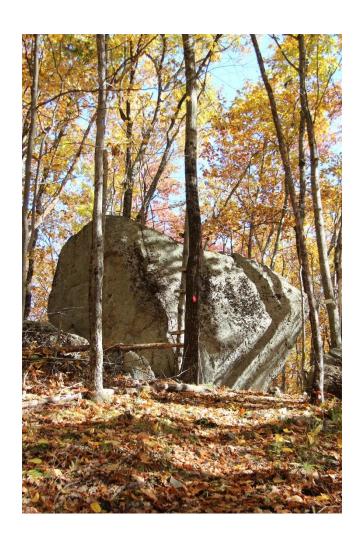
APPENDIX A

A Brief History of Conservation in Atkinson

"As more and more of
Atkinson is being developed, it
is becoming more and more
important that conservation
areas be set aside so that
Atkinson residents, now and in
the future, will have woods,
nature trails, and natural
wildlife areas available to
them so that they will be able
to enjoy that inner peace that
only a walk in the woods can
bring."

—Atkinson Conservation Commission First Annual Report, December, 1974



IN THIS APENDIX:

The Atkinson Conservation Commission

Accomplishments

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The Conservation Fund

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The Forest Maintenance Fund

A Guide to Additional Information

Page A-5

See next page

A GUIDE TO ADDITIONAL INFORMATION

This Appendix also contains the following additional information:

- Page A-7 By-Laws and Rules of Procedure for the Atkinson Conservation Commission.
- Page A-17 Mission Statement of the Atkinson Conservation Commission.
- Page A-19 Policies and Guidelines for the Use of Conservation Land
- Page A-21 An interesting narrative of conservation in Atkinson from 1974 through 1999, adapted from the book *Atkinson Then and Now*, 2nd Edition.
- Page A-25 *Chet Ladd Dedication*. The Town's Annual Report of 1988 was dedicated to Chet Ladd, one of the founding members of the Commission, who was largely responsible for acquiring many of the larger parcels of Atkinson's conservation land.
- Page A-26 *Ruth McPherson Dedication*. The Town's Annual Report in 1992 was dedicated to Ruth McPherson in honor of her donation of more than 28.5 acres of land straddling lower Main Street just south of Maple Avenue.
- Page A-27 Atkinson residents who have served on the Conservation Commission, 1974 2020.
- Page A-29 *The Conservation Fund*, an essay by former Conservation Chair Scott Kukshtel that first appeared in the 2001 Atkinson Town Report. It gives a good explanation of the Conservation Fund and the Land Use Change Tax, and the rationale for using this tax to fund conservation efforts in Atkinson. Included is a table showing the approval procedures for using Conservation Fund money for various conservation projects.
- Page A-33 Chronology of Conservation in Atkinson. A year-by-year summary of Conservation Commission activities and accomplishments, and warrant articles relating to natural resource conservation in Atkinson, based on the Commission's Annual Reports. The electronic version of this appendix provides hyperlinks to warrant article text.

The Atkinson Conservation Commission

The Atkinson Conservation Commission was established by vote at Town Meeting in March of 1974 [TM 1974-23], and its powers and responsibilities are governed by New Hampshire RSA 36-A. In addition to RSA 36-A, the Commission has adopted a set of By-laws to govern its activities. These By-laws were last updated in March, 2020, and can be found beginning on Page A-6 below.

Since 2012 [TM 2012-13], our membership has consisted of 7 regular members and 3 alternates. Long-time members who are no longer active are included in our discussions as non-voting Emeritus Advisors. Members and Alternates are appointed by the Board of Selectmen for 3-year terms.

Our 2022 membership consists of the following people:

Regular Members:

- Paul Wainwright, Chair
- Bill Steele, Vice Chair
- Pete McVay, Secretary
- John Fournier
- Scott Kukshtel
- Jeff Nenart
- Suzie Newman

Alternate Members:

- Monique Chrétien
- Hannah Fried
- Denise Legault

Emeritus Advisors (non-voting):

- Tim Dziechowski
- Dan Kimball
- Dennis Krause

As stated in RSA 36-A, the responsibility of the Conservation Commission is to promote "the proper utilization and protection of the natural resources" in the town. To further clarify our role, the Commission adopted a Mission Statement which can be found later in this Appendix on page A-16.

Our responsibilities span a broad range of areas. We are responsible for the administration and management of the town's Conservation lands, and for taking action to conserve other ecologically-significant land in Atkinson, as outlined in the above-mentioned Mission Statement.

The Commission's overall goal is to work with the town's residents to provide for the protection and appreciation of the town's natural resources. To that end, the Atkinson Conservation Commission is committed to broadening public awareness of the natural resources of Atkinson, in the belief that this will lead to greater commitment to the careful stewardship of our local and global environment.

Accomplishments

The Town owes a debt of gratitude to the many dedicated town volunteers who have served on the Commission over the past 48 years. Their names and years of service are recorded beginning on Page A-23 below. A year-by-year summary of conservation activities and accomplishments in Atkinson, based on Annual Reports, can be found beginning on Page A-29.

Many of the Town's larger conservation parcels were acquired at no cost to the Town by the concerted effort of Commission members in the 1970s and 1980s to obtain Federal grant funding. Other parcels were acquired by gift or by "bargain sale," where the landowner sold the land to the Town at less than full market value. More recently, the Conservation Fund, described below and in more detail starting on Page A-25, has been used to purchase several important parcels of conservation land.

A complete record of Atkinson's conservation lands can be found in Appendix B of this Land Conservation Plan, including maps, and notes about when and how the Town acquired each parcel. At the end of 2021, Atkinson had 589.5 acres of Town-owned land that has been protected from development in perpetuity.

Another important element in the Town's effort to protect our natural resources is zoning. In addition to the buffer protections around Prime Wetlands, and setback requirements from wetlands for structures and septic systems, Atkinson has adopted several Cluster Development regulations that enable denser development in exchange for setting aside at least 50% of the land as permanent open space. The first of these was the Rural Residential Cluster, first adopted in 1982. At the end of 2021, Atkinson had 661 acres of permanently protected open space resulting from its cluster development zoning. A complete record of these Dedicated Open Space lands can also be found in Appendix B of this Plan.

The Conservation Fund

The 1974 Town Meeting vote that established the Conservation Commission also established the Conservation Fund, as defined in RSA 36-A:5, for the purpose of acquiring land and conserving the Town's natural resources. Town Meeting in 2003 [TM 2003-28] expanded the use of the Conservation Fund to include acquiring an interest in land (i.e., easements). Town Meeting in 2021 [TM 2021-18] adopted the provisions of RSA 36-A:4-a, I(b), which enable the Conservation Commission to fund the establishment of easements on privately-owned land in town, to be held by land trusts such as the Forest Society or Southeast Land Trust.

Since opportunities for real estate transactions are frequently time-dependent, by statute money in the Conservation Fund may be expended without further approval at Town Meeting. The Town Treasurer has custody of the Conservation Fund, and money in the fund can only be expended by vote of the Commission. If the expenditure is for the purchase of land or an interest in land, the Commission must first hold a properly-noticed public hearing. If the land or easement is to be owned by the Town, the Commission must also get approval from the Board of Selectmen to accept the land or easement as Town property.

In Atkinson, the Conservation Fund is funded primarily from the proceeds from the Land Use Change Tax (LUCT), as described in RSA 91-A:25. While the percentage of the LUCT deposited in the Conservation Fund has varied over the years, currently 99% of the LUCT revenue is deposited into the Conservation Fund. The Conservation Fund may also receive tax deductible gifts and bequests.

The Conservation Fund, Land Use Change Tax, and the rationale for using the Land Use Change Tax in this way, are further described beginning on Page A-25 in this appendix.

As of the end of 2021, there was \$668,304.92 in the Conservation Fund.

The Forest Maintenance Fund

Most of our conservation lands have also been designated as Town Forest lands under NH <u>RSA</u> <u>31:110</u>. The Conservation Commission's responsibilities include maintaining professionally-defined Forest Management Plans, and occasionally performing selective timber harvesting to improve the health of the forest and supply modest funds to the Forest Maintenance Fund [<u>RSA</u> <u>31:113</u>] from timber and firewood sales.

The Forest Maintenance Fund was established in the 1980s for the purpose of maintaining Atkinson's Town Forests. This fund receives modest revenue from periodic selective timber cuts within our Town Forests. Expenditures from the Forest Maintenance Fund must first be approved by Town Meeting.

As of the end of 2021, there was \$20,944.15 in the Forest Maintenance Fund.

At Town Meeting in March of 2020, the Conservation Commission received approval to spend up to \$19,000 from this fund in a multi-year program to manage invasive plants in our Town Forests. As of the end of 2021, there was \$8,008 remaining from this appropriation.



By-Laws and Rules of Procedure for the

Atkinson, NH Conservation Commission

Approved March 2, 2020

Article I: Name

The name of this organization shall be the Atkinson Conservation Commission, hereinafter called "the Commission".

Article II: Authority

The Commission shall derive its authority from the powers granted under the NH Revised Statutes Annotated (RSA) 36-A and the relevant Town of Atkinson ordinances. Nothing in these By-laws and Rules is intended to be in conflict with either of these statutes.

Article III: Purpose

The purpose of the Commission shall be to assure the proper utilization and protection of the natural resources of Atkinson, to further an awareness of conservation practices and policies throughout the Town, to protect the water resources of the Town, and any other purposes as may be set forth in NH RSA 36-A:2.

