

**Minutes, Atkinson Conservation Commission  
May 6, 2013  
Atkinson Town Hall**

**Members Present:**

Tim Dziechowski  
Dan Kimball  
Denise Legault  
Pete McVay  
Paul Wainwright

**Others Present:**

Mike Murphy  
Timothy Lavelle  
Peter Graziano, Eagle Scout  
Stan Graziano  
Keith Miller, Scout Advisor

**1. Guest Business and Plan Reviews:**

**Mr., Mike Murphy - wetlands variance for a garage 35 feet from wetlands at 50 Summit Drive, Map 8, Lot 53.**

Mr. Murphy has a conforming grandfathered use at the edge of the wetland, and is allowed to keep them. Chairman Dziechowski showed the lot on the map.

**Discussion:** The Commission discussed pavement and where the garage would be located. Mr. Murphy explained that the shed would be where the garden is now. Mr. Dziechowski explained that the shed would take the place of the existing storage containers that could be seen in the aerial view at the edge of the lot.

**Chairman Dziechowski requested a motion to recommend that the Zoning Board of Appeals approve the wetlands variance requested by Mr. Mike Murphy. Dan Kimball made a motion to recommend. Paul Wainwright seconded the motion. Vote: 5/0.**

Mr. Tim Lavelle had to leave the meeting so Chairman Dziechowski continued with review of correspondence and other business.

**Review of Correspondence:**

- Planning Board minutes and agenda – 2 planning board meetings since last Conservation Commission meeting
  - 4/17/13 meeting
  - Minor site plan revision for improvements at Sunoco station at 1 Hall Farm Road, Map 20 Lot 46, painting, changing the sign, upgrading the pumps and a fence around the dumpster – approved.
  - Ongoing master plan revisions
  - 5/15/13 meeting: Public hearing for revisions to update soils based lot sizing to current standards (site plan and subdivision regs) Town engineers have recommended new standard
- ZBA minutes and agenda
  - 4/10/13 meeting - application by Dave Spero for a wetlands variance for garage 35 feet from wetlands at 6 Providence Hill Rd, Map 7 Lot 196 – approved. Will give feedback to ZBA on wetlands variances discussed today
  - Mason and Osborne variance violations

**5. Other Business**

- 2013 Conservation Commission appointments – Paul Wainwright is approved. Victoria will resign. The only other application was Sonny Gendro, but he cannot attend on Monday night. Chairman Dziechowski extended invitations to Adam Green and to Sean O'Leary who is interested in the Town Forest and hunting. The Commission has 1 full time slot and 2 alternates.

The Town needs someone to be tree warden. The tree warden is a de facto member of the Conservation Commission and Forestry Committee. No one has been approached.

- DRED grant for trail upgrades in Sawyer town forest. A plan is needed for the DRED grant. Mr. McVay has someone in mind to draft the plan, but he can't move forward without the plan, he may need to get wetlands permit on his own, will try to contact Ted Stewart. Resources, direction and length of the trail are already known. The work has to be completed by June 30, 2013. The work can be done easily; he is waiting for the engineer to submit the plan.

After the plan is submitted, they have to go to DES for a wetlands impact permit. Since they don't have the plan Mr. McVay will go forward with the permit. Mr. Dziechowski suggested Mr. McVay give Evan a call, as he is the DES go-to person for this type of permit. Mr. McVay will call Evan.

Requirements for a wetlands plan are stringent, Mr. McVay is concerned that DES will not approve. Mr. Dziechowski responded that it may not be necessary. Mr. McVay responded that the wetlands crossing is critical. DES will require the size of the pipes and flow rate, and soils.

The Commission discussed the Town forest list update, map and rules hunting rules including bow hunting. Bow hunting permits and other hunting permits are issued by Fish and Game; hunters need one to get a Town Permit. Hunters should be allowed to hunt anything that is legal to hunt if it is in season, Mr. Dziechowski to continue to update the spreadsheet.

There can be no charge for allowing hunters use of the land. If a landowner allows recreational use of land, there is innocent landowner immunity from prosecution which is why they can't charge, it creates liability.

Mr. Dziechowski made a spreadsheet of Town Forests and went to the 2000 Town Warrant Article and the 14 parcels that are excluded. Some parcels are now recreation such as Woodlock Park and the Judge Marshall Forest has not been made into Town Forest. The Commission has jurisdiction over all the Town Forests and RSA 36A4 land. The Conservation Commission has the power to change restrictions to bow hunting only, no hunting or any hunting. Hunting should not be allowed on very small parcels. Legally, hunting is allowed on any parcel that is not posted no hunting.

**Discussion:** Issues raised were whether or not the land should be posted. It was agreed that little parcels should be posted and proximity to residential property, some judgment should be used depending on proximity to residential areas. Mr. Wainwright pointed out that there were existing regulations on discharging firearms in residential areas. The Commission looked at a draft map of forest land. Hunting is allowed in Areas 1, 2 and 3 and 7. Area 7 is near a wetland so people hunt ducks and geese there, so it's permitted.

Peter Gaziano, boy scout in Troop 9 and is looking for an Eagle Scout project, with his father Stan Gaziano and Mr. Miller, project advisor with a plan to build a bridge at the lower south crossing of Camp Brook. Chairman Dziechowski informed Peter that the Town already has a grant to build the bridge. The commission discussed other possible projects for Peter Gaziano to earn his Eagle Scout badge. Two conservation areas where there are self guided trails and trail stations were discussed. Mr. McVay has the original self guided signs on the Marshall lines on north side of town off Boulder Cove Road. The area needs to be resurveyed for vegetation and other interests and then install signs. Peter could write up a flyer numbering posts. The hill near there is a terminal moraine or an ester. The pond beyond that is also the result of glacial action. The area around Pope Road is also of interest. The forest behind the community center would also be a project once it is logged. Peter would like to get the project done by the end of November. It was agreed that Peter Gaziano would undertake a project on a map and signs on the Marshall Land.

