

Town of Pelham, NH
Pelham Conservation Commission
6 Village Green
Pelham, NH 03076-3723

MEETING OF 11/09/22

APPROVED 01/11/23

Members Present:

Karen Mackay, Paul Gagnon,
Ken Stanvick, Lisa Loosigian,
Christine Kamal (alt), Al Steward

Members Absent:

Mike Gendreau, Scott Bowden (alt),
David Abare, Kara Kubit (alt)

Al Steward brought the meeting to order at 7:02. Mr. Steward led the Commission in the Pledge of Allegiance. Mr. Steward appointed Ms. Kubit as a voting member for tonight's meeting.

OLD BUSINESS:

Map 22 Lot 885-1	579 Bridge Street – Discussion of plantings within the WCD on the proposed multi-unit apartment building project – Presentation by Joseph Maynard of Benchmark LLC and Bill Reno of Reno Properties
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The proposed plan has been discussed as a whole. Mr. Maynard has been working on this plan for months. Mr. Reno has a purchase and sale for the property. They have hired a landscape architect to work on the landscape plans. They would like to talk to the Commission to get our ideas so modifications can be made prior to submitting a working design to Planning. They have been to Planning with conceptual designs, but would like to have more details worked out prior to their next Planning meeting.

The landscape design brings more plantings into the site than plants that are currently growing on the site. The landscape architect has done a graphic rendering of the plans that shows the size and scale of how the building and plantings will look when construction is completed. The developer would like to care for the site and the buffer and plant the buffer more densely with more colorful and interesting plants than currently exist on the site. Plants proposed are native and mature. Proposed trees are 3-4 inches in diameter and about 18 feet tall at installation. The site will look moderately mature immediately following construction and landscape installation.

Ms. Loosigian requested all vegetation be native species. If invasive species are being pulled out, we want to make sure native species will take their place. Mr. Reno said the seed mix for the wetland conservation district (WCD) will be a native New England mix. Some formal plants may not be native, but will be beneficial and not invasive. Mr. Maynard showed the plant list to Ms. Nancy Rundell, their wetland scientist, and she agreed the plants would work, though she may have made different choices because she is not interested in the visual appeal of the plants.

The building will be 4 stories. The building will be white with the top story being black. The black on the top floor will mimic the look of a roof top and will visually bring the scale of the building down.

The storm water basin is an infiltration pond and as such will not be planted on the bottom with any vegetation. The bottom of the basin will be sandy soils. The pond will take the bulk of the drainage on site, will hold then infiltrate the water. Native New England seed mixes will be used on the slopes of the pond.

Ms. Kamal appreciates how attractive the landscape looks. The look of the landscape does not remove the concerns about the septic loading, protection of the wetlands and natural resources. The proposed build is too large for the 5 acres on the lot. She spoke with Eric Thomas and Travis Guest at the state. They said the regulations require the calculations of site loading need to include 20,000 square feet (sf) of contiguous suitable soils. The 10 acres across the wetland are not contiguous; they cannot receive this effluent. The wetland should not be used in the calculations if it is very poorly drained soils. She is concerned with protecting the wetlands. Most of the surface area on this development site is impervious.

Mr. Maynard said the Planning Board was also concerned about this intense development and if the calculations could be done in the manner Mr. Maynard used. The Planning Board talked to the state and the state agreed with the manner of Mr. Maynard's calculations. The Planning Board backed off of the loading aspect of these calculations and said they would pursue changes to zoning ordinances in the future. This project would be exempt from zoning changes. Mr. Maynard talks to Mr. Thomas and Mr. Guest at the Department of Environmental Services (DES) regularly and deals with DES regulations on a daily basis. He cannot use very poorly drained soils, but he can use poorly drained soils in his calculations. Most of the soils on this site are poorly drained. He can use the acreage of the whole lot in his calculations.

Mr. Steward said he accepts what Ms. Kamal has asserted and also accepts Mr. Maynard's assertions, but he would like to get back to the plantings which is the subject of this meeting. He thinks the state will do the math and evaluate the regulations. Mr. Steward assumes this case will come before us again for discussion of this topic.

The plants chosen by the landscape architect are suitable for the site. The plants are appropriate for our zone. There will be a maintenance plan for weeding, watering, and caring for the new plants. Mr. Stanvick would like fertilizers and insecticides to be considered when choosing plants. The less of those substances needed to keep plants healthy the better. Ms. Loosigian advocated for native plants that would not need regular fertilizers or insecticides because they are naturally suited to the environment. Mr. Maynard said they would ask for more detail from the landscape architect as to the types of plants, the suitability of the plants, fertilizers and maintenance of the plants. Some degree of maintenance will be required for the plants. There will be drip irrigation around the tree roots. Mr. Stanvick wants to minimize the use of fertilizers and other chemicals that can be taken into the plant and then have toxins be passed to beneficial insects, such as honey bees, through the pollination process.