The Commission may, from time to time, adopt a **Mission Statement** to further define its role in the community, consistent with NH RSA 36-A.

Article IV: Membership

1) **Composition:** The membership of the Commission shall follow the rules set forth in NH RSA 36-A:3. As authorized by the 1974 Atkinson Town Meeting (TM 1974-23) and revised by the 2012 Town Meeting (TM 2012-13), the Commission shall be comprised of seven (7) regular members and up to three (3) alternate members, all residents of Atkinson. Up to one (1) member of the Commission may simultaneously serve on the Atkinson Planning Board, as enabled by RSA 36-A:3.

- 2) **Appointment:** All Commission members shall be appointed by the Atkinson Board of Selectmen, and must be sworn in by the Town Clerk before assuming their duties, as described in RSA 92:2. Persons reappointed to the Commission must be sworn in again following their reappointment.
- 3) **Terms of Appointment:** Both regular and alternate members shall be appointed to three-year terms, so arranged that the terms of approximately 1/3 of the members and alternates will expire each year. Terms of appointment normally begin on May 1 of each year, but may begin later if appointments by the Board of Selectmen are delayed. Terms normally end on April 30 of each year, but may be extended until such time as the Board of Selectmen make new appointments for the coming year.
- 4) **Terminology:** In these bylaws, the term 'member(s)' shall include alternate member(s) unless explicitly stated otherwise.
- 5) **Education:** It is the responsibility of all members to familiarize themselves with the Handbook for New Hampshire's Municipal Conservation Commissions, and to avail themselves, as they are able, of other educational opportunities such as attendance at the annual conference of the New Hampshire Association of Conservation Commissions.
- 6) **Removal:** Any member of the Commission so appointed and sworn in may, after a public hearing if requested by the member, be removed from the Commission for just cause by the Board of Selectmen.
- 7) **Failure to be Sworn In:** Any person who fails or refuses to be sworn in by the Town Clerk after a reasonable amount of time following their appointment or reappointment may have their appointment returned to the Selectmen, and another person may be appointed in their place.
- 8) **Absenteeism:** Members are requested to attend all regular monthly meetings and as many other site walks and special meetings as possible. Members with an unreasonable number of absences from regular meetings (for example, 4 or more in a 12-month period) may be asked to resign, and, at the discretion of the Chair, may be referred to the Board of Selectmen for removal for cause.
- 9) **Vacancies:** A vacancy occurring otherwise than by the expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

- 10) **Representation:** A member shall not unilaterally represent the Commission without first discussing the matter at a Commission meeting and gaining the consent of the Commission. If the matter is urgent and cannot wait until the next regular meeting, the member must get the consent of the Chair.
- 11) **Authority:** All members of the Commission shall carry out their duties and responsibilities and exercise their powers as set forth in NH RSA 36-A:2 and 36-A:4.

Article V: Officers and Duties

- 1) Election of Officers: The elected officers of the Commission shall consist of:
 - Chair,
 - Vice-Chair, and
 - Secretary.

All officers shall be elected annually by the Commission from among its regular members at the first regular meeting following appointments by the Board of Selectmen, after which the newly elected candidates shall immediately take office. Vacancies in officers shall be filled at the next regular meeting by majority vote.

- 2) Recording Clerk: A paid recording clerk shall be employed to record the minutes of all regular Commission meetings. This person shall be a Town employee, and shall be hired and paid according to Town guidelines. The Recording Clerk may attend Commission meetings and/or transcribe the minutes from the ACTV recordings of meetings. In the absence of the Recording Clerk, minutes for site walks and other special meetings will be the responsibility of one of the members in attendance, as appointed by the Chair.
- 3) **Duties of the Chair:** The Chair shall:
 - Preside at all meetings of the Commission,
 - Set the agenda for all meetings, and post notice of meetings as required by NH RSA 91-A:2, II.
 - Prepare and present the annual operating budget, and track expenses on a monthly basis,

- Make corrections to the minutes as part of the review and approval process, and insure that approved minutes are posted on the Town's web site in a timely manner,
- Prepare all correspondence with other boards, commissions, agencies or organizations with which the Commission may conduct business, and keep accurate records of such correspondence,
- Prepare and file the Annual Report as required by NH RSA 36-A:2.
- Submit updates to the town's webmaster, as needed, for posting on the Conservation Commission page on the town's web site,
- Monitor the Commission's Facebook group, and post updates of Commission activities and announcements of events, as needed
- Maintain a list of Commission members, and keep track of their terms of appointment
- Authorize and approve expenditures from the Operating Budget. For expenditures in excess of \$500 the Chair should seek consensus of the Commission whenever possible

The chair may delegate any of these duties to others on the Commission as he or she so desires.

- 4) **Duties of the Vice-Chair:** The Vice-Chair shall perform all duties assigned to him or her by the Chair. In the absence or incapacity of the Chair, or if the Chair recuses him or herself for any reason, the Vice-Chair shall preside at meetings and perform all duties of the Chair, and shall have all powers of the Chair.
- 5) **Duties of the Secretary:** The Secretary shall perform all duties assigned to him or her by the Chair, and shall preside at meetings when neither the Chair nor Vice-Chair is in attendance.

Article VI: Meetings

- 1) **Regular Meetings:** The Commission shall hold regular monthly meetings on the first Monday of each month at the Atkinson Town Hall at 7:00 pm, unless the Chair specifies otherwise and provides proper and timely public notice of the change.
- 2) **Special Meetings:** Special Meetings may be called by the Chair, provided that proper and timely public notice is provided as required by NH RSA 91-A:2, II.
- 3) **Right To Know:** All meetings of the Commission shall be open to the public except as stipulated by NH RSA 91-A:3.
- 4) Conflict of Interest: As per NH RSA 673:14, no member of the Commission shall introduce, speak, or vote on any motion, resolution, or issue in which that person has a personal or pecuniary interest, direct or indirect. Notwithstanding the foregoing, the Commission by vote may permit or request any such member to speak or testify on any such motion, resolution, or issue.
- 5) **Quorum:** A quorum for a meeting is considered to be a majority of the number of full-time members (4 of 7), or at least 4 members, including alternates. Pursuant to NH RSA 91-A:2, II, a member may attend by speaker phone.
- 6) **Conduct of Meetings:** The Commission will strive for a decision-making process based on reaching a consensus whenever possible, falling back on the formal rules only when necessary. If needed, the order of precedence for motions (from Robert's Rules of Order) will be used, and are attached to these By-laws for easy reference.
- 7) **General Consent:** Much business can be conducted without formality, by general consent. The chair can announce decisions that would normally require a majority or 2/3 vote, and then that decision will stand unless someone objects.
- 8) **Voting:** A majority vote requires more than half the votes cast (4 of 7, 4 of 6, 3 of 5, 3 of 4). A 2/3 vote requires 5 of 7, 4 of 6, 4 of 5, or 3 of 4. Most votes are by voice, but any member can demand a vote by count. The chair must announce exactly what is being voted on before the vote, and must indicate what a vote for or against will do.

- 9) Amendments: Any main motion may be amended, but amendments to amendments are not allowed. Only one amendment may be considered at a time, and must be voted on before additional amendments are considered. Amendments must be appropriate to the subject of the motion, although they may be opposed to the maker's intention, and the motion must remain meaningful after the amendment.
- 10) Debate: The Chair is the moderator of the debate, and has the power to control the topic, set or change the order of speakers, and halt or deny a speaker's time. The maker of a motion is given the floor first, and the Chair should ask for debate for and against the motion alternately. No member may speak twice until all who wish have spoken once. Debate is to be directed to the issues and not the members or personalities; violators will be asked to yield the floor.
- 11) **Motions:** All motions must be seconded, and are adopted by a majority vote unless otherwise noted. Motions are in order of precedence: motions may be made only if no motion of equal or higher precedence is on the floor.

Article VII: Subcommittees and Working Groups

The Commission may from time to time form special-purpose subcommittees or working groups that are deemed necessary in order to conduct business effectively in accordance with its duties and responsibilities. Members of subcommittees or working groups shall be appointed by the Chair after consultation with other Commission members, and may consist of Commission members and/or members of the public. Subcommittees and working groups will give reports of their work and recommendations at regular Commission meetings, and documentation of such reports in Commission minutes will be deemed sufficient to meet the requirements of NH RSA 91-A.

Article VIII: <u>Advisory Responsibilities</u>

1) The Commission is the only Town board specifically charged with protecting Atkinson's natural resources. Therefore, one of the Commission's responsibilities is to act in an advisory capacity to the Planning Board, Zoning Board of Adjustment, Selectmen, or other boards or committees in matters that pertain to the protection of the Town's natural resources. The Commission will review plans and investigate issues, perform site walks as necessary, and the Chair will provide written advice and recommendations to other Town boards and committees in a timely and professional manner.

2) The Commission is also responsible for reviewing NH DES Dredge and Fill permit applications, and is the only town board empowered to intervene (request more time) in the review process. Upon receipt of an application from the Town Clerk's office, the Commission will review pertinent plans and documentation, conduct a site visit if necessary, and the Chair will submit a written recommendation to DES within the time schedule specified by DES.

