

**Testimony of Roger Shamel at  
April 5, 2017 Planning Board Meeting  
27 School Street, Hillsborough, NH 03244**

Subject: Case No. 2017-005, Lot Line Adjustment on Map 5, Lots 25, 29-1, 31 & 32

Dear Mr. Chairman,

My name is Roger Shamel. My family and I have owned, and camped on, rustic Lot 37 on the shore of Contention Pond for more than 26 years. I am here tonight representing myself, my extended family, and the families of others who have owned adjacent lots for many decades, the Swanns (Lot 36), the Johnsons (Lot 35), and the Schroeders (Lot 33). These are shown on the attached portion of Map 5, enlarged from the plan provided by Mr. Mellen. All told, up to 50 family members often access these properties by hiking to them along the Jahado Trail.

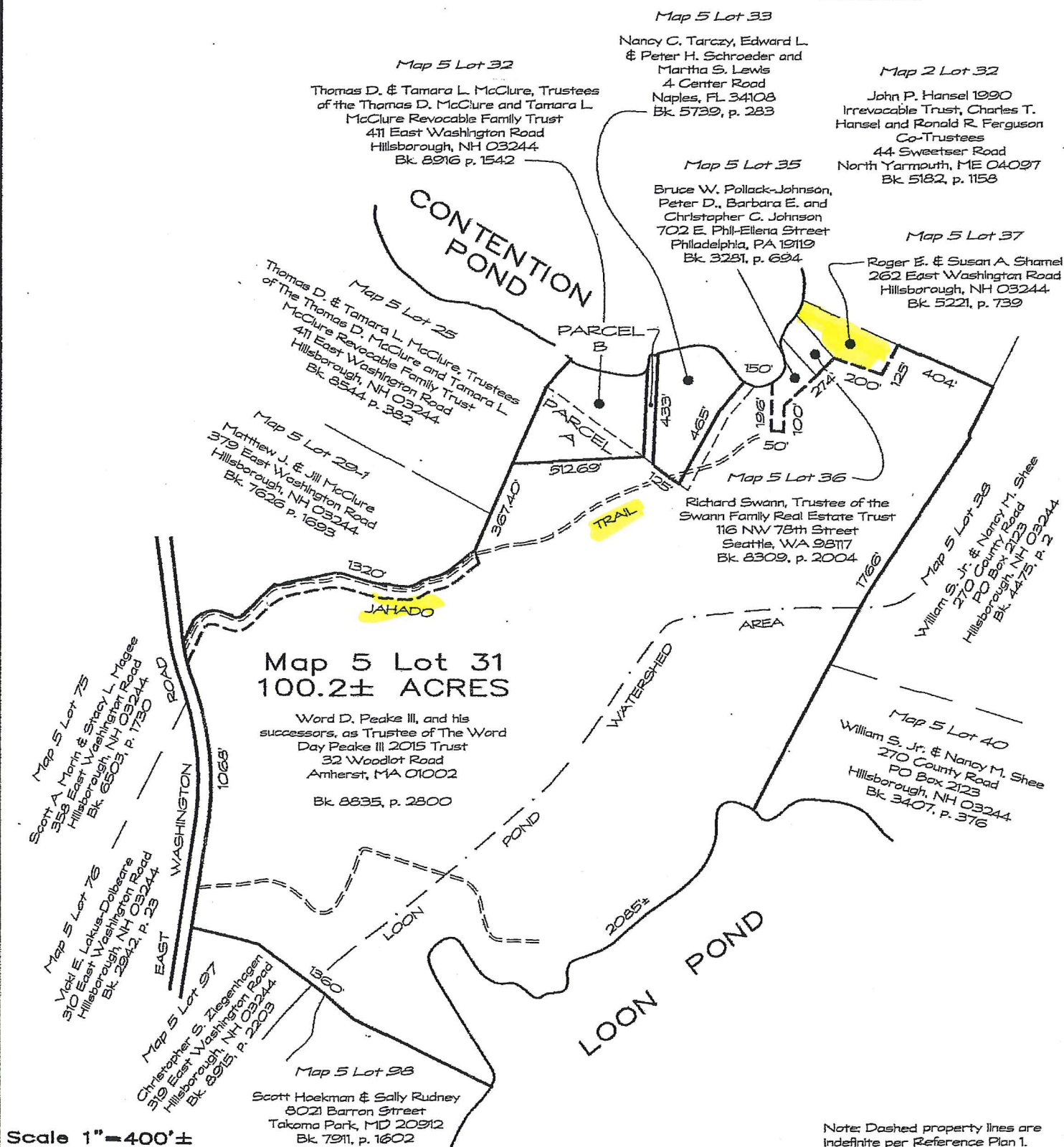
As outlined in the attached copy of my March 29<sup>th</sup> letter to Robyn Payson, and the attached copies of letters from Karen Swann, and Bruce Pollack-Johnson, we are very concerned about some of the implications of the additional development that we foresee as a result of these lot line adjustments at the south end of Contention Pond. We are especially concerned about having our prescriptive easement for parking recognized. We believe this easement has been created by the circumstances of our actual, adverse, and continuous parking for decades along the Jahado Trail right of way, and immediately adjacent to it, where the stone wall allows.