Mr. Gagnon thought the landscape plan looked nice, but was not sure that should weigh on our decisions. He wanted to know where the snow would be plowed. Mr. Maynard said he could put the snow in the detention pond. Some openings would need to be kept in the landscape so the snow could be pushed into the pond. Alteration of Terrain (AOT) allows the snow to go into detention ponds. Mr. Gagnon did not know if that would be appropriate. Snow in the detention pond would reduce capacity for water especially with spring rains into frozen or iced ponds. The Green Snow Pro program does not teach plowing into detention ponds. Mr. Gagnon wanted to

know if the capacity taken by frozen ice and snow was figured into the calculations for the detention pond. Mr. Maynard said this was not fully figured out yet and he would get back to us. Members would like to request the maintenance person who will do plowing be certified through the Green Snow Pro program or some similar program.

Mr. Gagnon returned to the issue of the back land on this project. The Commission voted against this project last month. The Commission was looking for the back land to be locked up with an agreement to never develop the land. This land was used to calculate the number of units/bedrooms and calculations for soil loading capacity. This land should not be able to be used again in the future for more development.

Mr. Maynard is reluctant to put an easement against further development on the back land. If the future zoning changes, the developer should be able to use the land. He will not be able to modify any type of development or a road through the parcel if he consents to a conservation easement. Mr. Reno is opposed to an agreement to never use the back land. He does not consider the 10:1 ratio mitigation reasonable. Commission members had suggested a 10:1 ratio similar to the state requirement on the prime wetland buffers. The Selectmen have just approved a 19 acre mitigation for an approximately 1 acre prime wetland buffer impact. The mitigation is on a different parcel of land than the land with the prime wetland buffer impact. Mr. Gagnon acknowledges this is not exactly the same situation as this case because the buffer impact in that case was a prime wetland and this is not, but he would still like to see some land locked up for a positive recommendation from this Commission.

Ms. Mackay does not see any of this back land easement as mitigation. The developer has used this entire lot for the project even though all structures are on one corner of the lot. There is no more space on the lot to use. Current zoning says the entire lot has been used. Ms. Mackay said the land has been used, it cannot be used a second time, ever, for any reason. She voted no to recommend this project at our last meeting. She will stay a no vote on this project if the back land is not permanently removed from possibility of being developed in the future.

Ms. Mackay would like to see a thicker buffer of plants near the abutting land owner. Mr. Reno said he has been talking to the land owner about planting the buffer and maybe planting on the abutter's land as the land slopes up and plantings on the abutter's land may provide more screening from the development. Ms. Mackay suggested the evergreen plants be spread throughout the site. Evergreens located only in the area of the abutter may look off balance. If a cluster of evergreens are located adjacent to the abutter, then other similar clusters may look good spread around the site. She would like to see drought tolerant plants. The less water needed to maintain the landscape the better. Trees should need water for a few years, but a maple tree should not need any water after it is established.

Ms. Mackay wants no fertilizers in the WCD for any reason. We need to keep extra nutrients out of the WCD and wetlands. Snow in the basin will bring salts into the basin. Salts will infiltrate into the ground and the wetland. Mr. Gagnon said salts will infiltrate into the ground even if snow is not pushed into the basin. Ms. Mackay would like to see the snow removed from the site so salts would infiltrate the ground in an area without a wetland. Salts will need to be used on the site. This will be a large apartment building and must be safe for walking during the winter. Salt alternatives will be explored by the developer and may be used if shown to be safe to clear ice from walkways.

A maintenance plan for caring for the vegetation on site will be described. Mr. Reno wants the property to look good as his company will be managing the property. He wants to work with us. He wants support of the Commission for this project. He does not want us to be 7-0 against this project. Ms. Mackay wants to be clear. A vote in favor of the planting scheme in no way should be seen to imply an approval of the project. The Commission wants the best project possible even if we vote against the project.

Public Input:

None.

Mr. Maynard will work on our suggestions and has requested to be on our December agenda. No vote was taken.