Article IX: Management of Conservation Lands

- 1) All of Atkinson's Conservation Lands have been designated to be "under the supervision and control of the Atkinson Conservation Commission." This designation can be found either in the deed to each parcel, and/or in votes at Town Meeting approving the acquisition of the land or designation of the land as part of the Town Forest (see NH RSA 31:110 thru 114). Therefore, the Commission is responsible for establishing land use regulations for the Town's conservation lands, and may from time to time adopt and publicize a Land Use Policy.
- 2) For Town Forest lands, the Commission is responsible for hiring a licensed Consulting Forester to prepare Forest Management Plans for the major parcels, and to authorize the execution of forest management plans and procedures to maintain the health of the forest.
- 3) Each time a parcel has been added to the Town Forest at Town Meeting, the Town has voted to place any revenue from periodic selective cuts in a Forest Maintenance Fund pursuant to NH RSA 31:113. The Commission is responsible for developing plans for maintaining the health of the Town Forest, and for recommending expenditures for that purpose from the Forest Maintenance Fund, for approval at Town Meeting.
- 4) The Commission is responsible for monitoring lands for which the Town or a conservation organization (such as the Forest Society) owns a conservation easement, and for alerting the easement holder if possible violations of the terms of the easement are found.

Article X: Expenditures from the Conservation Fund

 The Commission is responsible for approving expenditures from the Conservation Fund to purchase land, or easements to land, so that the land will be permanently protected for future generations of Atkinson residents. Expenditures from the Conservation Fund for purchasing an interest in land must also be approved by the Board of Selectmen after a public hearing, pursuant to NH RSA 36-A:4.

- 2) Approval of expenditures from the Conservation Fund shall be by majority vote of the Commission.
- 3) At the same time that the Town established the Conservation Commission under NH RSA 36-A (TM 1974-23), the Town also established a Conservation Fund pursuant to NH RSA 36-A:5. Over the years, votes at Town Meeting have directed that revenues from the Land Use Change Tax (pursuant to NH RSA 79-A:25) be deposited either in part or completely in this fund. Town Meeting votes have restricted the use of this fund for the acquisition of land (TM 1974-23) or an interest in land such as conservation easements (TM 2003-28).
- 4) The Commission is responsible for researching, writing, and maintaining a **Land Conservation Plan** that will include an updated inventory of our existing natural resources, a prioritization of the environmental qualities we seek to protect, an analysis of which parts of town should be a priority for permanent protection, and an action plan with strategies to focus our effort and leverage our Conservation Fund to protect them.

Article XI: Use of Personal Email Accounts and Computers

- 1) Members may use personal email accounts when conducting Commission business provided that the Commission's town email address (conservation@atkinson-nh.gov) is included in the copy-to of the email. This is to provide a central repository for all Commission email.
- 2) When replying to another member concerning Commission business, members are warned to NOT use the "reply-all" feature to include other members in the reply since this could constitute a "meeting," which is illegal as defined in NH RSA 91-A:2.
- 3) Members may use their own computers in the course of conducting Commission business or preparing Commission documents. It is recommended that members keep Commission-related computer files in a well-organized set of folders that can be made

available to others as needed. Alternatively, some members may prefer to store commission-related files on a cloud server to better preserve these records, and to facilitate sharing among members.

Article XII: Other Powers and Responsibilities

The powers and responsibilities of the Commission include all powers and responsibilities specified in NH RSA 36-A, whether or not they are explicitly mentioned in this document.

Article XIII: Amendment of These By-Laws

Except for amendments resulting from changes to state law (see below), amendments to these By-laws may be made by a motion and second from the floor. After debate or discussion, the Motion to Amend will be automatically tabled until the next regular monthly meeting, at which a 2/3 affirmative vote shall be required to approve the amendment to these By-laws.

Amendments resulting from changes to state law may be proposed and voted on in the same meeting, and may be approved by a simple majority.

Upon adoption, the Chair shall file a copy of amended By-laws with the Town Clerk and provide a copy to the Board of Selectmen.

Order of Precedence (from Robert's Rules of Order)

Motion to Adjourn: Goes to immediate majority vote. This ends the meeting.

Motion To Recess: This ends the meeting for a specified amount of time, after which the members reconvene.

Point Of Personal Privilege: Request for action by the chair, may interrupt if necessary. Points of personal privilege are used to respond to an attack on an individual (rather than the motion) or to complain about conditions, i.e. a plea to open the windows, etc.

Motion To Table: A motion to table is voted upon after it is seconded, without discussion. The motion should be tabled to a specific date.

Call the Question: At the chair's request (or without it), a member may call the question.

Requires 2/3 vote, applies to the motion on the floor, closes debate and forces vote.

Motion to Commit or Refer: Refer the question to a committee, which committee and reporting date amendable.

Motion to Amend: Amendments must be voted for by a majority vote. If amendment is accepted as "friendly" by the mover of the original motion, then it will be accepted without a formal vote; this is a way of including a consensus-building process into procedure without endless debate over amendments to amendments.

Main Motion: Requires majority vote.

Point of Order: Request for action by the chair, may interrupt if necessary. A Point of Order is a question about process, or objection and suggestion of alternative process. May include a request for the chair to rule on process.

Motion to Appeal Decision of the Chair: Goes to immediate vote, requires 2/3 vote to override. Allows the body to overrule a decision made by the chair.

Motion to Suspend the Rules: Suspends formal process for dealing with a specific question. Requires 2/3

vote. One such suspension may be to limit or extend the limits of debate.

Motion for Division of the Assembly: Calls for a vote by counting, as opposed to a voice vote. **Object to the Consideration of a Question:** Made when a motion is introduced, undebatable, requires 2/3 vote.

Point of Information or Parliamentary Inquiry: A request for information on a specific question, either about process or about the content of a motion. This is not a way to get the floor to say something you think people should know.

Restating The Motion: If someone asks that the motion be restated, the mover of the motion or the recorder restates it.

Motion to Reconsider: made after a vote by one who voted with the majority, may be taken up later to reverse earlier decision. Reversal requires majority vote.

Motion to Rescind: may be moved by anyone, requires 2/3 vote to rescind earlier decision.

Mission Statement

Approved May 7, 2018

The Atkinson Conservation Commission was established by vote at Town Meeting in March of 1974 (Article 1974-23), and operates under the provisions of RSA 36-A. Our mission is to:

- Provide a focal point within the town for environmental concerns. Be an advocate for the conservation of our natural environment, and raise public awareness of the benefits of open space in our town.
- Serve as an advisory board to the NH State Wetlands Bureau and the Atkinson Planning Board and Zoning Board of Adjustment for permitting and variance issues.
- Manage the Town Forests, as authorized by RSA 31:112 and numerous Town Meeting votes, including but not limited to periodic selective logging, invasive species control, and establishment of public use regulations.
- Inspire, organize, encourage, advise, and educate conservation-minded residents to help maintain the town's conservation trails, and provide signage, blazes, maps, and interpretive markers to facilitate the public's use and enjoyment of our open spaces.
- Actively seek out opportunities to further protect our dwindling open spaces and groundwater resources, including but not limited to purchasing land, or conservation easements to land. Where possible, look for grants to augment our town's Conservation Fund.
- Help town residents understand wetland zoning and state regulations, and advise homeowners with questions about their property, especially those private lands that abut conservation lands.
- Support Scout Troup 9 and similar organizations by providing opportunities, guidance, and modest funding for Eagle Scout and other conservation-related public service projects.



Policies and Guidelines for the Use of Conservation Land

Atkinson Conservation Commission

Adopted July 22, 2020

INTRODUCTION

Pursuant to NH RSA 36-A:4, the Atkinson Conservation Commission is empowered to manage and control the town's conservation lands. In that capacity, these policies and guidelines are set forth to preserve the town's open spaces and natural resources, while at the same time making them accessible and enjoyable to the public. Any exceptions to these Policies and Guidelines must be explicitly approved ahead of time by the Atkinson Conservation Commission.

- **1. Public Use:** As is the custom with conservation areas in other municipalities, all of Atkinson's conservation lands shall be open and available equally to all, free of charge, without limitation to where people live or any other distinguishing characteristic such as race, gender, or ethnicity.
- 2. Respect the Neighbors: Many of our conservation areas are surrounded by residential properties, and some areas have very narrow roads leading to them. Please be respectful of the neighbors. For example, don't turn around in their driveways or back onto their lawns or gardens. These things are obvious, but unfortunately they need to be said from time to time. Visiting our conservation lands is a privilege, not a right.
- **3. Parking:** The Commission has made an effort to provide some parking for the publicly-accessible conservation lands in town. However, parking is on a first-come, first-served basis, and we cannot guarantee parking will be available during periods of high demand. Users of our conservation lands are required to follow posted signs and park only where indicated. If parking is not available, we ask visitors to return at another time. Parking on conservation land is only for the use and enjoyment of that land, and overnight parking is prohibited.
- **4.** Carry-in, Carry-out: All of the town's conservation lands are "carry-in, carry-out" locations. No trash cans are provided, and all trash must be taken with you when you leave.
- 5. Dogs: Dogs are welcomed on the town's conservation lands and do not need to be leashed as long as they are well-behaved and under voice control of the owner. We do not enforce the town's "clean-up" regulations, just don't let your dog poop on the trail. Signs are provided at dog eye level reminding them of this. If you do clean up after your dog, you must take "it" with you (see #4 above).
- **6. Motorized Vehicles:** Motorized vehicles of any sort are strictly prohibited on the town's conservation lands. These include but are not limited to All-Terrain Vehicles, Dirt Bikes, and Snow Mobiles. Exceptions to this policy include law enforcement and other first

