

# HILLSBOROUGH CONSERVATION COMMISSION

July 5, 2018

Hillsborough Town Office

Approved Minutes

Present:

Commissioners: Terry Yeaton, Chair; Linda White, Vice Chair; Richard Head; Russ Galpin; Roger Shamel, Alternate.

John P. Segedy, Recording Secretary & Alternate;

Members of the Public: Susan Shamel, Elizabeth Stork, Peter Roth, KC Cederholm, Tara Cederholm, Dan Hingston, Joyce Hingston, M. Patricia Gibbons, Jean Smith, Neale Smith, Janet Byron, Kay Bennett, Stephen Bennett, Representative Richard McNamara, J. Ann Eldridge (Bradford Conservation Commission), Brett Cherrington, Lauren Jutzi, Margaret Seymour, Jen ?.

Chair Yeaton called the Hillsborough Conservation Commission (HCC) meeting to order at 7:00 pm. John Segedy and Roger Shamel were appointed to vote in place of vacancies.

## VISITOR BUSINESS

- 1. ATV Use on Town Roads** – Linda White began the discussion by outlining the current status of the proposal including a similar proposal in Bradford and the Woodland ATV Club's initial discussion with the Hillsborough Selectboard and the HCC discussion of the matter at their last meeting.

Ann Eldridge clarified that the Bradford Selectboard had not voted against the proposal, but had chosen not to proceed with a vote on the matter.

Chair Yeaton read from an E-Mail that he had received from Town Administrator Laura Buono: *“The Woodlands ATV Club has outlined a preliminary trail (your Commission has already seen it) that they are bringing forward to the Selectmen on July 10th at 7:00 p.m. during their regularly scheduled Selectmen’s Meeting. The Selectmen will hear their request and have a discussion with them however; this is not a public hearing although the Selectmen may have questions for you or the Police Chief, Road Agent, or Fire Chief (or they may not) so I wanted to let you know that it’s on the agenda.*

*I saw Russ Galpin the other day and he mentioned that the Conservation Commission was going to vote to take a position at their meeting tomorrow night. I told him that it would be premature to take a position on a trail that may not be the same one that gets agreed upon. Once the Selectmen are comfortable with a trail, they will hold a public hearing so there is plenty of time for the Conservation Commission to vote on the final trail prior to the public hearing. I would suggest to hold off on a vote and invite any members wanting to hear the conversation Tuesday to attend the meeting.”*

Roger Shamel said he thought they should go ahead and take a position.

Russ Galpin noted that the map that had been provided had inaccuracies, specifically regarding the classification of some of the roads. He also pointed out that the proposal appears to go through the Town's Historical District in the old center of town and then up East Washington Road to County Road.

Peter Roth asked if the ATV Club was looking for the right to ride in the whole town or just parts. Russ Galpin answered that they were asking about particular roads. KC Cederholm asked if someone could explain the difference between Class 5 & Class 6 roads. Russ Galpin answered that Class 5 roads are maintained by the town, while Class 6 are not.

Susan Shamel said she had studied the map and could determine the plan shouldn't be approved, so she thought the Commission could say so also. She described walking on a trail and hearing the noise from ATVs from a distance.

Ann Eldridge commented that the plan shows accessing from Carter Road, but that isn't possible. She also said that Woodland believes it is currently legal to ride ATVs on Class 6 roads which she didn't think was correct.

Terry Yeaton referenced a State ATV Handbook that said they couldn't ride on roads. Peter Roth said that the Fish & Game Department (F&G) can register ATVs and they don't believe they are legal on paved roads in general. He said that F&G may be lax on enforcement as they have limited personnel. He also said that safety was an issue. If County Road was opened to ATVs there wouldn't be safe passing in areas. Also, if there was a tip over we could have fuel in adjacent water sources.

Richard McNamara noted he is a State Representative and serves on the committee that oversees F&G. He was clear that there are not enough officers to enforce ATVs on trails and there is no money to hire more. He noted that a number of citizens have spoken to him about this issue with concerns about effects on wildlife, speed and noise. Speaking personally, he noted while on a recent bicycle ride in Henniker (where ATVs are allowed), he could hear one coming from a long distance because it was loud; it then sped by clearly faster than legally allowed. He said that Hillsborough has a limited number of police officers affecting their ability to police trails.

KC Cederholm noted there were areas of County Road that are too narrow to have ATVs passing cars.

Peter Roth submitted information from the Specialty Vehicle Institute of America, The NH OHRV/Snowmobile Education Course Study Guide and the Insurance Institute for Highway Safety for the Commission to consider.

Russ Galpin said that there are some types of ATVs that are made to be used on roads and are designed with safety equipment to be road legal. John Segedy noted those are referred to as UTVs.

Tara Cederholm said she would like the HCC to take a position, noting that the Selectboard had indicated they might ask for input.

Richard McNamara related that his wife is a SPNHF (Society for the Protection of NH Forests) Land Steward for Chute Forest and they have had a problem not only with use of ATVs on trails but with some of the users cutting their own roads.

Jen ? questioned who would be repairing road damage? She said she lives on a dirt road and spends about \$2,000 a year maintaining it. She also noted that many snowmobile clubs don't allow ATVs on their trails due to damage.

Terry Yeaton said he is in favor of a hearing so all the concerns can be heard.

Roger Shamel noted that two of the roads being proposed are designated Scenic Roads – County Road and Dean Hill Road. He said he lives near neighbors with ATVs and they are loud. He also noted that he is already cautious about driving on County Road due to its narrowness and would be afraid to do so with ATVs on there also. He said the HCC has the right to take a position and should nip this in the bud.

Peter Roth noted that much of County Road was in the Drinking Water Protection Zone.

Jen ? said she had researched other clubs in the area and said there was one in Marlow

but that was much different as the area they used had no houses in the area and it was on private property.