PUBLIC COMMENT ON OHRV'S:

Public comment session on the use of OHRVs on town owned land. Members of the public will share opinions and comments about the use of OHRVs on town land.
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Ms. Michelle Cooke sent a letter to the Commission and other town boards. She read her concerns from her letter into the record. She is opposed to the use of OHRV's on town conservation land and believes this proposal near Gumpas Pond will reduce her property value. She owns 11 acres that abuts conservation land and wants quiet and peace. There is a noise ordinance in town that allows for the peaceful use of one's property. The noise from these quads will echo across the pond. The noise will disturb eagles and porcupines. Users of the OHRV trails will not stay on the trails. They have ridden quads through her property. Parks and Recreation have had trouble monitoring the two parking spaces on Hinds Lane. People reuse stickers. There is no control of who is using the parking area. People dump trash, fishing gear, and beer cans in her yard. There is no oversight of that parking area and the OHRV area would be the same. She said the OHRV Committee said at our September meeting that the abutters had no problem with the use of the land near Gumpas Pond. The abutters did not know about the discussion going on at the OHRV Committee. The last they had heard there was talk about Raymond Park. Minutes seem to be behind schedule and she has not seen an agenda posted for the OHRV Committee for September, October or November.

Mr. John Walter was at the last meeting and presented a letter with 30 signatures. These people are opposed to this OHRV park. Mr. Walter read a list of many concerns of the residents in the Gumpas Pond area.

- The OHRV trail would contradict the Gumpas Pond citizens for maintaining water quality.

- Deep tread tires break up soils and cause runoff.

- Erosion from runoff going into the pond.

- Witnesses have seen trail riders off designated trails. They go around gates, cut vegetation and go over stone walls.

- OHRV's are a threat to wildlife, habitat, homes and young animals.

- Adjacent property owners have problems now with ATVs and motor bikes that illegally access their properties.

- Area residents have noise concerns.

- Air pollutants will be increased.

Oil, gas, and fuels could be spilled on soils, contaminated soils would lead to pond water contamination.

Forest fire potentials with no access for fire vehicles.

Wetland destruction and disruption to vernal pools, one of which is located near the Rolling Ridge property.

Problems with policing the trails and people who don't obey the rules. Potential for accidents, injury or death.

Diminish property values on adjacent properties.

Fish and Game has extensive rules on OHRV use for state lands. Trails would need to meet these standards. Some land may have deed restrictions related to funding sources for purchases. Many lands specify passive recreational uses. Mr. Walter has photos of some areas including vernal pools.

Mr. Raymond McKinley is the registered agent for Sweet Birch Place Home Owners Association. He is representing the 16 homes in the development. This development is a conservation subdivision and as such land had to be set aside for conservation purposes. All residents in this subdivision bought their homes because of the secluded and quiet nature of the area. There are many young children who engage in outdoor activities and ride bikes in the neighborhood. If this plan goes through, there will be an increase of traffic with trailers, multiple vehicles being carted into the area. This will lead to a reduction of property values because of traffic, trash and noise. The Gumpas Hill Road bridge may not be made for this type of traffic. Tower Hill Road was reclassified as a class A trail last year at town meeting. Highway vehicles are not allowed on class A trails. Trucks with trailers was not what the town voted for when this warrant article passed. Mr. Gagnon clarified the class A trail starts about 2,500 feet up Tower Hill Road. The location being discussed for parking is not a class A trail. Mr. McKinley does not think Tower Hill Road can handle the potential traffic. The road is regularly washed out and in some places it can be nearly impassable. He does not think riders would stay on the trails. Penalties are too low and may be unenforceable. The police did not say they would be consistently monitoring the area which could lead to reckless driving or other violations. Mr. McKinley agrees with Ms. Cooke that the OHRV Committee minutes and notes are not easily available to find and that the OHRV Committee members lied to the Commission when they said abutters were on board with this project. He said they were not and did not even know about this proposal. Mr. Gagnon said he didn't think Mr. McKinley was directing his anger at us. Mr. Gagnon said the Commission has heard the same amount of information that the public has heard about this discussion. The Commission is not advocating for this project. The OHRV Committee asked to be on our agenda and we allowed them to come and speak to us. Mr. Steward asked if there were children and teens that owned ATV's in their development and how many of this type of vehicle were in his development. Mr. McKinley said he thought there were about 8 ATV's and a lot of people were excited to ride. Currently, kids in the neighborhood ride ATV's in the yards and common areas of the neighborhood. Many of these kids are too young to use this proposed trail. Mr. McKinley thinks the whole town should be open to ATV's usage with no restrictions. He feels the whole town is ok, but one place is not acceptable because if it is one place the whole town will benefit and only one neighborhood will have to have the consequences. He said there have been no noise complaints about ATV riding in his neighborhood.