- responders, electric motorized devices for disabled people such as wheelchairs, and Commission-approved trail maintenance activities. Horseback riding is permitted.
- 7. Trails: The conservation trails are maintained by town volunteers, and visitors are invited to assist by clearing branches or picking up trash. Maps are available on the town's web site and (while supplies lasts) in mailboxes at trail entrances. Interactive trail maps are available for your smartphone via a QR code posted at each entrance. If you choose to use a paper map, you are invited to return it to the mailbox upon completion of your walk. You are permitted to walk off-trail in the woods, but please do so "gently" so as not to harm native plants. Some of our trails are on easements across other people's land, and these are marked with red signs "Respect land owner, stay on the trail." In those cases, do what the sign says.
- **8. Don't Take or Harm Anything:** Except for berry picking, mushroom gathering, and invasive plants (see the next item), visitors are asked to "do no harm" and "take no souvenirs." This includes but is not limited to picking flowers, harvesting plants, disturbing stone walls, cutting trees, making new trails, paintball, and so forth. The harming or removal of official signs or trail blazes is strictly prohibited.
- **9. Invasive Plants:** The exception to the "do no harm" rule is cutting or uprooting invasive plants. If you are familiar with the state's list of invasive plants and can identify them in the field, you are more that welcome to uproot or cut them. Just don't take them with you since it's illegal to transport invasive plant materials. The most common invasive plant in our forests is Oriental Bittersweet, which is pretty easy to spot.
- 10. Camping and Fires: Overnight camping or fires of any sort are not allowed on the town's conservation lands unless a camping permit is first obtained from the Conservation Commission, and/or a fire permit is obtained from the Fire Chief. Such permits are made available on an extremely limited basis, and are given only to non-profit community organizations such as the Boy or Girl Scouts. Fireworks are prohibited on all town conservation land.
- **11. Construction:** Building anything on conservation land is prohibited unless prior consent is obtained from the Commission. Consent will only be given for permanent improvements for the public good, such as a bridge across a stream. Prohibited activities include but are not limited to shelters, dams, platforms, and signs.
- **12. Commercial Activities:** No commercial activities are allowed on conservation land. Examples include professional dog walking and professional photo shoots.
- **13. Hunting:** Limited in-season hunting is allowed on the town's conservation lands, and specific Commission-approved regulations for hunting are available from the Selectmen's office.
- **14. Dumping:** The dumping of brush or leaves (or anything else for that matter) on conservation land is prohibited.
- **15. Drones:** The use of drones on conservation land is permitted as long as all applicable state and federal laws are followed, and as long as such use is for personal enjoyment and not for commercial purposes.

Adapted from the book *Atkinson Then and Now*, 2nd Edition (1999) Used by permission

Atkinson originally had a combined Recreation and Conservation Commission, which was formed in 1970 when Conservation was added to the existing Recreation Commission. That dual commission lasted through 1973, when its members reported in their 1973 Annual Report:

"The five members of your Recreation and Conservation Commission feel that, with the expanding recreation program and the additional conservation duties, we can no longer do justice to both activities. For this reason, we would like to establish two separate Commissions and get more townspeople involved in both programs."

With the successful passage of Warrant Article 23 at 1974 Town Meeting, Atkinson's Conservation Commission came into existence.

The members of Atkinson's first Conservation Commission were:

- Carol Grant, Chairman,
- Chet Ladd.
- Winthrop Comley,
- Al Xenakis,
- John Widman.
- Steve Lewis, and
- Meredith Reynolds, Selectman ex-officio.

In the Commission's first 1974 Annual Report, it announced its primary goals were "acquiring open space and woodlands for the town, and protecting Atkinson's wetlands."

Land Acquisition

In 1975, spearheaded by Chairman Carol Grant, the Commission moved to achieve its land acquisition and land preservation goals. With the discovery of an old rock shelter on the 5.9-acre Carl Noyes property near Crown Hill, the Commission began a fund drive to raise \$4000 to acquire the parcel. The Atkinson Historical Society co-sponsored the Rock Shelter Project. Thanks to the generosity of the residents of Atkinson, the fund drive was a success and a little piece of 'old Atkinson' was

preserved for the future. After its acquisition, root cuttings from endangered species of wildflowers were planted on the parcel by Commission members.

While applying for \$2,000 matching Federal funds, Mrs. Grant discovered how the Commission could obtain Federal funds for future land acquisitions without having to raise a town match. The key was to get land owners to sell for half or less than half of the federal appraisal value of their land, with the difference between the sales price and one-half of the appraisal value qualifying as a donation, which could then be used as a match against additional Federal funds.

Armed with this information, the Commission began a very aggressive land acquisition project. Because Mr. Noyes sold for \$4000 when the appraised value was \$10,000, the Commission qualified for a donation credit. A generous donation by Philo Hutcheson of an abutting 1.46-acre parcel appraised at \$35,500 gave the Commission an additional \$5,500 credit eligible for matching federal funds.

In 1976, the Commission and the Selectmen entered into a joint project to purchase 63 acres of the Ruth Sawyer land, with 48.83 acres to be purchased by the Commission as conservation land. Because the conservation portion was acquired at far less than the true market appraisal value of \$140,000 the Commission received \$43,000 of federal funds to totally cover the cost of the conservation land while receiving an additional \$27,000 federal credit to apply towards a future land purchase.

In 1978, the Commission used its Noyes, Hutcheson and Sawyer donation credits as a match against more federal funds to acquire die 23.4-acre Chambers-Fila parcel for \$15,700 and the 28.4 acre-Chadwick parcel for \$56,000. The Commission's first land acquisition project—\$118,700 of federal funds, requiring no town tax money as a match, paid for five land parcels totaling 107.54 acres.

The Commission submitted a successful petitioned warrant article at 1976 Town Meeting which required selectmen to bid for the town at each tax sale on all property except that being bid upon by the owner of record. Passage of that article resulted in the commission picking up an additional 9.81 acres from tax sales in 1979, 1980, and 1990, to be added to 9 acres from tax sales previous to 1976.

At no cost to the taxpayers, the Commission then acquired 35.17 acres adjoining Island Pond from Ruth L. Marshall for \$52,750 in federal funds and 11.67 acres of the Slade land off the Pope Road for \$9,250 in federal funds and \$1,750 earned by the Commission from timber sales.

In 1980, Chet Ladd took over as chairman. That same year, using \$81,000 in federal funds, the

Commission acquired the 57.87-acre Bonin land off of Forest Road.

In August 1982, the Commission took tide to 24.3 wooded acres of the Walter Stickney Estate between Rt. 111 and Big Island Pond, the last bit of shoreline available on Big Island Pond. Following the past practice, the commission used no town tax money, instead using dual matches of \$26,750 from Federal Revenue Sharing Funds and Federal Land and Water Conservation Act funds. As a club project, the Atkinson Lions Club built a canoe launching area on the parcel.

In 1982 and 1983, using \$2,700 of the Town Forest timber sales money, the Commission acquired, from the N.H. Highway Dept., the former Downing parcel which had been cut in two by the relocated Rt. III (.6 acres south of and 3.4 acres north of Rt. III, abutting the Stickney parcel). In 1985, \$1,000 of timber sales money acquired a secondary accessway to town forest land off Rt. III and joined previously unconnected town land.

In 1983, the 13.98-acre Cirome land, abutting the Sawyer land, was acquired using \$4,378 of timber sales money with the balance of the \$20,000 purchase price from federal funds.

In 1985, using \$25,000 of federal funds and \$10,000 of Federal Revenue Sharing funds, the Commission acquired 63.17 acres of the Sawmill Swamp from Martin Feuer. The Sawmill Swamp is a major Atkinson watershed and groundwater recharging area, besides being a major wildlife habitat.

Several conservation-minded people have also donated land to the Conservation Commission; Philo Hutcheson, Rudi D. McPherson, Jan Balazik, and the heirs of Ruth A. Stickney.

The most generous gifts of land have been those of Mrs. Ruth D. McPherson, who gave two separate gifts, 4.2 acres and 24.355 acres, totaling 28.555 acres. At a Special Town Meeting in June 1992, the voters gave Mrs. McPherson a standing ovation when it accepted her second gift of 23 acres. Atkinson also dedicated the 1992 Annual Report to her.

After much hard work by Chairman Debbie Byers, using \$65,000 of N.H. Land Conservation Investment Program funds, in 1990 the Commission acquired the 59.19 acre rear parcel of Trinity House Camp, designated by 1990 Town Meeting as the Caroline Orr Conservation Land.

Conservation Land as Town Forests

The Selectmen appointed Chet Ladd as Town Forester in 1976, to take charge of improving

timber stands on conservation land. The Commission also began the policy of requesting Town Meeting action under RSA 31:112(11) to designate parcels as Town Forest, and empower the Commission to manage the parcels as Town Forest land. That designation qualified the land for technical assistance and long-range forest management assistance from the N.H. Division of Forests and Lands and the County Forester. At a succession of Town Meetings, 422 acres, on 20 different parcels, were designated as Town Forest. Working with registered foresters, Chet supervised timber cuts and sales in 1981, 1982, 1985-88, ' and 1995.

Signs identifying all town conservation and Town Forest parcels have been placed for the benefit of Atkinson residents, with Chet Ladd having supervised the laying out of thousands of feet of a trail system. During Chet's many years on the Commission he spent hundreds of hours on field work, preliminary survey work, and deed research in support of all of the Commission's land acquisitions. For his continued hard work, the 1988 Town Report was dedicated to him.

