

Town of Haverhill

PUBLIC HEARING

On ATV/UTV/OHRV Road Access in Mountain Lakes District Meeting Minutes

Monday, May 3, 2021, at 6:00 PM

R. E. Clifford Memorial Building

65 South Court St. Woodsville, NH 03785

And on Zoom

Town Employees Present:

- Brigitte Codling, Town Manager
- Jennifer Boucher, Assistant Town Manager

Select Board members Present:

- Fred Garofalo, Chair
- Matt Bjelobrk, Vice Chair
- Steve Robbins
- Howard Hatch
- Mike Graham (absent)

A quorum was met.

Members of the Public Present:

In Person

Joe McQueeney
Dave Long
Colton Grant
Howard Hatch
Karen Cox
Chris Cox
James Graham
Lynn Graham
Michael Sheer
Beth Frolich
Vickie Wyman
Bob Wessman

Thomas Keith
Bob Long
Doug Dutile
Gus Jellison
Jay Holden
Jesse [Last name]
Vincent Sorrentino
Cindy Williams
Mark Joy
Dottie Long
Robert Prazelt
Jeff Page
Ken Hewett

Online [Incomplete names are not listed]

Jodie Lang
Franco Nicolazzo
D. and L. Gilbertson
Roger and Bard Warren

Darlene Bileau
Barbara and Seth Stansfield
Angel Larcom
Don D.
Heather Long

Mark Johanson
Ron Fredey
Paul Hayes
Regis Roy
Robert Mantia
Sam Jaafari
Bernard Marvin
Jennifer Bonesio

Patrick Treanor
Ron Willoughby
Kristi Garofalo
Monica Jaynes
Francine Bowman
Stephen Dextraze
Alex Nuti-de Biasi
Jeanne Martel

INTRODUCTION

Codling stated that the meeting was convened to discuss the use of ATVs on roads in Mountain Lakes and to have access to cross trails along Morris Road and Tewksbury Road. The Board is opening this Public Hearing to take public testimony from the audience in the room and, for those on Zoom, Codling asked to have the testimony sent in writing by email or dropped off at the Administration building before the Select Board meeting Monday night. The Board will not make a decision tonight. The Board will take public comments for review and consider the public testimony at the next Select Board meeting.

PUBLIC HEARING

Fred Garofalo asked for a motion to open the Public Hearing.

MOTION #1: Garofalo made a motion to open the Public Hearing at 6:05 PM, and Robbins seconded the motion.

Roll Call Vote: Matt Bjelobrck (Aye), Howard Hatch (Aye), Steve Robbins (Aye), Fred Garofalo (Aye). The motion passed unanimously.

Garofalo declared the Public Hearing open. Garofalo introduced Dave Long to provide an overview for tonight's Public Hearing.

Overview

David Long introduced himself as a resident of Mountain Lakes for 10 years and a conversation that comes up is ATV access to the roads. Long provided a map that shows the trail access in Haverhill, Woodsville, and all the way to Littleton. Long noted that a petition started last year about asking the residents about opening the roads for ATV use, and we got a lot of positive comments and approval from Mt. Lakes. Because the roads are Town maintained, we had to ask the Town to open the roads. Long noted that NH State statutes outline how the process of approval has to occur. Long stated that the positives that come from this are responsible people are willing to do the right thing. The pushback is about the ATVs breaking up the roads and speeding. But, Long continued, that the group can self-police, and this could be properly done.

Long opened the discussion to questions.

Comment #1: It was claimed that there was a four-vote margin.

A: Garofalo stated that the roads in Mt. Lakes are owned by the Town, and any citizen can go on the roads in Mt. Lakes. Garofalo later found the vote count as 42 to 39.

Comment #2: Joe McQueeney stated that he is not so concerned about the roads, but concerned about everything else, as follows:

- All ATVs are registered and monitored for registration.
- Rental ATVs go everywhere once they are allowed to ride the trails.
- Will they be allowed on the beach?
- There are no rental facilities in Mt. Lakes, so there should be no facility that rents ATVs.
- What is the timeframe to run the assigned roads? There must be a curfew, such as 7 AM to 7 PM.
- How will any provisions be enforced?

McQueeney noted that it will change the Mt. Lakes lifestyle and should be given a test run and at the end of that time, another meeting will decide whether or not the conditions have been met.