Mr. Nate Boutwell thanked the Commission for purchasing this land it is a great asset to the town. He read from the minutes of when the land was under consideration for purchase. The land would protect water resources, wildlife, forest management, education, and connectivity. He

referenced his comments from the last meeting where he explained his concerns. He asked the Commission not to recommend this site for OHRV's. There is a great group of people that contribute to the Gumpas Pond Association to protect the area. He reiterated a thought from our last meeting where he suggested the OHRV park would be better suited to a commercial or industrial site where noise, dust and traffic would not be an issue.

Ms. Beth Jussaume submitted a letter to the Commission. She said everyone who has spoken is conservation minded and concerned about the OHRV park. She asked where the OHRV Committee is in relations to meetings. Mr. Steward said the OHRV Committee is on hold at this time but that is not an official position. He will talk to the Selectmen and try to clarify when they will be meeting. At this time, there is no defined plan, but a lot of work has been done by this Committee. They are trying to fulfill the mandate by the Selectmen and the town warrant to take one year to come up with recommendations relating to OHRV's on town land. That deadline is March as far as Mr. Steward understands. Ms. Jussaume asked if the OHRV Committee had submitted a warrant article for this year. Mr. Steward did not think they had. Mr. Stanvick said he spoke to Jason, the Selectmen's representative on the OHRV Committee and he had no information to share about the Committee. The Commission has a representative on the OHRV Committee also. The OHRV Committee at the present time is in a fact finding mission. No decisions have been made. Mr. Stanvick said it was important to hear from the public. Ms. Jussaume thanked the Commission for its work for the town.

Mr. Dave Hennessey explained this process goes back to the Deliberative Session last year where a citizen's petition was put forward to ride OHRV's on town land. The petition was then withdrawn, by the people who put the petition forward, in favor of a committee to study the issue. At this time, OHRV's can be ridden on private land with owner permission. Mr. Hennessey asked if there would be another warrant article about riding OHRV's on town land or will the Selectboard allow riding on some parcels without a warrant article. Will the town have to vote to allow OHRV's on any public property. He has asked multiple officials in town and has not got a straight answer if there will be a warrant article or not regarding OHRV's. Mr. Stanvick said we were not the right board to ask this question. Ms. Kamal said she was concerned if there was a warrant article and there was a majority 'yes' vote because there may be a conflict with land owners selling to the town and thinking they are protecting their land. Mr. Hennessey is not sure of the legality of this whole situation and not clear of what this all means.

Ms. Deb Waters explained complaints she has heard from residents about OHRV's and that the Forestry Committee is still receiving. Complaints average to about 1-2 per month. Folks are riding all over town. The number one complaint is trail damage which is often severe. The second most common complaint is noise. Mr. Stanvick talked to the police last month about stepping up patrols on town lands after the killing of a couple in Concord a few months ago. They gave him a sample of a patrol log they conducted for Wolven. He hopes increased patrols can catch some of these causes of complaints. Ms. Waters directed the Commission to RSA 215A which relates to OHRV's on state land. The law is 39 pages long. The last 3 pages are an evaluation process if the state wants to open up an OHRV trail. Most of the criteria on these 3 pages are environmental criteria. There are many hoops to jump through to open an OHRV trail to have it legally acceptable under RSA 215-A. Ms. Waters wanted to reiterate the noise aspect of OHRV's. The noise affects wildlife and people. There has not been an evaluation of the distance to noise and how it affects residents. New Hampshire courts found the town liable in the case *Sterns v. Town of Gorham* when the town ignored adverse impacts of the quiet enjoyment of homes due to OHRV activity. The town had to pay damages to these home owners. Once the

town sanctions OHRV use on public land, the town could be liable for noise or other nuisances caused by the machines. Ms. Jussaume said continuous sounds over 70 decibels can be harmful for hearing. OHRV's are over 80 decibels.

Alicia Hennessey said town residents have been generous to give millions of dollars to buy land for conservation purposes. This has been good for the town. People who sold their land, often at a reduced price, thought it would be kept in its natural state. This OHRV park will disappoint many people who have voted to support the money for conservation land. Ms. Hennessey hopes the OHRV park does not get built in town anywhere.

Mr. Steward thanked the public for their input. He thinks they have been affective so far as many more people have come forward in opposition to an OHRV park than have supported a park. Mr. Stanvick asked if there was anyone who wanted to speak in favor of an OHRV park. No one responded. Mr. Steward said this subject will not move forward until a proposal is put forward.

DISCUSSION:

A proposed ordinance for the use of town lands will be discussed. The proposed ordinance will be a Select Board Ordinance. Discussion will be led by Paul Gagnon
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Mr. Gagnon is before us as a member of the Forestry Committee. He is pursuing a clarification of an ordinance that describes the rules of what is allowed and prohibited on town land. Permitted and prohibited uses are listed on the signs at the kiosks at the entrances of town lands. These signs were done many years ago. The town does not have an ordinance to describe permitted and prohibited uses on town land.