Wetlands Protection

The original Commission also set the policy of prompt action on all environmental pollution complaints, securing Cease and Desist Orders against violators when necessary, seeking action by the N.H. Water Supply and Pollution Control Commission, and firm action on Dredge and Fill applications.

In 1977, concern for the protection of Atkinson's wetlands spurred the Commission to work on a Wetlands Ordinance. With the completion of Atkinson's soils mapping, the Commission was able to start work. Spearheaded by Carol Grant and with the assistance of Harold Bragg of the Southern Rockingham Regional Planning Commission, the Commission drew up a tough Wetlands ordinance for the June 1978 Special Town Meeting. There was much controversy when the Planning Board changed the wording of the Commission's ordinance, leaving a weaker version on the ballot. The Commission re-submitted the original ordinance to next town meeting, this time by petition to prevent wording changes. Atkinson voters restored the Conservation Commission's original tough wetlands ordinance, and in the years since, have defeated repeated attempts to weaken it.

From the 1988 Town Report

The 1988 Atkinson Annual Town Report is dedicated to Chet Ladd.

Chet Ladd, a retired airline pilot, continues to lend his skills in forestry to the Conservation Commission. Appointed as one of the original members of the newly reorganized Conservation Commission in 1974, Chet has served as chairman for 6 of his 14 years on the commission. As such, he was instrumental in the preparation and adoption of many of our wetland ordinances. Chet has also been actively involved in pursuing key land parcels for acquisition by the town. His efforts in both these areas have resulted in the preservation and protection of some of Atkinson's natural wetland treasures and unique land areas. Chet's work will be enjoyed and appreciated by many generations to come.

Related to our town lands, Chet has served as Town Forester since 1977, supervising the management and controlled harvesting of trees in our town forests. Two years ago, the Rockingham County Woodland Owners Association annual award was presented to Chet for his outstanding conservation work in Atkinson.

In addition, Chet has been correcting and updating our town tax maps for over 10 years. Most recently, he has completed the 1988 perambulation of our town boundaries. During his 16 years here, Chet has assisted and volunteered in more activities than we have room to list here in print.

Although rarely in the limelight, Chet's quiet, behind-the-scenes contributions to the town are greatly appreciated. Chet exemplifies the true spirit of volunteerism and dedication that is essential to the preservation of Atkinson 's charm and character as a quaint New England town.

Hats off and many thanks to you, Chet Ladd!

From the 1992 Town Report

The 1992 Atkinson Annual Town Report is dedicated to Ruth McPherson:

A rare thing happened in 1992. One lady — a lady who cares about trees, flowers and wildlife — gave the town 23 acres of land with the provision that it be forever protected from development. She gave another 50 acres of land to the Haverhill Greenbelt Society, keeping only 5 acres of her large tract of land to go with her old and historic home.

This lady's one great dream was that future generations would receive the same kind of pleasure and enjoyment from her land that it has always given her. Wildlife thrives there and lady slippers abound. To make sure that happened, she donated a significant share to the care of the Atkinson Conservation Commission. Because the land means so much to her, it's a very precious gift, and we will guard it carefully.

Town Meeting gave this lovely lady a standing ovation when it accepted her gift in June, and she received a multitude of publicity for her generosity; but it just didn't seem to be enough of a tribute.

The Town honors one very special person annually through recognition in its Annual Report. Usually that person has made a significant contribution through their work in some branch of town government. It seems to us, though, that there are other ways of making a "significant" contribution, and this lady's magnificent gesture is, in our opinion, an excellent example.

In recognition of her caring and concern, and of her selfless contribution to our future, we are pleased to dedicate the 1992 Annual Report to Mrs. Ruth McPherson.

Atkinson Residents who have served on the Conservation Commission 1974 - 2020

Bruce Bishop	2007 - 2009	
Andrew Borisko	2020 - present	
Peter Bradshaw	2018	
Gordon Brown	1990 - 1991	
Deborah Byers	1981 - 1995 (Chair 1987 - 1993)	
Winfield Comley	1974 - 1976	
Victoria Czaia	2012 - 2013	
Joe DiVanna	1994	
Timothy Dziechowski	2002 - 2018 (Chair 2005 - 2017)	
Marty Feuer	1992 - 1994	
Michael Fletcher	1989	
Mari Anne Fournier	2000 - 2001	
John Fournier	2020 - present	
Robert Fritz	1995 - 1997	
Tom Goodwin	1985	
Ray Gordon	2000 - 2004	
Carol Grant	1974 - 1977, 1984, 1998 - 1999 (Chair 1974 - 1977, 1984)	
Ed Hale	1976 - 1977	
Stuart Hale	1977 - 1983	
Carole Hall	1978 – 1980, and 1985 - 2004	
Pamela Hantzis	1996	
John Hayes	1981 - 1983	
Doug Henderson	1993 - 1998	
Diane Henderson	1994 - 1998	
Mark Hertrich	2017 - 2018	
Sonny Jendrick	2012 - 2013	
Jane Jones	1994 - 1997	
Dan Kimball	2005 - 2019	
Jackie Kiston-Gardella	1999 - 2002	
Dennis Krause	2018 - present	
Scott Kukshtel	1988 - 2010, 2018 - present (Chair 1998 - 2004)	
Chet Ladd	1974 - 1995 (Chair 1978 - 1983)	
Denise Legault	2006 - present	
Linda Lette	1978 - 1988	
Steve Lewis	1974 - 1975	
Chris Lewis	1992 - 1999 (Chair 1993 - 1997)	
Pete McVay	2003 - present	

Tom Merrick	1977
Dee Morse	1985 - 1988, 1999 - 2000
Jeff Nenart	2018 - present
Suzie Newman	2020 - present
Ed O'Leary	1978 - 1980
Richard Picone	1991
Frank Polito	1985 - 1986
Karen Porier	1984
Meredith Reynolds	1975
Alice Sambol	1997 - 2000
Alice Sambol-Ward	2001 - 2003
Phil Sansone	2000 - 2002
Michael Saviano	1989 - 1990
Rick Schafer	1984 - 1993
Janrt Scheerer	1984
William Sible	1982 - 1983
Crysta Slade	1975 - 1981
Dennis Spurling	1982 - 1988
Bill Steele	2019 - present
Gordon Stone	1994 - 1999
Paul Sullivan	1989
Michelle Veasey	2002 - 2012
Paul Wainwright	1999 - present (Chair 2018 - present)
Timothy Walker	1991 - 1992
William Walsh	1997
Denise Watkins	1977 - 1978
John Widman	1974 - 1976
Elizabeth Wood	1979 - 1981
Alan Xenakis	1975 - 1976

THE CONSERVATION FUND

This appendix is adapted from an essay by Scott Kukshtel that first appeared as part of the Commission's 2001 Annual Report.

INTRODUCTION

The Conservation Fund is a permanent fund established by the Town in 1974 for the purpose of open space protection and preservation. The rules for funding and use of the Fund are governed by New Hampshire state law, which specifies, among other things, that the Fund is a "non-lapsing" account (i.e., it is carried over from year to year), and that money from the Fund can only be used to protect Atkinson's natural resources. Only the Conservation Commission can authorize expenditures from the Fund, and, if the Fund is being used to acquire land or an easement on land in Atkinson, the Board of Selectmen must also approve the expenditure. Furthermore, in many cases state law requires that the Commission first hold a public hearing.

A table showing the possible uses of the fund, and the required approvals, appears at the end of this appendix.

As with many towns in our area, the primary funding mechanism for Atkinson's Conservation Fund is the Land Use Change Tax. State law allows owners of larger parcels of open land to apply to the town for a "Current Use" property tax assessment, which results in a substantially reduced property tax on the land, which, in turn, helps landowners to keep the land as open space. If the landowner develops the land, or sells to a developer, there is a one-time tax that is assessed called the Land Use Change Tax, and this tax is the source of funding for the Conservation Fund. Currently, 99% of the Land Use Change Tax is placed in the Conservation Fund.

So, in essence, as open space land is developed and its tax status changes, money is deposited into the Conservation Fund. Therefore, the Land Use Change Tax is the perfect funding vehicle for the Conservation Fund since the rate of deposits to the fund is directly proportional to the rate of development. As open space disappears from our landscape, the Conservation Fund is empowered to protect and preserve some of the remaining open space with the funds it receives.

In recent years, the value of the Conservation Fund has increased considerably. While we are pleased to have that money set aside for open space preservation, the relative amount of

money collected compared to previous years serves to starkly illustrate just how quickly development is taking place in Atkinson, and also how much demand there is for new housing.

USE OF THE CONSERVATION FUND

So, the first obvious question is "How is this money being used?" The answer is that the money is being saved (earning interest, of course) in anticipation of being able to fully maximize its value when an especially vital protection project comes along. In addition to fee-simple purchases of land, the Commission is also pursuing alternative means of land protection such as conservation easements and purchase of development rights. While grants can help offset the cost of a land protection project, they usually require "matching funds" from the Town, and it is important to have a healthy Conservation Fund for this purpose. These types of protection projects take time to implement due to both landowner education that is required, and the need to construct each land deal in a unique manner.

The next obvious question is "Don't you have enough money in the Conservation Fund yet?" The answer is that it costs a lot of money to acquire land or conservation easements. The goal of this Land Conservation Plan is to help the town make wise decisions and protect land that is of significant environmental value. Although there may appear to be a "surplus" in the Conservation Fund for some period of time, it is critically important to continue making regular contributions to the Fund in order to keep it effective in the future.

