

Atkinson Conservation Commission Minutes
June 2, 2014, 7:30 PM
Atkinson Town Hall

Members Present:

Tim Dziechowski
Denise Legault
Pete McVay
Daniel Kimball

Others Present:

1. Call to order, attendance

Chairman Dziechowski called the meeting to order at 7:45 PM, Monday, June 2, 2014.

2. Guest Business - none

3. Review of Correspondence

- **Planning Board Minutes and Agenda**

- **May 7, 2014 meeting:**

Discussion of upcoming cell phone tower application: Mr. Dziechowski reported that the requirements for cell phone tower applications are under State and Federal Regulations. Application cannot be denied just due to zoning if it is filed correctly. The filing starts the process.

Mr. McVay remarked that there was an incident a few months ago, there was a medical emergency, people at the meeting called 911. The cell tower was in Massachusetts, so the call had to be routed around causing a delay for the medical emergency people to get the call.

Discussion of master plan future land use chapter: The table of proposed future uses for town-owned land developed by Chairman Dziechowski will be included as an appendix.

- **May 21, 2014 meeting:**

Site plan amendment, Clinton Teague, 6 Industrial Way: The engineer, Tim Lavelle of Lavelle Associates, appeared at the meeting and reported he has had no input from the applicant so the hearing was deferred to the June 18, 2014 meeting.

Site plan amendment, Bob Allen, 16 Industrial Way: the wetland mapping is not done yet so the hearing is deferred to the June 18, 2014 meeting. Mr. Allen is attempting to develop the site. The prior owner had done some unpermitted wetlands filling. The Planning Board has insisted that Mr. Allen go back and find out what happened and map it.

Site plan for tree service/firewood processing, at 26 Hall Farm Road, Daniel Stacy applicant:

Taken under jurisdiction and adjourned to site walk on May 26, 2014.

Discussion: Mr. Stacy came with his Attorney, Bernie Campbell.

Site plan for 150 foot monopole tower for AT&T on land owned by Atkinson Country Club: taken under jurisdiction and sent to the Zoning Board of Adjustment for a variance application at the June meeting.

Discussion: AT&T had an RF expert, the coverage maps were completed. The tower will benefit south Atkinson and Salem.

- **Zoning Board of Adjustment Minutes and Agenda**

- **May 14, 2014 meeting:**

Lavelle Associates for AROD Realty Group, LLC, Application for Variance from Article V Sections 530-e and f, footnote #7, (rear yard minimum where CI Zone abuts RR3 Zone) on properties located at 15, 17, 19 Industrial Way, Map 16 Lots 16, 55 and 56 in the CI Zone.

The variance was granted by unanimous vote of the Zoning Board of Adjustment. Mr. Tim Lavelle, Lavelle Associates appeared to represent the applicants.

Discussion: Mr. Dziechowski pointed out that the subdivision was imposed on the Town by Court decision in the 1980's. The other lots in the zone have approximately 30 foot buffers. The lot on the East was also granted variance. The only abutter affected by the zone buffer variance will be the Conservation Commission. The relief was granted by unanimous vote.

- **June 11, 2014 Agenda:**

Daniel Stacy, application for relief from zone setback buffer for wood processing at 26 Hall Farm Road.

Since the affected abutter is the town and the Conservation Commission has jurisdiction Mr. Dziechowski suggested the Commission make a recommendation to the Zoning Board of Adjustment.

Discussion: The lot he is seeking relief for is also owned by the Town. The Commission looked at the lot on the map. Mr. Dziechowski informed the Commission of the ownership history of the Town lot. Mr. Stacy is requesting relief from the buffer which is 100 feet from the buffer for RR3. He will keep the tree buffer in the front and cut cord wood at the back of the lot. There is a semi circle driveway. There is a bucket truck, a chipper and a dump truck on the lot. He will bring the wood in and cut it on the lot. Mr. Stacy is requesting to park his trucks in the buffer zone. The lot is 1.079 acres. Mr. Kimball asked if oil could leak into the wetland zone if Mr. Stacy parks his equipment on the lot. Mr. Dziechowski pointed out the water flow on the lot. It is downhill from the conservation land to Mr. Stacy's lot, so nothing would be flowing from Mr. Stacy's lot into the wetland. The Zoning Board discussed what type of operation Mr. Stacy has. He cuts trees and brings the wood to the lot to be processed.

Mr. Dziechowski requested a motion to recommend that the Zoning Board of Adjustment grant Mr. Stacy relief from the zone setback buffer for wood processing at 26 Hall Farm Road.

Mr. Dan Kimball made a motion to recommend that Mr. Daniel Stacy be granted relief from the zone setback buffer for a wood processing operation at 26 Hall Farm Road. Mr. Pete McVay seconded the motion. All members of the Conservation Commission present voted in favor. Vote: 4/0.

A new application for a site plan submitted by AT&T Mobility, by Nanepashemet Project Management, Inc. for a proposed 150 foot tall AGL (Above Ground Level) Monopole with twelve panel antennas and associated equipment and equipment shelter, and diesel generator and fencing to be located on property owned by Atkinson Farm, Inc. at 85 Country Club Lane, Map 1 Lot 12 in the RR2/SCR Zone.

