to be built on 7 Blackford Drive, Map 9 Lott 49-3 Mr. Kimball seconded the motion and the Conservation Commission voted unanimously in favor.

Tim asked Mr. Saba for his email address which is gsaba@comcast.net

Julie LaBranche of the RCP asked Tim to get the NRI maps from the planning office.

Julie asked if everyone got the recommendations by e-mail. Julie passed them out. Julie wanted to finish up the recommendations and the maps for the next meeting in January. Julie asked if anyone had any additions or changes. Tim asked if he had given Julie a list of the Conservation Lands. Julie stated that she was still waiting for it. Julie also stated that she was waiting for a Cover photograph and was looking for a volunteer. Paul will email Julie a copy of Stewart Pond. Discussion on next meeting while Tim went to get the maps. Next meeting is set for January 4, 2011 (Tuesday). Denise will check to see if there is availability. Tim will inform Dave of Atkinson Cable TV and will send out the notice. Tim is to get Julie a copy of Atkinson Then & Now.

Julie went over the recommendations from last meeting on the NRI. Julie stated that the biggest changes was the Water Resources and showed the footnotes and resources. Paul asked about the recommendations being too high level. Paul read NCL1 and stated that it doesn't tell how to do it. Julie stated that recommendations don't and that these recommendations are for most Master Plans are broad enough to so they warrant a separate scope of work plan unto themselves. Tim explained that the Master Plans are adopted by the Planning Board, then would be given the recommendation to form a sub-committee to elaborate on them. Julie explained that that was why the footnotes and resources were put into the chapter; so that someone would have a reference point. Tim asked if there was a Steep Slope section. Julie stated no, Tim asked if there was a soils section and Julie stated that it fell under Section 2 Natural Conditions & Landscaping. Julie asked if Tim wanted to add something about Steep Slopes. Tim feels that Zoning should look at development of Steep Slopes. Julie made a side note. Discussion on Steep Slopes. Julie explained that Steep Slopes can affect water quality, land stability and erosion. Michelle asked if Julie had the numbers of the Steep Slopes in the Town. Julie will work on that. Julie stated that under Forestry Resources and Forestry, she was still waiting our consulting forester to come out with the final report and it was unclear that will happen in the time frame of this project or not. A final reference will state "will be completed at some point in time" if not completed by the time the chapter is complete in January. Paul asked about item 6 WER2 if there was some information already available. Julie to change the word "Develop" to "Provide" and add a footnote and some references at the bottom. Michelle asked if it was the proper place, under Forestry Resources & Forestry, to have management plans updated on a regular basis. Tim stated yes, because it hasn't been done since 1988. Michelle asked what would be a reasonable time, given that we are already behind. Tim stated that when the section is maintained, the next update should be 10 years out. So that if a year is missed it would be within the 15 year mark. Michelle asked if that was normal- every 10 years. Dan Kimball stated that we have assessed as many plans as we have forests. Dan also stated that you can't have comprehensive updates do that and that you need to do it parcel by parcel. Dan stated that the Commission picked Sawyer because that was their highest priority. Dan

feels that there should be a goal, doing one a year. Tim stated Sawyer was done and that was also a supplemental cut but was still awaiting a report and can't close it out until the report is in. The Forester and the Logger are ready to do the next lot but Tim is waiting for a Forestry Plan in place and approved by the LCIP people. According to Dan you should have a completed updated plan before you marked the cut. Michelle asked if the Commission should be doing one every year. Dan made a recommendation that 1 or more be done on a bi-annual basis, to give some flexibility. Also, that it cost money to do it. Tim doesn't feel that a number should be put in the Master Plan but should be a goal. Michelle feels that it has "slipped" for so long that maybe it should be in the Plan, so that it doesn't happen again. Dan and Peter agree. Tim mentioned to Julie that the Trinity Forest, which has never been cut, is next on the list after they close out Sawyer. Julie asked if one plan and one cut is to be done every year. Tim explained that it has to be funded out of the Forestry budget. Julie asked if it was reasonable to put in the Plan update every 10 years. Julie stated that the next step is to develop an implementation plan from the recommendation; to prioritize and to find a short term and long term. Peter mentioned that to do it would be a sub-committee to help accomplish it. Denise asked about in 2002, there were 245 farms and in 2005 there were 542. Julie confirmed it was County and not Town.

#### **Base Map - Map 1**

The Commission looked at the base map. This is an NRI map. It's a build out analysis. Julie pointed out that there is a Transfer Development to accommodate more growth. Pete asked about easements and open space. Julie will ask the GIS people to breakout by types of lands. It won't be perfect because the information is from the Granite Database files. If Tim could give an up-dated list it would be more up to date. Tim stated that the color coding is broken out the same; green is conservation land; town owned land is pink, which includes recreation lands; and cluster open space in yellows. Julie asked who does the Towns maps and that was discussed that the contract had run out; database hadn't been updated in a while, last update was 2008. Julie to break out as best as she could the colors. The map should include the golf course as open space. Orange lines represent private road and it was added to the legend.

#### **Soil Map - Soil Potential Ratings - Map 2**

The map breaks up by soil types and is broken down into different areas. The red area, low erosion, high infiltration for a septic. Julie shows a topographical map to compare them. The good soils are in the lower zones. The map is from 1987.

#### **Prime Farm Land Map - Map 3**

Map is broken into colors as blue is for non-farm land ; green is prime farm land; tan is State wide importance; the white is farm land of local importance. Atkinson has a lot of prime farm land which is important for the Town and probably should be noted; so the Town can protect it as a important resource. Denise asked if there could be if there could be an overlay. Julie stated that they would send over a file for the Commission.