The Commission is always interested in talking with Atkinson landowners about the possibility of acquiring or protecting land parcels which are significant from an ecological and/or scenic perspective, and about the variety of financial arrangements and land use practices which can be mutually beneficial to both the owner/seller and to the Town. Many landowners are unaware of the significant impact that Federal inheritance taxes can have on even a small to medium size estate which includes land whose value has significantly appreciated over the years. There have been cases where lack of proper planning has resulted in a large inheritance tax, and the heirs have been forced to sell off or develop property which they had intended to keep in the family for generations. The Commission is always willing and available to help begin the land protection education process.

WHY SPEND MONEY ON PRESERVING OPEN SPACE?

Since 1998, the people of Atkinson have continually expressed support for using the Land Use Change Tax to fund the Conservation Fund. Community support clearly demonstrates that preservation of open space continues to be a top priority among the residents of Atkinson.

Let the Conservation Commission members be the first ones to sympathize with the ethic of frugality. After all, the very definition of "conservation" is saving! However, we recognize that

it is sometimes difficult to justify putting money in the bank for future land preservation when there are so many other current needs going unmet. But while it is easy to look back on the Land Use Change Tax money collected in past years and say, "Think of what we could have bought with that money!", we assert that it is important to keep in perspective where that money is coming from, and even more importantly, what it is going to be used for.

Funding of the Conservation Fund comes as a direct result of the loss of open space and the development of that land. If you speak to new residents of these developments, invariably they will tell you that the reason they chose to live in Atkinson is the "open space and rural character" of the town. Many people move to Atkinson to escape "overbuilt" towns in which open spaces were taken for granted until they were lost before they realized it. Therefore, there is a strong argument that our open spaces and rural character actually increase our property values, which, in turn, lowers our tax rate.

In order to keep Atkinson an attractive place to live and work, we need to maintain exactly those qualities which attracted us here in the first place, and not take our open spaces for granted. People who have lived here all their lives may find it hard to imagine the farm next door being turned into a housing development, but it is happening all across the country, and Atkinson is especially vulnerable. It is impossible and most likely unwise to try to severely limit development, so perhaps the next best thing is to make sure that the loss of open space due to development is offset by the preservation in perpetuity of other lands. If you agree, then you must conclude that the use of the Land Use Change Tax as a funding mechanism for open space preservation strikes a perfect balance.



New Hampshire Association of Conservation Commissions

SERVING NEW HAMPSHIRE'S COMMUNITIES SINCE 1970

Process for Spending Conservation Fund Money to:			
Pay for conservation-related goods or services	Requires majority vote by conservation commission		
Acquire property interest (including donating too land protection project in which the municipality an interest)			
In town (Within municipal boun			
	Requires approval of BOS or other governing body (RSA 36-A:4)		
	RSA 36-A:5 states that Conservation commission must hold a public hearing with notice in accordance with RSA 675:7		
Not in town (No municipal boun			
	Requires majority vote by conservation commission		
	Requires approval of BOS or other governing body (RSA 36-A:4)		
	RSA 36-A:5 states that Conservation commission must hold a public hearing with notice in accordance with RSA 675:7		
Donate toward land protection project where mu will NOT hold property interest	nicipality Town must have passed special warrant article (RSA 36-A:4-a, I(b))		
	Requires majority vote by conservation commission		
	RSA 36-A:5 states that Conservation commission must hold a public hearing with notice in accordance with RSA 675:7		

Chronology of Conservation in Atkinson

This appendix is based on Conservation Commission annual reports and conservation-related warrant articles from 1974 to 2020.

Note: the hyperlinks are not active in this paper copy.

The Town voted to establish the **Conservation Commission** and the **Conservation Fund** under the provisions of NH RSA 36-A [TM 1974-23].

"As more and more of Atkinson is being developed, it is becoming more and more important that conservation areas be set aside so that Atkinson residents, now and in the future, will have woods, nature trails, and natural wildlife areas available to them so that they will be able to enjoy that inner peace that only a walk in the woods can bring."

- 1975 "The Conservation Commission raised the money (\$2000) to purchase the 5.9-acre parcel containing the Noyes Rock Shelter. Together with the Garden Club, the Commission plans on using part of this land for a wildflower garden. [It should be noted that now (2020) this parcel is completely wooded.] Subsequent to this, Philo Hutchinson donated a parcel abutting the Noyes land."
- "Work continues towards [establishing] a Town Forest. Its value, besides financial, is the preservation of Atkinson's rural character, open space, wildlife habitat, and land for outdoor enjoyment. Also, commissioner Chet Ladd has spent many hours on conservation land improving timber stands. The Selectmen have recognized his efforts for the Town by appointing him Town Forester."

The Town voted to adopt the goals of the 1972 Water Pollution Control Act aimed at eliminating the discharge of pollutants into surface waters [TM 1976-26].

"We were very pleased to learn that the Bureau of Outdoor Recreation has approved the appraisal values we submitted and [we] are now awaiting the arrival of our BOR check for \$118,700. This does not need to be matched by the Town. This check will complete a 5-parcel project totaling 107.54 acres. It consists of the Noyes and Crown Hill parcels (both already deeded to the Town), and the former Sawyer, Chadwick, and Chambers-Fila parcels."

The Town voted to purchase 65 acres of land along Sawyer Avenue, which today is part of the **Sawyer Town Forest** [TM 1977-13].

1978 "Early last April we completed two years of work with the **Bureau of Outdoor Recreation** (B.O.R.), and the Town took title to five parcels of land totaling 107 acres."

[This includes: 19-61 (7.36 ac), 18-83 (3.85 ac), 4-11 (20 ac - **4H Field**), 19-18 (17.05 ac **Chambers/Fila** TF), 4-11-1 (48.38 ac, **Sawyer** TF), and 12-5 (10 ac **Brush Dump**).

The Town <u>failed to pass</u> a warrant article to purchase for conservation purposes the 66-acre Dickey land on Main Street, which today is **the Winslow Drive development**. Federal funds would have covered more than \$100k of the \$150k purchase price [TM 1978-21].

- "After three years and a few setbacks we now have deeds to two parcels. The largest of the two acquired is 35 wooded acres [Ruth Marshall TF] adjoining Island Pond. The other is nearly 12 wooded acres [Slade TF] in the Pope Road and Main Street area. Both were purchased primarily by federal funding (Heritage Conservation and Recreation Service)."
- 1980 "A nature trail was established on the town-owned Marshall parcel which is approximately [a] one hour walk through various wooded stands, by the shore of Big Island Pond and through other interesting areas."
- "1981 was the year of the first **timber sale** on Town Forest lands. A white pine thinning and improvement cut was completed on a portion of the **Sawyer** parcel, yielding 84,000 board feet of mature saw logs. Income from this sale was \$6,029.93, which was deposited, as specified by RSA 31:113, in the **Forest**Maintenance Fund. The acreage of Atkinson's official Town forest lands is now 155 acres."

The Town voted to establish a **Capitol Reserve Fund for purchasing land**, and voted to place \$2500 in it (amended down from the proposed \$45,000) [TM 1981-18 & 19].

"The Stickney land acquisition became a reality in August when the 24-acre wooded parcel was finally deeded to the Town. A second 0.6--acre parcel [between Route 111 and Hall Farm road] was acquired this year from the New Hampshire Highway Department [as a result of the relocating of Route 111]. Also, the Conservation Commission successfully completed the long process of obtaining partial Federal funding for 14 acres of woodland off of Sawyer Avenue abutting the Sawyer Town Forest. [This is now known as the Cirome parcel.]"

The Town voted to raise and appropriate \$53,500 to purchase the 24.3-acre **Stickney** land, half to come from the Revenue Sharing Fund established under the provisions of the State and Local Assistance Act of 1972, as amended, the other half to come from the Land and Water Conservation Fund (**LWCF**) [TM 1982-16].

In 1982, the Town voted to adopt a zoning ordinance allowing for **Rural Residential Cluster** developments, which would require **dedicated open space to be set aside in perpetuity** [TM 1982-03].

"In 1983, the Town took title to over 4 acres [on the east side of] Main Street generously given by Mrs.

Ruth D. McPherson. Also, several thousand feet of new trails were laid out on three parcels of Town

Forest lands this year, and some of them [have been] cut and marked. An Exercise Trail by the Recreation

Commission is in the early stages of development on the Chadwick Parcel of our Town Forest. And serious
soil erosion is already showing up on some of our lands caused by dirt bikes."

The Town voted to raise and appropriate \$20,000 to purchase the 14-acre **Cirome** parcel [now part of the **Sawyer TF**], funded mostly by the federal Land and Water Conservation Fund, the remainder to be funded from the Forest Maintenance Fund [TM 1983-20]. The Town also voted to purchase from the State the 3.4-acre parcel [now part of the **Stickney TF**] on the north side of Route 111 resulting from the relocation of that highway [TM 1983-21].

"This year, a firewood thinning cut is planned for the **Stickney** parcel. We have secured the services of a registered professional forester [**Charlie Moreno**] to guide the Commission and supervise the cutting."

The Town voted to raise and appropriate \$35,000 to purchase 63.2 acres of **Marty Feuer's land** on the western side of Sawmill Swamp, to be funded by the Land and Water Conservation Fund (**LWCF**) and the Revenue Sharing Fund established by the State and Local Assistance Ace of 1972 [TM 1984-28].