Discussion: The Commission discussed if there was any way the Zoning Board of Adjustment could prevent the tower. The signal maps show gaps in coverage. The Commission discussed if they could co-locate at other towers.

4. Dredge and Fills / Site Walks / Complaints

- **Concerns about land development on 32 acres at Map 16 Lot 9, Bob Allen, the owner has hired JMLA Survey and SLI to assist with required permits.**

Discussion: Mr. Allen was not aware of the EPA requirements and has hired an engineer to assist him with obtaining the required permits.

- **2014 perambulation - deferred**
- **Monitoring form for the Caroline Orr Town Forest - deferred**

5. Other Business

- **The canoe dock is repaired and currently floating in Big Island Pond.**

Discussion: The third section of the dock cost \$660. The hardware was \$400.00. It still has to be stained and will be done in the winter.

- **DRED grant paperwork**

Discussion: Mr. McVay will talk to the people in Concord. There is a question of credit for the pro bono work.

- **Future trail plan and work - nothing to report.**

Discussion: Mr. McVay requested volunteers to assist with trail building.

- **Lot line adjustment - Judge Marshall Town forest.**

Discussion: The owner of the property has agreed to a lot line adjustment in exchange for a quit claim deed in exchange for a right of way to the conservation land located at the Judge Marshall Town Forest.

Mr. Dziechowski requested a motion to allow him to negotiate the right of way with the owner. The Planning Board will have to approve the lot line adjustment.

Mr. Pete McVay made a motion to authorize Mr. Dziechowski to take all necessary actions to negotiate the lot line adjustment. The motion was seconded by Ms. Denise Legault. All members of the Conservation Commission present voted in favor. Vote: 4/0.

- **Letter to the New Hampshire Department of Transportation and the New Hampshire Department of Environmental Services expressing the Conservation Commission support for land swap.**

Discussion: Mr. Allen would like to give the Conservation Commission 13 acres of land. The land Mr. Allen would like to donate contains prime wetlands and the surrounding buffer. In exchange, he would like one acre of ledge owned by the Town. The land swap will require approval by the town meeting and Selectmen. Mr. Dziechowski feels that the Conservation Commission should go forward with the donation and exchange. Mr. McVay agrees. Mr. Dziechowski requested an informal vote.

Vote: Conservation Commission agreed that Mr. Dziechowski should go forward with the land swap for 13 acres of wetlands in exchange for one acre of ledge owned by the Town. Vote: All members present voted in favor. Vote: 4/0.

Mr. Dziechowski requested a motion to allow him to write a letter to the attorneys stating that the Conservation Commission recommends that Mr. Allen donate 13 acres of prime wetland in exchange for one acre of Town owned land.

Ms. Denise Legault made a motion to allow Mr. Dziechowski to write a letter to the Town attorney stating that the Conservation Commission recommends that Mr. Allen donate 13 acres of prime wetland in exchange for one acre of land owned by the Town. Mr. Dan Kimball seconded the motion. All members of the Conservation Commission present voted in favor. Vote: 4/0.

- **Town tax map errors/updates - Mr. Dziechowski to review maps with Barbara Snicer**

Discussion: Mr. McVay reported that he attended the meeting regarding flood control in the Great Bay area. While the meeting was specifically about the study of the Great Bay area, the information applies to the entire state. The website is 100yearfloods.org. The study is being done under EPSCOR. There is a huge grant. New Hampshire is being studied under the grant.

Mr. McVay showed the Commission a chart documenting flood events in New Hampshire. Flood events have increased dramatically in the past 10 years. There are many implications to the increase in flood events and precipitation. Mr. McVay informed the Commission that the graph shows precipitation for the Great Bay area of New Hampshire but it applies to all communities in New Hampshire.

Impervious surfaces are also increasing dramatically in the Great Bay area. By 2050, approximately 85% of the land will be impervious surface. The temperature has increased so much that farmers in southern Maine are growing peaches.

It was recommended that some organization in the State be responsible for tying the information together. 90% of the data for New Hampshire has been collected since 2013. Most of the data is real time.

Mr. Dziechowski will ask Julie LaBranche if there is a similar study for the Merrimack Valley. Mr. McVay replied that Ms. LaBranche is working on a study with the Rockingham Planning Commission. In Atkinson, the Planning Board and Selectmen are working on it. Mr. McVay raised the question of how the Town is struggling with the new storm water runoff reports at the meeting.

6. Internal Business

- **Secretary report - defer minutes review to July meeting.**

7. Adjournment

Mr. Dziechowski requested a motion to adjourn.

Mr. Dan Kimball made a motion to adjourn. Mr. Peter McVay seconded the motion. All members of the Conservation Commission present voted in favor to adjourn the June 2, 2014 meeting of the Atkinson Conservation Commission at 8:45 PM. Vote: 4/0 with one member absent.

8. Next meeting of the Atkinson Conservation Commission will be Monday July 14, 2014 at 7:30 PM.