

**TOWN OF LEMPSTER
BOARD OF SELECTMEN
PUBLIC HEARING**

Approved Minutes
February 18, 2020

PRESENT: Chairman Philip Tirrell, Selectman Mary Grenier and Ingrid Bjork,
Administrative Assistant

OTHERS PRESENT: Barbara Richards, David Richards, Jim Grenier, Troy Picard, Linda Callahan, Rachel Tirrell, Cindy Cheever, Jim Cheever, Joseph Moulton, Jr., Bob Fagga, Wanda Ash, Wesley Ash, Terri Malin, Michael Fainer, Norman Lowden, Courtney Lowden, Norma Proper, Joel Lewis, Sue Lichty, Dan Reed, Ryan Arruda, Heather Skeie, Jane Skeie, Dan Skeie, Danny Smith, Becky Farrand, Carol Andrews, Richard Fairweather, Paula McKone and William McKone.

Chairman Tirrell called the Public Hearing to order at 7:00 PM.

Chairman Tirrell explained that the Lempster ATV Club had approached the Selectmen requesting sections of class V and VI roads be open to ATV use. The club worked on a specific trail and paid for the abutters notices. State law gives the right for the Selectmen to approve use of ATVs on class IV, V and VI roads. There are no class IV roads in Lempster.

Mr. Richards spoke for the ATV club and described how the ATV club needed an approved trail to become a state approved ATV Club. Maps and a list of the proposed designated areas were presented and available to the public.

A resident expressed his concern that the class VI sections will be dug up. Mr. Lowden said that it is the responsibility of the ATV club to maintain and police the trails.

Mr. Cheever said he is concerned about the noise, dust, rubbish and speed. He said he has seen Huntly Road torn up. He asked if the already approved snowmobile trail could be used instead of the roads.

A member of the Lempster ATV club said that the noise is regulated to 96 decibels and that the club will have posted signs of the speed limit.

Mr. Smith also had a concern of the Sand Pond to Huntley Road area but supports the ATV club.

Heather Skeie discussed her concern about the area by her house where the children and horses are. Mrs. Tirrell said that she uses the Claremont trail and has found that the ATV users are respectful of walkers and horses.

Chairman Tirrell said that the speed limit will be 20 mph and that they will review the agreement in a certain amount of time. Chairman Tirrell said that the roads will be open during dry season, usually May 23rd to December 1st, before snow fall

Mr. Richards said that once the ATV club is approved by the state they will be happy to reroute areas of the trail onto private property with land owners' permission.

Mr. Cheever said that he would prefer the ATV trail shut down by October for hunting season. Chairman Tirrell said that they would take it under advisement.

Mr. Ash said that his concern was the width of the trails and if the ATV riders had insurance in case they were hurt or damaged private property. Mr. Fagga said that the club will have insurance to help pay landowners who receive damage to their properties.

Mrs. Cheever asked if there were designated parking areas. Chairman Tirrell said there were.

Ms. Farrand asked if trails could be used for horseback riding. Mr. Richards said the club hopes to expand the trails for multiple uses in the future. They would be happy to use existing snowmobile trails if they can get landowners approval. The ATV club cannot cross Route 10 at this time.

Selectman Grenier said that if anyone is concerned about trash they should just ride around the roads now.

Ms. Farrand asked if the ATV club will have organized trail rides. Mr. Fagga said yes. The hours of operation are usually a half hour before sunrise and ends a half hour after sunset.

Chairman Tirrell said that he receive a letter from Society for the protection of NH Forests. He said that they have concern that ATV riders will go off trail and go onto their property. Chairman Tirrell asked Mr. Reed if he could read the following conditions for consideration bulletined in their letter.

- Limit the use of these roads to the dry season: June 1st to the end of September
- To protect the roads and potential repairs by the ATV Club, the Town should consider adding a weight limit restriction to the Class VI roads (or portions thereof) from December 15 through May 30.
- Limit ATV Use to Daytime only. Dawn to Dusk. This will reduce impacts to wildlife that mobilize at night, reduce collisions, and hopefully control undesired activity.
- Make sure the road conditions continue to allow others to continue to safely use them and establish a process where road and abutter land impacts will be fixed in timely manner.
- Limit ATV speeds on these roads.
- Install signage clearly stating where ATVs are and are no permitted.

- Establish a process here private landowners, town officials and representatives of the ATV club can address private landowner concerns.
- The Town should develop a plan to ensure enforcement of the laws, rules and local requirements relating to ATV/OHRV use.
- Consult with officials from other municipalities where ATV's use local roads in order to learn how they have addressed any issues that have developed as a result of increased ATV use.
- Finally, we ask that the Town put in place a time limit for this road use authorizations of 2 Years. At the end of that 2-year period, the Town should assess the benefits and impacts from increased ATV use through another hearing.

Ms. Bjork reminded the club that the class VI trails cannot use town money for repairs.

Mr. Reed said that he is a forester and lives in Marlow, NH. He said that ATV clubs are blossoming across the state and that there is state money available to help clubs maintain and repair trails. Class VI roads would convert to class V roads if the Town starts to maintain them.

Selectman Grenier made a motion accept the trail as presented with a condition of two years. Chairman Tirrell seconded the motion. All were in favor.

Mr. Fairweather asked if the Selectmen needed to wait for a Selectmen's meeting to vote on the acceptance of a trail. Chairman Tirrell said that the public hearing was properly noticed and that he believed the Selectmen could make a decision this evening. If not the Selectmen have a meeting on Tuesday, February 25th where they will confirm the vote.

Chairman Tirrell made a motion to adjourn the Public Hearing at 7:45 PM. Selectman Grenier seconded the motion. All were in favor.

Respectfully submitted,
Ingrid Bjork
Administrative Assistant