- "With the help and co-sponsorship of the Lions Club, a canoe launching area was established on a piece of Town-owned land on Stickney Road at Big Island Pond. We completed a timber sale on our Stickney Road parcel with the help and guidance of out consulting forester, Charlie Moreno. The forestry work on the Stickney parcel, and previous careful improvement cuttings on the Sawyer parcel a few years ago qualified us for membership in the nation-wide American Tree Farm System. Our tree farm sign was awarded to us in December."
- "Carol Hall, member of the Atkinson Conservation Commission, serves on the New Hampshire Wetlands Board. This has provided out town with additional representation at the state level. The Commission has also investigated the possibility of a Prime Wetland study, but has postponed this because of lack of funding. The Planning Board has encouraged the Commission to undertake this study."
- "Charles Moreno has been hired as a Consulting Forester to establish a plan for forest management of Town forests. Also, this past year the State of New Hampshire passed the Land Conservation Investment Program (LCIP) to provide matching funds for land acquisition projects. The Commission has decided this will be a major focus for the coming year."
- "In March the Town voted to appropriate money for acquisition of land using funds from the Land Conservation Investment Program (LCIP). At this time, it appears that the Town will apply for funding to acquire the backland of the Trinity House Camp, approximately 56 acres." [This is now the Caroline Orr Town Forest.]

The Town voted to raise and appropriate \$80,000 for the purpose of acquiring land or an interest in land, to be deposited into the **Conservation Fund**, and to authorize the Commission to apply for matching funds from the **Land Conservation Investment Program** [TM 1988-40]. Also, the Town voted to spend up to \$3,000 from the **Forest Maintenance Fund** for costs associated with land acquisition [TM 1988-41].

"Our conservation lands now total 362 acres. The number one objective for these lands is passive recreation. We also have a detailed Forest Inventory and Management Plan that our Consulting Forester, Charlie Moreno, completed this past year."

The Town voted to raise and appropriate \$80,000 to acquire the Trinity Camp front parcel [now the Community Center, TM 1989-38], and to raise and appropriate \$6,000 [in addition to LCIP funds approved last year] for costs associated with acquiring the Trinity Camp backland [now the Caroline Orr Town Forest, TM 1989-39]. The Town also voted to deposit 10% of the Land Use Change Tax (LUCT) in the Conservation Fund [TM 1989-45], and to accept a gift of land from Jan and Maria Balazik [TM 1989-50].

- 1990 "This spring, two students from UNH, under the direction of Commission member Tim Walker, created a new self-guiding nature trail on the Sawyer land. In August, the Town took title to the 59-acre parcel known as the Caroline Orr parcel, which was obtained through the Land Conservation Investment Program (LCIP). This land will be important to future generations for wildlife protection, education, and passive recreation."
- "During the late spring and summer, member Tim Walker worked with Matt Caron on his Eagle Scout project. Matt has chosen to upgrade the Sawyer trail system by constructing foot bridges to make the trail easily accessible for hikers. Also, Commission members Rick Schafer and Carole Hall worked on the Water Resource Management and Protection Plan under the guidance of the Rockingham Planning Commission."
- "At the Special Town Meeting held in June, the **Ruth McPherson** land [to the west of Main Street] was accepted as town conservation land. The Commission appreciates this generous <u>donation</u> of 23 acres of land for town conservation purposes, which will be protected in perpetuity as Town Forest land. We all thank Mrs. Ruth McPherson for her foresight and generosity in preserving this land so that **future generations** of townspeople will be able to enjoy its unspoiled natural beauty. The Commission also placed signs throughout the community on conservation parcels so everyone can easily locate the town conservation areas."
- 1993 "In April, for Arbor Day, commission members **Deb Byers**, **Chris Lewis**, and **Martin Feuer** gave away tree seedlings to town residents. The Commission also sponsored a scholarship with Timberlane Regional High School for a student to attend the Forest Society Conservation Camp."

Wetland "buffer" language was removed from zoning because it was thought to be confusing, and in its place the term "**setback**" was used to be consistent with State requirements [TM 1993-04].

- "The Commission finished its review of Atkinson's Town Forest Management Plan, and voted to implement the next scheduled logging project in the Marshall Town Forest. Also, the Conservation Commission obtained a grant through the Rockingham Planning Commission/Office of State Planning and NH Audubon Society to evaluate the wetlands in our community, and to update our local wetland ordinance with the information obtained."
- "A subcommittee of the Conservation Commission, which is chaired by **Scott Kukshtel** and includes volunteers from the community and Planning Board, has been meeting regularly and conducting site walks to **evaluate Atkinson's wetlands**. The Commission will be holding an informational meeting before starting the second phase, which will be to update the wetlands [zoning] ordinance with the information obtained."

A proposed **Wetland Conservation District** zoning amendment was resoundingly defeated at Town Meeting, 315 to 1056 [TM 1995-05].

- "Upon **Chet Ladd's** move to Florida, the Commission voted to make him a lifetime, non-voting member in recognition of the work and valuable knowledge he contributed to the Town. Doug Henderson was appointed as Town Forester to replace Chet Lad. Under **Doug Henderson's** supervision, the trail on conservation land behind the Community Center was cleaned and improved as an **Eagle Scout project**."
- "One of the major successes of this past year is that, through [the] use of the **Slade Town Forest** land and Town conservation land adjacent to the **Woodlock Recreational Park**, a <u>six-mile trail system</u> is being developed which connects two new developments: Settler's ridge and Wright Farm Phase II. Parking for public access will be located at both Town-owned parcels." [Editor's note, apparently this trail was never completed.]
- "The Commission is continuing to investigate the possibility of acquiring or protecting (through conservation easement) land parcels in town which are significant from an ecological and/or scenic perspective. We are always interested in talking with landowners about the variety of financial arrangements and land use practices which can be mutually beneficial to both the owner/seller and the Town."

The Town voted to deposit 100% of the Land Use Change Tax in the Conservation Fund [TM 1998-30].

"In an effort to further inventory and catalog Atkinson's wetland resources, the Commission applied for and received assistance from a group of students in the **UNH Natural Resources Department**. Under the guidance of the Commission, the students spent the Fall semester studying and surveying the **Sawmill Swamp** using the "New Hampshire Method," a standard procedure for comparative evaluation of wetland complexes. Also, a forestry thinning cut was performed on the **Chambers-Fila Town Forest**."

A petitioned warrant article to reduce the LUCT deposit from 100% to 50% failed [TM 1999-37].

"Again this year, the Commission applied for and received assistance from a group of UNH students, who spent a semester studying, mapping, and reestablishing the trail network in the Ruth Marshall Town Forest on Boulder Cove Road. Their work culminated in the production of a self-guided Trail Guide that describes various environmental features at numbered sign posts along the trail."

The town voted to **decrease the LUCT deposit from 100% to 97%** in order to cover the administrative costs of assessing the tax [TM 2000-29]. The Town also voted to raise and appropriate zero dollars to purchase "**no hunting**" signs and post them on the Chadwick, Sawyer, Caroline Orr, Judge Marshall, Ruth McPherson, Chambers-Fila, Noyes, and Hanson Town Forests [TM 2000-31].

2001 "The Commission sponsored a Boy Scout Eagle project, which succeeded in rebuilding and reblazing the interpretive nature trail on the Ruth Marshall Conservation Land. The scouts' work implemented the educational material and trail layout suggestions made previously in a report produced by a group of UNH Natural Resources students. Another Eagle Scout Project involved the construction and installation of several wood duck boxes at various wetland locations around town."

Yet another petitioned warrant article to eliminate the LUCT deposit into the Conservation Fund <u>failed</u> [TM 2001-13].

"The primary focus of the Commission's efforts this past year was to identify and designate Atkinson's most valuable wetlands as 'Prime Wetlands.' This is a designation recognized under NH State law, which flags the wetland as worthy of extra protection because of its uniqueness, fragility, and/or unspoiled character."

The Town voted to eliminate the LUCT deposit into the Conservation Fund [TM 2002-25].

"In January, the Commission completed a study of major wetlands in Town as a first step in designating them as **Prime Wetlands**. In May, the commission received a **'Moose Plate' grant** to research and develop a **conservation brochure** that will discuss the conservation efforts in town, and describe all of the conservation lands within the town. Also, Commission members spent a significant amount of time trying to address the ever-increasing problem of damage caused to Town lands by careless riders of **all-terrain vehicles**. At the urging of the Commission, the Selectmen passed a moratorium on the riding of motorized vehicles on town-owned land."

The Town voted to amend the **Prime Wetland zoning definition** to agree with State language [TM 2003-03], and also voted to expand the use of the Conservation Fund to include the purchase of easements [TM 2003-28].

"After much discussion, many revisions, and three public hearings, zoning for a new Wetlands Conservation District was crafted and moved to this coming year's [2005] ballot with a unanimous recommendation by the Planning Board. Also, the Commission continued work on the Moose Platefunded project to research and develop a conservation brochure about the Town's conservation lands."

The Town voted to adopt the provisions of RSA 41:14a which, among other things, <u>prohibits the Town from selling</u> RSA 36-A (Conservation) land, RSA 31:110 (Town Forest) land, or land that was donated to the Town for charitable or community purposes [TM 2004-24].

"Thanks to the generosity of the Betournay family, the Town now has a conservation easement on a portion of their land, Map 14 Lot 3-1, which serves to protect part of "the tunnel" on Main Street. In 2006 we began reviewing the Town Forestry plans, and new Commission member Dan Kimball will be spearheading this effort. Also, thanks to the generosity of a developer, we were able to negotiate a public trail easement from Deer Run Road (Map 16 Lot 1) to the Judge Marshall Town Forest, Map 16 Lot 12-1."