#### **Surface Water Resources Map - Map 4**

It shows flood hazard areas, noted in the pink coral color; 2% annual chance of flood. The 100 year flood area. Aquifer areas there are only a couple. Peter made note that during flood times

the Town gets cut-off because of the surrounding areas flood. Julie to add to the legend is the surface water; lakes and ponds (public water supply).

#### **Comprehensive Shoreline Protection Act - Map 5**

Julie shows a portion of the pond. The only protection the Town has is its set-backs. The map has a majority 1st and 2nd order brooks in pink and only one 3rd order. Julie stated there maybe new water quality standards coming with the new census data under the Non-Point Source Discharge Elimination System.

#### **Ground Water Resources - Map 6**

There are only a few areas that have greater than 4000 gallons per day. Julie stated that the Town must use drilled well to get their water from. Pete made note that all lakes in Town are artificial dating back to the 1800's.

#### **NH Fish & Game Wildlife Resource - Map 7**

Green is the highest rank habitat in the biological region. The pink is the highest ranked. The Town has more water based species. This map took into consideration water quality, topography, fragmentation, forest conditions, landscape conditions, there were up to 40 criteria's that were looked at. Not all 40 were present in every part of the State. Julie to change color to a lighter purple for the supporting landscape. The higher habitat areas border on a lot of the Conservation land. Julie to transfer information from the report onto the map giving it more detail.

#### **Open Space & Un-Fragmented Land - Map 8**

The Forestry areas are the yellow areas. Un-fragmented block; Julie to get the sizes of. Conservation is in the dark green. Julie noted on the map areas that need clarification. Julie asked if it would be easier to read if the surface water was blue and came to the surface. Peter asked if they could over lap each other - 2 colors. Julie suggested making a solid vs. a stippled on the overlapping. Julie to up-date road layers and to put on map a table and statistics on each page.

#### **2009 Ariel Photo NAIP Map - Map 9**

This map shows potential ponds. Julie showed smaller maps (land use change maps) to compare from 1962, 1974, 1998 & 2005

#### **USGS Map - Map 10**

Julie to see if slopes could be added to map. Noted that it could be a good trail map. Julie to have meter units of measure added and the elevation of the high points.

Julie to reprint and made a little bigger (E size) as well.

Pete asked if the Commission could get 2 sets and put one away. Julie asked if the Town had a 11x14 and print from the file sent over and then laminate them. Julie to have them ready for the next meeting, Tuesday the 4th of January. Julie to send the new recommendations over to

Sue. Julie to edit the introduction and the ending for review. Discussion of a 2nd meeting in January for a workshop. Julie would like to bring them on a CD to review to save some paper.

#### New Business

Planning Board - has nothing but the NRI review so far.

ZBA- Glenn Saba

Resident of 113 Maple may be there  
37 Boulder Cove Road  
New Applicant - Hair Salon

Tim is okay with not giving a recommendation for 37 Boulder Cove Road - not enough information given. Tim asked if anyone could attend the ZBA meeting.

#### **Dredge & Fills/ Site Walks/Complaints**

Mike Zedalis has not been able to find any blueberry bushes/arborvitae due to it being end of planting season and the Town has given him until Spring to come into compliance.

#### **Other Business**

- Sawyer Forestry is done and the Commission received checks for \$22,815. 10% goes to the Town's general fund in lieu of Timber Tax.
- Commission may need to use some of the money to help fight the invasion of Bittersweet. Peter to look into other treatments.
- Tim waiting on Charlie for paperwork so he can send it onto the State and then start the next project.
- Charlie was paid out of the cut of the Sawyer lot. Tim is looking for the report.
- Next Project - Trinity Forest
- 2011 Town Meeting Warrant Articles - Tim is to look into the 100% of Land Use change tax to the Conservation Fund - to do this as a petition articles - February 5, 2011 - discussion on how to do the petition
- Southeast passage - abandoned - some feedback the Lewis ' don't want to sell land at this time.
- Prime wetlands- no change

#### **Internal Business**

##### **Treasurers Report**

- Remaining 2010 budget expenditures
- Mowing – one bill is in
- Re-graveling Sawyer lot access road (Forest Lane Ext.)
- Signs (no hunting, no parking at trail access gates)
- Books, publications and memberships
- Professional Expenses - Minutes
- Repair of kayak dock - lake is very low at 4' and meeting prior was 7' - Tim to order float
- Encumber 2010 professional services and special projects for 2011 land project

- Conservation Web page - Dan to send link to Commission members to look at site

**NOTE** - Dan made mention that he was officially sworn in as a representative on the Scenic By-Way Committee.

Budget - Tim went to the Budget Committee and presented it to the Board of Selectmen with a 33% increase (due to the new need to pay for preparing minutes) and the Budget Committee will look into what the cost of taking the minutes would cost and adjust accordingly.

### **Approval of Minutes**

Tim made a motion to defer the minutes until next meeting. Denise seconded and the Commission voted unanimously to defer the minutes

Next meeting - January 4, 2011 at 7:00 pm subject to availability

### **Adjournment:**

*Tim made a motion to close the Regular Meeting and go to a Private Session under RSA 91-A:3 II (d) to discuss land purchases. Paul seconded the motion and the Committee voted unanimously to adjourn the Regular meeting and go to a Private Session under RSA 91-A:3 II (d).*

*Private session was closed at 10:00 by motion that passed unanimously. Acclimation to seal by unanimous vote of six members.*

Respectfully submitted by Patricia Power