Ann Eldridge said that the Conservation Officer who spoke in Bradford used the Marlow club as an example of unintended consequences. Acworth, a town adjoining Marlow that had previously allowed ATV use, ended up shutting down its roads after the Marlow trails opened.

Dan Hingston thanked the Commission for hearing all the concerns being raised.

Russ Galpin asked about the separate map of the area along the Contoocook River.

John Segedy said he was a little confused about that because ATVs already use that area. He recalled part of that being discussed by the Selectboard a few years ago but didn't recall an actual formal vote allowing it.

Russ Galpin said the area along the river doesn't bother him as much as the North area of town. Richard Head said that area is already being considered by the Rails to Trails Program.

Roger Shamel pointed out that the handout that was submitted with the map says that it is 'to be added to at a later date'. He stated that the Commission should urge the Selectboard to reject the proposal.

Neale Smith said that people who own these vehicles will take every opportunity to use them.

Brett Cherrington said that over the years he has numerous times heard Selectboard members refer to having "heard from citizens" about particular topics they were going to make a decision on. He urged all the people at this meeting to call the Selectboard.

John Segedy said he supported Richard Head's suggestion at the last meeting that the Commission be a resource for the Selectboard to provide information about effects on the Town's Natural Resources. He stated further that any positions taken should focus on conservation issues.

Most of the Public left at this time (8:25). Staying were Elizabeth Stork, Peter Roth and Brett Cherrington.

2. Brett Cherrington informed the HCC that the Town Master Plan was being presented for Public Hearing this coming Wednesday and is available on line.

## MINUTES

### 1. June 21, 2018.

Linda White, Terry Yeaton and Richard Head provided suggested changes.

**Linda White moved: *To approve the minutes of June 21, 2018 as amended.***

**Russ Galpin seconded. Motion passed 6-0.**

## CORRESPONDENCE

1. **New Hampshire Department of Environmental Services (NHDES)** – 15 Moccasin Trail (M 16, L 306). Wetlands and Non-Site Specific Permit and Letter of Compliance.
2. **NHDES** – 21 Morgan Road (M 20, L 30). Shoreland Impact Permit Application – Request for More Information.
3. **Lori Adams, FPLA (Franklin Pierce Lake Association)** – E-mail reporting that through the Boat Inspection Program, the two Lake Hosts had completed 253 inspections to date with a goal of 500 for the summer.

## OLD BUSINESS

1. **Contoocook Confluence Trail (M 11K, L 330-1)** – Terry Yeaton reported that James

McDonough had relocated the trail away from the steep slope of the river bank.

2. **Aquifer Ordinance** – Tabled.
3. **Moose Grants** – John Segedy reported that grant applications were due in September. Consensus of the Commission was that they were not in a position to apply for a grant at this time.
4. **ATV Use on Hillsborough Roads** – The Commission reviewed the input that had been provided.

**Roger Shamel moved:** *To express our concern regarding the proposed use of Class VI roads by ATVs in view of conservation issues that we have as amplified by citizen inputs.*

**Linda White seconded.**

The HCC discussed the motion.

**Roger Shamel moved:** *To amend the motion to read:*

*The Hillsborough Conservation Commission authorizes the Chair to ask the Hillsborough Selectboard to reject the preliminary plan presented by the Woodland ATV Club. Our request is based on the following:*

*The Plan is incomplete and fails to account for the fact that access has not been granted by neighboring towns. The plan also includes defects including but not limited to mislabeled road classifications. Any plan considered by the Selectboard should be accurately designed.*

*The Plan does not make any effort to examine or assess impacts on wetlands, sensitive areas, rare and endangered species, wildlife corridors, or other ecologically sensitive areas.*

*The Hillsborough Conservation Commission has significant concerns regarding noise, pollution water quality that are not considered or addressed in the preliminary plan presented by the ATV Club.*

*Given the limited information available at this time, the Commission will provide additional input and information should the Selectboard decide to go forward with a public hearing.*

**Linda White seconded.**

Russ Galpin noted there was a difference between the downtown area and the rest.

John Segedy said although he understands the concerns raised, he didn't like the idea of voting without hearing the other side.

Linda White said she had no concerns about opposing this proposal.

Terry Yeaton said that once they are allowed and the State recognizes the trails, the ATVs will go everywhere.

Linda White reported she had attended a recent meeting regarding trails in the Mink Hills area in Warner that have been heavily damaged since allowing ATVs. The citizens don't know what to do.

Roger Shamel urged don't let them in.

Brett Cherrington said he supported the amendment. He also suggested that the Commission consider getting a professional analysis perhaps from Jeff Littleton who did the NRI (Natural Resources Inventory).

**The amendment passed by a vote of 4-0-2 (Richard Head & John Segedy abstained).**

**Russ Galpin moved:** *To amend by adding the following sentence at the beginning of the motion: "Excepting the portion of the proposed trail that is primarily within the 'rail trail' "*

**Linda White seconded.**

Roger Shamel and Brett Cherrington spoke against the amendment.

**The amendment passed by a vote of 3-2-1 (Roger Shamel and Linda White voted no, Richard Head abstained).**

**Russ Galpin moved the question as amended.**

**The motion passed 4-1-1 (Roger Shamel voted no, Richard Head abstained).**

**NEW BUSINESS**

**1. Warrant Article** – Chair Yeaton noted that it had been suggested to include a line item in the HCC budget for adding to the Conservation Fund. After a brief discussion consensus was to discuss further at a later date.

**ADJOURNMENT**

**Richard Head moved: *To adjourn.***

**Linda White seconded. Motion passed 6-0 at 9:14 pm.**

Respectfully Submitted:

John P. Segedy  
Recording Secretary  
Approved July 19, 2018