Chairman Dziechowski reminded the Commission that there is money in the budget to send a student or scout to Camp Barry, a conservation camp. Mr. Dziechowski will email Mr. Miller.

**Tim Lavelle for Guy LaPlante – requesting a special exception for seasonal to year round conversion at 21 Chase Island Road, Map 22 Lot 18**

**Discussion:** The plan calls for winterizing the dwelling and redesigning the septic system for year round use. When the septic was originally installed it was not designed for year round use because of a well on a neighbor's property. Mr. LaPlante drilled a new well for the neighbor and for himself, now there is room for a year round septic. Mr. Lavelle is to add a new tank and dry well.

Chairman Dziechowski had a question about the porch. Mr. Lavelle introduced photos of the porch to the meeting. Mr. Dziechowski is concerned about the porch on the Town side. The tax sketch shows a finished screened porch, if it is new it is not DES compliant. There has been a house there since the 1960's. It had been rented in the winter. Mr. LaPlante was informed that it was seasonal when Mr. Lavelle designed the original septic system. Chairman Dziechowski is concerned about the porch.

**The Commission took no action.**

**Tim Lavelle for Arlene Hawkins: a variance for a teardown/rebuild on an existing footprint 43.5 feet from Big Island Pond at 38 Hemlock Shore Drive, Map 22 Lot 58**

Right now there is gravel driveway set on a cliff. The commission asked about driveway run off and Mr. Lavelle stated that it is at 22% threshold for the roof, driveway and the steps in the back. It is a double lot. Pervious pavement would be better and has become less expensive. Pervious pavers would be another option but he could not assure that they would be not pulled up by a plow. The slope of the driveway will not be bad. The house will be lifted up at the road level and the basement level will be a foot above the existing ground. The lot is heavily treed. They are not sure about the septic system. Hampstead Associates is the architect. It is Lots 14 and 15 on the original plan. The architects will attempt to center the lot by sliding the house over so that the abutters will have a view. Mrs. Hawkins has talked to the neighbors and there does not appear to be a conflict.

**Discussion:** The commission expressed concerns about run off from driveway if it is impervious, a drywell may be needed, also, the number of trees that need to be cut down. The Commission asked if Mr. Lavelle would need a letter and Mr. Lavelle said it would be helpful.

**Chairman Dziechowski requested a motion. Member Denise Legault made a motion to recommend that the Zoning Board of Appeals approve the site plan for 38 Hemlock Shore Drive, Map 22, Lot 38. Member Pete McVay seconded the motion. The commission voted unanimously in favor of the motion including a suggestion for pervious pavement or a drywell.**

**Mr. Lavelle asked if the Commission would like to look at the site plan for Malone.** It is an existing site and there is a wetland buffer line that goes through the building and the parking lot. All industrial uses will be removed. The Commission stated that since there is no wetland it is not a concern. There was no vote.

**Mr. Lavelle has a site plan is for a lot on Little Rob road in the original section.** There is an existing dwelling. Mr. Florence would like to put a garage on the other side of his driveway, much closer to wetlands than the 100 feet allowed and needs a variance. At present, a garage is attached to the building. The area is not paved. The garage is near a paved area. The plan also requires a sideline set back that needs to be 15 feet from the sideline instead of 30 feet. The existing pond was put in after the plans for the Rob Road subdivision.

**Discussion:** Chairman Dziechowski informed the commission that the pond was put in by the owner, there was a law suit, and the owner had to pay a \$5000 fine and lower the pond. At the time the pond was much bigger, backing up on to neighbor's property and endangering the road. The Commission looked at a map and agreed that there is excessive use of the land already. Chairman Dziechowski asked if there is a variance for the shed. It was noted that the dwelling is very large, there is a 3 car attached garage, with a boat and truck outside.

Other issues discussed were the fact that the owner bought the land, and it was wet, there should be less intrusive ways to get more storage, for example extending the existing shed and front load it. It was also mentioned that there is another entire wet zone on other side of road. Anything he does would affect wetland across the street.

**The Commission did not recommend approving and requested Mr. Lavelle inform Mr. Florence. There was no vote.**

**Other Business cont'd.:**

Town tax map errors/updates - Tim to review maps with Barbara Snicer regarding Town Forest, conservation easements and land purchases. There are about half a dozen new Town Forests.

Need to get DES to update our prime wetlands to add Wright Farm Pond

Camp Barry – no responses for a scholarship

There was no other new business.

**8. Internal Business (off the air)**

**Minutes:**

The Commission reviewed the minutes for the March meeting.

- Mr. McVay has examples of tick warning signs to show the commission. Mr. McVay recommended changing “a updated report” to “an updated report”.

- Blandings Turtle Survey – change “we could do” to “they could do” and delete “defer action to May” add “gave consent to their survey”

- Reference House Bill 113 – bldg permits on class 6 roads - it

- SB 1250 – passed by senate recommended to pass in house vote May 8th.

**Paul Wainwright made a motion to accept the March minutes as amended. Mr. McVay seconded the motion. The Commission voted 5/0 to accept the March minutes as amended.**

The Minutes for the April meeting of the Conservation Commission were reviewed. Chairman Dziechowski requested a motion to accept the minutes of the April meeting as written.

**Denise Legault made a motion to accept the minutes of the April meeting of the Conservation Commission as written. Member Paul Wainwright seconded the Motion. The Commission voted 5/0/1 with Victoria Ciaz not present.**

The meeting adjourned at 9:30 PM, Monday, May 6, 2013