

**Minutes, Atkinson Conservation Commission
July 10, 2012
Atkinson Town Hall**

Call To Order by Chairman Tim Dziechowski at 8:02

Attending:

Tim Dziechowski
Dan Kimball
Pete McVay
Paul Wainwright

Private Session: Conservation Easements / Land Purchases

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. Motion passed by four unanimous votes.

Private session was closed at 8:17 by motion that passed by four unanimous votes.
Acclimation to seal by unanimous vote of four members present.

The meeting adjourned at 8:18.

Respectfully submitted,

Pete McVay

<attached email chain>

To : Paul Wainwright

From: Steve Lewis

Paul, I have always respected your opinion. That being said if you go by Sue Killiams edicts then the sale will not happen and I will not put myself or my family through that again. Sue Killiam is neither a lawyer or a planner by degree or education but that has never stopped her in the past. I am very familiar with this title and land titles in general. I will sit down with anyone and explain the very clear ownership we have to this land. But in this litigious society if Sue Killiam or Sumner says its questionable then I would have to sue. That costs money and Sue knows. Paul if I am forced to go to those costly and emotional expenses lengths then I will develop it. The approved plan when I incorporated this parcel carried a density of 7 to 8 units that could be transferred to any other portion of Settler's ridgecluster development to build. This should have been something that I was thanked for not chastised! Ms Killiam has put her self in this negotiation because she has a personal ax to grind. Does anyone realize the obvious conflict of interest this creates for the town as well as Ms Killiam. She is chairman of the Planning board and an employee of the Town as well as a real estate developer who in the past has competed with me!!!! This project was approved prior to Ms Killiam going on the board and she has made many public statements that she hates this type of cluster development that provides multifamily housing that Settler's Ridge created. Her comment on the value of parcel in being too much after an arms length third party appraisal is and can be interpreted as interference in a contractual relationship that I had with the Conservation Committee. Ms Killiam may be a Broker but she is not a licensed appraiser. I am a licensed broker in both Mass and NH as well as a licensed designer. Her technical road blocks that she has thrown up in the past to stop this sale were so bogus I could not believe anyone accepted them. I understand zoning law and have worked in that field for 43 years. The cloud on the title is mostly created by her opinion and manipulation of the facts. Sumner Kalman is going to write what ever his bosses want. For instance at some point in this negotiation, Ms Killiams suggestion that we could not just sell this lot to the Town because it didn't have legal frontage of 200'. That was an example of her either outright dishonesty or ignorances on her part. That parcel of land was incorporated into the Settler's Ridge culster development which rules for frontages, density and lot sizes were allowed to be flexible. For instance in the case of this parcel's frontage since it was in the Settler's Ridge cluster development it required no minimum frontage amount. There are several lots on King's Grant Drive for instance with 50' frontages. I will not put my self through this emotional battle again. I love the mature trees on this parcel. I could have made a big chunk of money by creating two or three huge Mac Mansion lots on this site since it had adequate uplands to support a leach field design for three single family lots or 7 to 8 town house style condos but I chose to put it into open space because I believed it should be in the public domain. Sue knows she has me over a barrel in that I had this parcel dedicated as open space as trade off to develop more units in Settler's Ridge. Unfortunately, just after that approval I had a heart attack then we suffered the collapse of the New England real estate market. There's is a limit to my patience and my pride. I will not be casted as a money grubbing developer trying to squeeze money out of the Town. Paul before anything is restarted on this sale I want to talk with you about this and where it is going. Even the myth the Settler's Ridge Condo Association has some say in what happens is another story concocted by Killiam. Of course if you tell the president of the Condo Association that they might have a claim well then they believe they have a claim. At this point I am so angry by my treatment in a Town I grew up in and loved that I am going to do what my father and brother suggested I do a long time ago. Cut those wonderful mature trees and dump them on Sue Killiam beautiful front yard and let her know this was her doing. If she really cared about the Town no matter what she felt about me she should have made this happen. It should be in the public domain. But apparently some people think my family doesn't care about that kind of thing!

From: paul@paulwainwrightphotography.com
To: conservation@atkinson-nh.gov, wilvalent@yahoo.com, "denise legault" <denise_legault@uml.edu>, "p mcvey" <p.mcvey@comcast.net>, vczaia47@yahoo.com, "Tim Dziechowski" <timd@winsurfer.net>
Cc: stevenlewis95@comcast.net
Sent: Friday, July 6, 2012 11:21:30 AM
Subject: Re: Jane Jones parcel

I would be very supportive of acquiring this parcel if we can clear up the uncertainties that plagued us in the past, and if the price is fair to the town and the owners.

Paul Wainwright

-----Original Message-----

From: Tim Dziechowski
Sent: Thursday, July 05, 2012 5:07 PM
To: conservation@atkinson-nh.gov ; timd@winsurfer.net ; wilvalent@yahoo.com ; denise_legault@uml.edu ; p.mcvey@comcast.net ; paul@paulwainwrightphotography.com ; vczaia47@yahoo.com
Cc: stevenlewis95@comcast.net
Subject: Jane Jones parcel

All -

Under 91A this email and your replies constitute a meeting and will have to be appended to private session minutes (which we can seal) for our next meeting.

Please note that I am copying Steve Lewis on this email.

I just heard from the selectmen's office that an intent-to-cut has been submitted for the 7.7 acre Jane Jones lot we have been negotiating over all these years. A history synopsis:

- Steve Lewis came to us in the early 00's and said that he had promised Jane Jones on her deathbed that he would find a way to get her land into conservation
- We eventually meet and agree on a purchase price of \$125K (March 2009 private session) for clear title, selectmen approve, and I extend a P&S subject to clear title as determined by Sumner
- Planning office objects that they never approved a subdivision when Jane Jones' house and 2 acres were split out and the 7.7 acres is in legal limbo
- Sumner agrees, wants sellers to petition for quiet title
- Homeowners association gets wind of this and wants \$\$\$ for quiet title even though they have no claim on the land
- Deal falls apart
- About a year later Steve calls me and says they have offered the Homeowners \$\$ in lieu of \$\$\$ to avoid the expense of petitioning superior court for quiet title
- If we still want to buy the price is now \$125K + \$\$.
- I seem to recall bringing this up in private session and asking for more money (I remember \$140K).

- There is no record of this in the private session minutes I have. I don't have the 12/10 sealed minutes, which is the only time this might have come up.

So what would you like to do? Name your price. I would go to \$140k to \$150k for this parcel IFF all the trees are still on it. If they whack the trees, not interested.

I have a call in to Steve and will call Dennis as well. If I hear that they are still interested in selling and a quorum of our members gets back to me I will call a special meeting to vote.

If we agree on a price we could close in about a month. That is how long it might take the selectmen to get around to signing the intent-to-cut, since there are zoning issues with where the logger wants to land the trees.

We would be paying for a lot line adjustment to merge the Jane Jones land into the Slade town forest. This neatly bypasses the issue of whether the lot is in legal limbo or not.

Regards,

timd@winsurfer.net (Tim Dziechowski)

Chair, Atkinson Conservation Commission

cell: 603-479-2031