Comment #3: Karen Cox stated that she has lived in Mt Lakes for 10 years. Three years ago, she purchased a John Deere side-by-side and for a year and a half she has used the vehicle back and forth to the lake, and she stated, “apparently illegally.” Cox stated that with a trailer now she travels to Pittsburg or Warren. Cox stated how much she enjoys her ATV. Cox stated that she was approached by a police officer who asked for her license. Cox discussed a trial done in Newport, which has gone well. Cox stated she would like to see the ATV use go forward 100% on a trial basis.

Comment #4: Jeff Page stated that his family has been continuously on the property for 192 years and has maintained gates on the Class VI road. Page stated that in the 70s and 80s four-wheel drive vehicles caused road destruction and gates being left opened. In recent years there has been more activity with some after hours, and with use comes bad users, inconvenience, and illegal activity. Page continued that the road is not wide enough for the four-wheelers to pull off. Page stated that his tractors and other equipment use the roads and trails for field access, and it is not safe with the four-wheelers on the trail. Page discussed the use of trails in the North Country. Page continued that people now think it is their right to use all roads, but there are places for them to enjoy their four-wheelers where they will not be a “nuisance and encourage illegal activity.” Page also noted that his cows go out day and night and cross the freely roads, and the four-wheelers approach and do not know they could spook the cows.

Response: Long followed up stating access to Class VI roads, such as Augie’s Trail system gives access to Woodsville and Littleton. Long noted that the Class VI road on

Page's farm is the Town's road not Page's road and the community gets to decide the road use. Long has never known people who do not replace the gate on the road pass Page's farm. Long said that signs can be placed on the road to show people where they can and cannot go.

Comment #5: Doug Dutile (Haverhill) stated that his wife and he are four-wheelers and he recommended Coos County. The select boards in Pittsburg and Colebrook did a trial run for a year. Dutile said to the Board to try it.

Comment #6: Lynn Graham stated that she has been a resident of Haverhill for 37 years and my family have been avid snowmobilers and four-wheelers for years. Graham bought 150 acres off Tewksbury Road a few years ago to enjoy the peace and quiet. Graham can speak to the disrespectful behavior and activity that has occur on our property, and her family did not buy the property to hear the dirt bikes and four-wheelers morning until night almost every day. Graham's concern was that it is "wishful thinking" to believe that the behavior of the ATvers can be controlled and that if you put up signs that is going to control the issue. Graham stated that with their game cameras in place, they have seen trespassers. Graham noted that on the property last summer, people started a bonfire. Graham stated that it is not possible to control "ignorant disrespectful people." Graham asked who will do the policing.

Comment #7: Jay Holden stated that he has concerns about Morse Road, a Class VI Town road, and he has a camp on that road. Holden stated the road needs improvement because it has a lot of traffic, and he has used his own money to fill in holes in the road. Holden stated that Class VI roads are owned, but not maintained by the Town. Holden asked if the ATV club will come up with the money to maintain the road.

Response: Long stated that if the trail goes through an area of ATV Club responsibility, then the club will maintain it through grants, and the trail will be signed as a State trail.

Comment #8: Holden described a road that is filled with ledges and ruts and many people will not use the road with ATVs or snowmobiles because of the poor condition of the road. Holden's concern is accident and the rescue crews getting in and out of that road. Holden stated that there needs to be a trial period and an ordinance about times of use during the year. Holden approved of McQueeney's comments. Holden stated that the daytimes use of trails is just like hunting season – one-half hour before sunrise and one-half hour after sunset. Holden noted that the rail beds are open year-round. Holden would like to see the trails closed by October 1 because of hunters in the area, and hunting season begins September 15 and, he continued, everybody is using the woods at the same time. Holden would like to see the ordinance state October 1 for closing of the trails. Holden noted that even 40 loads of gravel offered by the State would not take care of the roads. Holden wished to echo Page's comments. Holden stated that he thinks this is not a good idea and is totally against it. It is just an accident waiting to happen.

Comment #9: Ken Hewett stated that he is a 20-year resident of Mountain Lakes and a trial basis would be good to allow access to the rail trail. Hewett suggested opening up

Bruce Lane to Bath. Hewett stated that the new activity in the area is good. Hewett was willing to fix and grade Morse Road. Hewett stated that there is lost revenue for not having ATV access to trails. Other landowners are willing to sign up with the ATV Club to access their land.