Specifically, we and our families have been parking at about a dozen different spots along the first 7 or 8 hundred feet of where the Jahado Trail leaves the East Washington Road. Many of these parking spaces have already been compromised by the past few years of development by the owners of Lot 29-1, when they put in their driveway along the first five hundred feet of the Trail, and elsewhere. It is now difficult to park more than 2 or 3 cars where we once parked 12.

To reduce further misunderstanding going forward, we believe that the plans being presented for approval by the Board should not be approved unless they are amended to recognize at least our claim of a parking easement. Our suggested wording for an added note on the plans would be as follows, or something equivalent: **"Map 5 Lots 33, 35, 36, & 37 jointly claim an easement by prescription allowing for 12 passenger vehicle parking spaces on, and immediately adjacent to, the Jahado Trail, on Lots 29-1 & 31."**

We all love the rustic, quiet, undeveloped, wooded character of the south end of Contention Pond. This pond is unique for its size in southern New Hampshire, for not having a public road within roughly 1/5 mile of the pond, making it a very special place for our families to enjoy nature. Our longstanding ability to park along the Jahado Trail is an essential part of our ability to enjoy our properties. We hope that the Planning Board will agree that it is reasonable for our parking easement to be indicated by a note on any relevant plans approved by the Town.

Thank you, Mr. Chairman. I will be happy to answer any questions that you may have.



I certify that this plan depicts a total station/EDM field survey made on the ground of Map 5 Lot 32 and Parcels A and B with an unadjusted linear misclosure of 1 part in 115,082 and that all monuments shown are in place  
Date: February 10, 2017

Roger E. and Susan A. Shamel  
262 East Washington Road  
Hillsborough, NH 03244  
603-478-1730

Ms. Robyn Payson, Director  
Town of Hillsborough Planning Board  
27 School Street, P.O. Box 7  
Hillsborough, NH 03244

March 29, 2017

Dear Ms. Payson, and Planning Board Members,

Case No. 2017-005

Following your notice of a public hearing on April 5, 2017 regarding the above case, we wish to inform you that we and our neighbors at the end of the Jahado Trail on Contention Pond have serious concerns about the implications of the subject Lot Line Adjustment application submitted by Peter D. Mellen.

Our concerns fall into two broad categories—the esthetic, and the practical. Esthetically, beyond the likely degradation of the historic natural beauty of portions of the Jahado Trail, and the stream it crosses, we are also concerned about the potential for added traffic and pollution (noise, air, water and light), all reducing our enjoyment of the wooded Trail leading to our properties, and of the properties.

**Practically, we are very concerned that there is no written provision, in anything we have seen, for the dozen or so vehicle parking spaces that we and our neighbors have been using for decades near the entry to, and at various places along the portions of the Jahado Trail covered by the plan. We have already been deprived of numerous legal, long-term parking spaces along, and near the Trail, as a result of recent adjacent development and Trail alterations by the McClures.**

We are in the process of trying to reach out to various parties who are connected with, or impacted by the plan, to see if some reasonable understanding can be worked out to cover our right to parking and our other concerns. All of us will be strongly objecting to the plan unless our concerns are addressed to our satisfaction. We plan to attend the hearing on April 5, 2017, to more fully present our position.

Please contact me at 603-478-1730, or at the above address, if you have any questions. Thank you.

Sincerely yours,

Roger E. Shamel

86 Linden Street  
Williamstown, MA 01267

March 29, 2017

Town of Hillsborough  
Planning Board  
27 School Street  
Hillsborough, NH 03244

Dear Peter Mellen and the Planning Board:

I am writing on behalf of the extended Swann family to register our concerns about the plans submitted by the McClure family to build another house on Contention Pond (Case No. 2017-005). We are primarily worried about our family's ability to park on Jahado Trail, especially given the parking we have already lost due to previous development of the McClure property. Our family has owned a lot on the lake since 1956. Our deed includes a right of way through Jahado Trail, and for as long as I can remember—that is, since we acquired our lot when I was 4 years old, so for 60 years—our family has parked our cars at the top of the trail and hiked into our cabin. (Jahado Trail is an old and overgrown logging road; it is navigable by trucks and some SUVs, but never by the cars we have owned, from the 1950s to the present.) Almost all of the parking places we have used for 60 years disappeared or became obstructed when the McClures began to develop their property 5 years ago.

From the mid-1950s until the McClures widened the Trail down to their driveway, there were always two or three parking spots close to the top of the Trail (where it goes off from E. Washington Road), and then, where the McClure driveway now goes off to the left, there were 2-3 more parking spaces on the left. These were all eliminated when the McClures widened the top of the Trail and created the driveway.