The Town again failed to pass a **Wetland Conservation District Zoning** amendment [TM 2005-02].

2006 "Scout Troop 9 cleared the trail from Woodlawn Avenue over the easement to the Sawmill Town Forest, and the Commission regravelled the woods road entrance to the western portion of the Sawyer Town Forest. We also accomplished two surveying projects: the central entrance from Sawyer Avenue to the Sawyer TF was marked for future access and parking, and the Canoe Launch was surveyed and had permanent stone boundary markers installed."

Yet another attempt at passing a Wetland Conservation District zoning amendment failed [TM 2006-05].

"We would like to thank Dennis Krause for clearing and blazing the Sawyer Town Forest trail system, and Margaret Jackson for a Girl Scout project which placed tree identification and interpretive signs on the trail from Woodlawn Avenue to the Sawmill Town Forest. Also, thanks to Zack Wolf for an Eagle project that cleared an area by the pond behind the Community Center and placed a bench there."

The Town voted to place a conservation easement on the former **4H field** (a 20-acre part of the Sawyer Town Forest) in exchange for a **deed amendment** allowing the Recreation Commission to construct and maintain sports fields on the 10-acre conservation parcel (the former Busby land) on **East Road** [TM 2007-27 & TM 2007-28].

"We started 2008 by concluding the legal work for the East Road and Sawyer Avenue land swap. The East Road conservation land is now under deed restriction allowing recreation playing fields, and the Sawyer 4H field is now under conservation easement allowing forestry, agriculture, and passive recreation. And this spring we completed our new 4' x 20' dock at the canoe launch on Stickney Road."

"Last year began with significant ice storm damage to the forests in town, both private and town-owned. Our consulting forester, Charlie Moreno, has completed an update of our forestry plan for the 140-acre Sawyer Town Forest. We will be doing a maintenance cut this winter on about 70 acres of the Sawyer Town Forest to clear ice damaged trees, cull to enhance future growth, and improve wildlife habitat. Also, we completed a perimeter survey of the Stickney Town Forest, which borders the southern end of Big Island Pond."

The Town voted to designate the following as Prime Wetlands with a 100-foot natural vegetative buffer [TM 2009-05]:

- Hall Farm Pond, between Hall Farm Road and Route 111,
- Hog Hill Brook, south of Island Pond Road,
- Stewart Farm Pond, north of Pope Road, and
- Bryant Brook wetlands, in the southeast corner of the town.

Also, the Town voted to allow conservation ownership of land outside the town's borders [TM 2009-34].

2010 "Early this year, the Conservation Commission applied for and received a grant from the NH Department of Transportation under the CTAP program to fund the Rockingham Planning Commission to update the Natural Resources Inventory section of the Town's Master Plan. That work is nearing completion and adoption by the Planning Board, and provides a lot of great information, which we didn't previously have. Also, the maintenance cut to clear ice-damaged trees and enhance future growth and wildlife habitat in a portion of the Sawyer Town Forest has been completed."

The Town voted to also designate the following parcels as Prime Wetlands [TM 2010-02]:

- East Sawmill Swamp,
- West Sawmill Swamp, and
- Hovey Meadow wetland.

Also, the vegetative buffer for Prime Wetlands is increased to 150 feet [TM 2010-05]. And, the Town voted to televise Conservation Commission meetings [TM 2010-27].

2011 "Our consulting forester Charlie Moreno is preparing a Forest Management Plan for the Caroline Orr Town Forest, with the goal of wildlife and Prime Wetland preservation, and long-term health of the forest. Also, the newly-acquired 'Pettengill lot', which abuts the far end of the Caroline Orr Town Forest, is perfectly located for observing wildlife in the Bryant Brook Prime Wetland."

The Town voted to restore funding the Conservation Fund with 100% of the LUCT [TM 2011-14]

"The 'Jane Jones Lot,' which we purchased this year, contains some of the oldest growth forest left in Atkinson. It is unlikely we will ever do logging on this land, other than thinning diseased trees. We are fortunate to have enough town forest land to manage some for wilderness preservation. Also, we received a grant from the Division of Resources and Economic Development (DRED) for trail improvements in the Sawyer Town Forest."

The Town voted to clarify **Conservation Commission membership** to include up to 7 regular members and up to 3 alternate members, each with 3-year terms [TM 2012-13].

2013 "The Conservation Commission is working with the Planning Board on a revision to the Town's Master Plan 'Future Land Use' chapter which will include guidance and recommendations for the highest and best use for town-owned lands. Also, this past year we completed a Forestry Plan for the Caroline Orr Town Forest behind the Community Center, and will do a selective timber and firewood harvest in the next year. And, we assisted NH Fish & Game Wildlife Biologist Chris Bogard with reintroducing an endangered Blanding's Turtle to its habitat in Sawmill Swamp."

The Town voted to approve a "Conservation Cluster Subdivision" zoning amendment that would grant density incentives in exchange for preserving ecologically significant land [TM 2013-02]. To date, no developer has opted to use this section of our zoning. Wright Farm Pond was added as the 8th Prime Wetland [TM 2013-03]. Also, the Town voted to allow bow hunting on the 14 parcels that previously were posted as "no hunting" [TM 2013-06; the previous vote was in 2000; see TM 2000-31].

- **2014** "We have the tallest ash tree in the state, located in the **Sawyer Town Forest**. Our **Champion ash** is featured in the book "Big Trees of New Hampshire: Short Hikes to the Biggest Trees in New Hampshire."
- "This year, our work centered on trail easements and access to conservation and. We were successful in negotiating an easement over the Winslow Drive open space from the end of Woodlawn Avenue to the Sawmill trail system. Going North from there, we negotiated a trail easement over the Sawmill Ridge open space to the town boundary with Hampstead, where it connects with existing trails in Hampstead. We received a donation of a small piece of land at the end of Industrial Way that gives access to the Judge Marshall land, and John Vesey opened a trailhead on Crown Hill Road to the Atkinson/Hampstead/Plaistow trail system. Also, Member Dan Kimball started a quarter-acre wildlife food lot in the Caroline Orr field, and Peter Graziano completed an Eagle project on the Woodlock trails."

The Commission proposed a warrant article to build a **shed at the Town Garage** to house Conservation Commission equipment, which <u>failed to pass</u> [TM 2015-09]. The Commission also put forward a warrant article to **exchange** a 1-acre parcel of conservation land (**Map 20 Lot 15**) for the abutting 13-acre parcel, **Map 16 Lot 9**, which contains the Hall Farm Pond Prime Wetland and a 150-foot vegetative buffer around it [TM 2015-08]. This <u>passed but failed to get the necessary NH DOT approval</u> due to deed restrictions on the 1-acre Map 20 Lot 15 parcel.

- "Our biggest challenge in 2016 was trying to protect as much as possible of the undeveloped land around Sawmill Swamp. The former Page Farm is being developed by a group that has been sensitive to environmental issues in the past, and we are negotiating to purchase a part of the land at the end of Knightland Road to provide access to the Sawmill Town Forest. We also supported several Eagle Scout projects. Keeghan Howson cleaned up the entrance to the Sawyer Town Forest, rebuilt the sign, and constructed a bench, and Tim Troy replaced a bridge over a stream in the Chadwick Town Forest behind Woodlock Park."
- "In 2017, we collaborated with the Kimball Library to present a "Big Trees of New Hampshire" talk, which included a hike to our Champion ash tree, one of the biggest in the state. Unfortunately, the Emerald Ash Borer has reached that area of the Sawyer Town Forest. In 2019 we will be working with the NH Division of Forests and Lands to use both biological controls and insecticides to try to save this tree. We completed a forestry maintenance cut on the Caroline Orr Town Forest, which opened up the forest to improve its health. Also, three Scouts, Zach Hertrich, Tim Troy, and Keeghan Howson, completed Eagle Scout projects for the Conservation Commission."
- "The Conservation Commission experienced significant growth in 2018, and we are now at 'full strength' with 7 regular members and 3 alternates. Our major focus has been on trail maintenance, perhaps the most visible thing we do. Long-time Atkinson residents George and Lyn Kutzelman donated a conservation easement on 10 acres of land between Maple Avenue and Main Street, which will help protect the 'tunnel' along Main Street from being cut. Also, a new parking area for the Chambers-Fila Town Forest has been provided by Brent and Mary Ebner off of East Road at the town line with Hampstead, at no cost to the Town. From this point, hikers can access trails in Atkinson, Hampstead, and Plaistow."
- "We succeeded in obtaining grants from the Grassroots Environmental Fund and the Moose Plate Conservation Fund to support work on a comprehensive Land Conservation Plan. This multi-year planning effort will include an updated inventory of our existing natural resources, a prioritization of the environmental qualities we seek to protect, an analysis of which parts of town should be a priority for permanent protection, and an action plan with strategies to focus our efforts and leverage our Conservation Fund to protect them. We began work on a plan to control invasive plants in our Town forests. Also, we were very pleased to support Eagle Scout Adam Torris' project to repair the canoe/kayak dock on Stickney Road."

The Town voted to reduce the **LUCT deposit into the Conservation Fund** from 100% to 99% [TM 2019-15]

The Town voted to appropriate \$19,000 from the Forest Maintenance Fund to control invasive plants in the Atkinson Town Forests [TM 2020-14].