Comment #10: Vickie Wyman (North Haverhill) stated that when she and her dog walked up Morse Road, she noted numerous times that the gates were down. Wyman stated that the trails are remote and who is going to know what is going on, like starting fires or cooking meth. Wyman stated that on Tewksbury Road there were problems.

Comment #11: Codling offered information about the ATV and Snowmobile Clubs. The Snowmobile Club is looking to open Brown Road to get from Warren to Haverhill, which would help with trying to establish trails from Littleton to Plymouth. Codling noted that to complete the trail system, the void would have to be filled, and the void is Haverhill. Other roads that there have been requests to consider opening up, are Long Pond Road from Warren to Benton and the end of the Ammonoosuc Trail in Woodsville to the parking lot of the Iron Rail Restaurant. Codling noted that there is a broader conversation going on about trail access and linking the community with recreational vehicles. Codling also brought up a grant that she is applying for to allow overtime for police or the sheriff's office to do patrols for the ATV traffic.

Comment #12: Holden asked what the status of the railroad bed to reopen.

Response: Codling stated that the railroad bed (Blackmount Trail) that goes from North Haverhill to Woodsville was shut down a few years ago to ATV traffic. Codling is working with the State and Federal government to find a way to either sell the trail and provide covenants to allow wheeled vehicles or go by way of civil disobedience and open the trail until the Federal government steps in again, which would likely end up in court. The decision of which way to go is up to the Select Board.

Comment #13: Dave Long stated that people have concerns, especially about people driving ATVs after dark and leaving gates open on Morse Road. He stated that people are breaking the law right now. He continued, there is no one who is legally riding on Mtn Lakes or Morse Road. Getting people to and onto the trails legally, they will then be legal and responsible. Opening the trails in the right way to go and would be a benefit to everyone.

Comment #14: Bob Wessman stated that he has a property in Mt. Lakes for 10 years and is a part-timer from Connecticut. Westman noted that he noticed in the Newsletter that he could be arrested for using his ATV on the road. Westman stated how useful the ATVs are in going places and how safely he drives. Westman agrees with a trial period.

Comment #15: Holden asked if the ATV club carried liability insurance and will the Town of Haverhill be held liable if there is an accident. Holden asked for a legal opinion. Holden stated that the Town may be subject to liability, as well.

Response: Long stated that the State picks up a \$2 million liability policy for that trail. The State covers the Bypass Trail. Long stated that the machines have a notice that they are not for highway use, and if there is an accident between a conventional motor vehicle and an ATV, there could be liability.

Comment #16: Jeff Page requested that Officer Jellison could speak about his experiences with safety issues with ATVs on the roads. Pages asked Jellison if he could discuss how ATV traffic is going in the North Country.

Response: Officer Jellison responded that in the North Country in talking to colleagues there is good and bad. Jellison noted that once the roads are open, it is the Town's responsibility to do road enforcement. All of the enforcement and complaints go through the Town. Jellison stated that his concern is for safety. Jellison described an ATV accident. Jellison noted that unaccompanied minors (14 years of age or older) need a course to operate.

Comment #17: [Unknown speaker] asked if her road would allow access to ATVs. There is a person with health issues who will suffer from the dust generated by the ATV use near her home. [Speaker] would not be in favor of the ATVs racing up her hill and generating dust. Opening all the roads [Speaker] found difficult.

Response: Garofalo stated that the request is to open all roads in Mt. Lakes to ATV use.

Comment #18: Ken Hewett (Mt. Lakes) stated that as an avid ATVs user registered in three states, he wishes the Board to take it into consideration.

CONCLUDING REMARKS

Garofalo asked if there were anyone else to address the Board. Garofalo noted that people can send their written testimony to the Select Board via the Town Manager by Sunday, May 9, and the board will review all the comments at the next meeting and make a decision based on input.

Garofalo asked for any further comments.

MOTION #2: Garofalo made a motion to close the PUBLIC HEARING at 7:45 PM, seconded by Bjelobrk.

Roll Call Vote: Matt Bjelobrk (Aye), Howard Hatch (Aye), Steve Robbins (Aye), Fred Garofalo (Aye). The motion passed unanimously.

Joanna Bligh, Transcriptionist