Beyond the point where the McClure driveway now turns off of Jahado Trail, there were always two cleared parking places on the shoulder of the right side of the Trail, and beyond these, an old road that turned off to the right into which 2 more cars could fit (one behind the other). Across from this old road, on the left of the Trail, an area where there is a gap in the old stone wall could fit at least 4 cars: one could pull in alongside of the stone wall (on the Jahado Trail side of the wall), and at least 3 other cars could fit into the gap if they parked parallel to each other. At present, of all of these spaces only the 2 spots in the old road that goes off to the right are consistently available. The two others on the right shoulder can be used when the weather has been dry, but now often get too boggy to pull a car into. Our main parking place—

across from the old road—has been obstructed by the McClures, who have filled the spots, including the spot on the Jahado Trail side of the wall (which I do not believe is on their property), with derelict vehicles, making it clear that they do not want us to use the space.

When we began to lose these spaces, the Shamel, Johnson and Swann families were unsure what to do: we corresponded about this among ourselves and considered hiring a lawyer to help us determine our rights in the matter, but we were afraid that any action we took could harden a breach with our neighbors. But our inaction has already created difficulties for us: at some times of year our three families (getting larger with each generation) are reduced to two parking places, the ones in the old road, and to maximize them, one car is always trapped on the inside so that coming and going requires coordination. Over the years, members of the Johnson family have tried to improve Jahado Trail and have often brought it to the point where an SUV or truck can make it in to their cabin. But the improvements tend to wash away each year, and no one in the Swann family has ever owned a vehicle with enough clearance for access.

The Johnson and Swann families have owned our places on Contention Pond for 60 years. My generation began to come to the pond as children, in the mid-1950s: our parents were friends and our fathers were teachers in the same school system, and as kids we spent whole summers there. Now our own children, who have also been coming to Contention Pond their whole lives, love it as well. Our cabins are primitive, but they are deeply tied to the lives of our families, and we need a way to get to them. We ask the Town of Hillsborough to make sure that the new McClure plans include parking accommodations for the Shamels, Johnsons, and Swanns.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Karen Swann', written in dark ink.

Karen Swann  
(for Richard, Donald, and Scott Swann and their families)

702 East Phil-Ellena Street  
Philadelphia, PA 19119

March 31, 2017

Town of Hillsborough  
Planning Board  
27 School Street  
Hillsborough, NH 03244

Dear Peter Mellen and Members of the Planning Board:

I am writing on behalf of the extended Johnson family in response to the formal notice about the development of a new lot by the McClure family on the Jahado Trail side of Contention Pond. Our family purchased our property in 1957, and regularly spent at least a month every summer when we were growing up on the Pond. Our family and the Swanns have been close friends all of this time, as our fathers worked together at Westwood Junior High, and we lived near each other in Massachusetts. Our properties are rustic, but we love spending time together there, and continue to do so every summer.

My father (Gil Johnson) and brother (Chris Johnson) both did extensive work on the Trail so that we could get down most or all of the way to our cabin in Jeeps and Subarus with high wheel bases, but other members of our family and friends (and our family in the early years) have not been able to do that, so we have needed parking spaces at the top of the trail from the beginning. Usually we were able to put several cars at the very top of the path (where it meets East Washington Road), although in wet weather these were not always usable, as well as more than half a dozen at the top of the hill above the brook. This is just after Jahado Trail veers right from Matt McClure's driveway (which used to allow for a couple of parking places), where it meets up with an old stone wall that has a gap in it. The space of that gap used to be able to hold up to four cars, then there was a single space on the Trail side of the wall (between the wall and the Trail), and an old abandoned trail on the other side of the Trail that could hold at least two cars, although they would be in a single line, so the front vehicle/s would be parked in.

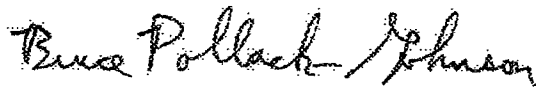
The gap in the stone wall is now part of Matt McClure's property, and we have not used those parking spaces, and there is an abandoned vehicle in the space between the wall and the Trail, making that spot unavailable. As mentioned earlier, the spots near East Washington Road are often unusable because of wetness, leaving only a couple of parking places now, when we once had a dozen.

Personally, I have gone running along the Trail for decades, and we hike along it regularly, and its natural beauty has always been something that meant a great deal to me. I must admit that when the driveway was built for Matt McClure's property, I mourned the loss of the natural beauty of that part of the trail, but I understood his need to have clearer access to his property with large vehicles. I have similar feelings about the development of the new property. I would certainly

miss the natural beauty of many parts of the existing trail if it gets similarly fixed up, but it would also be helpful for most cars to be able to get closer to the Pond. We would be OK with the plans, as long as they include some provision for parking for our family, the Swanns, the Shamels, and the descendants of the Barnes family — such as for each of us to be able to accommodate 3 cars at the same time, for a total of a dozen spaces. These could just be grassy or gravel areas, as in the past.

Contention Pond is very important to our family and the Swanns, and to the Shamels, who decided to retire to Hillsborough. We ask the Town of Hillsborough to honor the right of way on our deeds and the 60-year historical precedent of having access to a dozen parking spaces off the Trail by making such a provision part of the plan for the development of the new lot by the McClure family.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Pollack-Johnson". The signature is written in dark ink and is positioned above the printed name.

Bruce Pollack-Johnson  
(for Peter and Chris Johnson, and their families)