Last year, some people were target shooting on town land and started a fire that burned 30+ acres of town land. Mr. Gagnon asked the police what happened with those people. The police said there was no town ordinance to prohibit target shooting even though it was listed as a prohibited use on our town signs. Mr. Gagnon thought this should be fixed. He went to the Selectmen and asked if they wanted him to pursue a town ordinance to specify what is allowed on town land or if he should drop the task and remove anything from the list on the kiosks that was not described in a town ordinance. The town cannot have it both ways. The Selectmen agreed Mr. Gagnon should pursue an ordinance.

The best ordinance he found was from Hollis. The ordinance specifies exactly what is allowed on town land and what is prohibited. He has edited the Hollis ordinance and is going to talk to departments and boards in town. He wants to know if we agree he should keep working on this clarification.

Ms. Loosigian suggested Mr. Gagnon contact Hollis and ask how this ordinance has worked and if there were things they wish they had included and/or things they wish they had left out.

Members generally agreed it was a good idea to have an ordinance that specifies allowed and prohibited uses on town land. Mr. Gagnon will continue to work on this and bring it before us again.

WALK IN ITEMS:

Mr. Stanvick contacted NH Fish and Game to see if the town could participate in a New England Cottontail project as we have land that may be of use. He contacted the manager of this program and she said she also works on a project with butterfly gardens. She agreed to find a time to come and talk with us about these programs.

Ms. Kamal attended the NH Association of Conservation Commissions annual meeting. She learned that town lands needed to be under a conservation easement in order to be permanently protected. She asked if our town lands had this protection. Most do not. We do have town forests which provides some protection because they were voted to be town forests. In order for them not to be town forests, they must be voted out of that status. The Selectmen will not put conservation easements on town land. The residents paid for the land, the residents own the land and the residents have right to make decisions about the land. These decisions may be different 50 years from now than the decisions we would make and the residents at that time should have the right to make those choices. The town does hold some conservation easements.

Mr. Gagnon described some new signs that have been posted at town land kiosks. The addition to the signs informs residents that the areas are monitored by the Pelham Police Department and may include video surveillance.

MINUTES:

Motion: (Gagnon/Stanvick) to approve the minutes of October 12, 2022.

Vote: 5-0-1 in favor. Loosigian abstained.

NON-PUBLIC SESSION:

Motion: (Mackay/Stanvick) to enter non-public session to discuss land acquisitions, seal the minutes of non-public, and adjourn after non-public.

Vote: 6-0-0 in favor.

Adjourned at 9:50 p.m.

Respectfully submitted,
Karen Mackay,
Recording Secretary

From: paralegal34@comcast.net <paralegal34@comcast.net>

Sent: Tuesday, September 27, 2022 6:51 AM

To: Paul Gagnon <pgagnon@pelhamweb.com>; Mike Gendreau <mgendreau@pelhamweb.com>; Karen MacKay <kmackay@pelhamweb.com>; Ken Stanvick <kstanvick@pelhamweb.com>; Lisa Loosigian <lloosigian@pelhamweb.com>; Kara Kubit <kkubit@pelhamweb.com>; nsteward@pelhamweb.com <nsteward@pelhamweb.com>; Scott Bowden <sbowden@pelhamweb.com>; David Abare <dabare@pelhamweb.com>; Christine Kamal <ckamal@pelhamweb.com>; Heather Corbett <hcorbett@pelhamweb.com>

Subject: Zolkos OHRV Proposal

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Members of the Conservation Commission:

The below NRPC map of the Zolkos land shows private land in the middle of the property that was retained for access to the cell tower along with a fall zone around the tower. This retained land essentially bisects the property into 2 sections. The proposed OHRV trail map shows trails running the private access road to the tower, crossing the private access road with the parking lot apparently also on the private land.

Landowner permission is required by NH law for OHRV riders to use land they do not own. This fact also applies to municipal OHRV trails. Trails cannot be routed on private land without an agreement with the landowner. A notice of

lease is recorded at Hillsborough Deeds Book 8727 Page 2187. Mr. Zolkos has already entered an agreement for use of the property with someone else – the company that owns the cell tower.

Landowner permission may be unavailable because of the terms of this lease. In addition, the Conservation Commission should give some thought as to the liability to the town if rogue OHRVs use the newly formed town trails to gain access to the cell tower and cause damage either to the tower itself or the supporting infrastructure including the road.



Deborah Waters
6 Harley Road
Pelham, NH

From: paralegal34@comcast.net <paralegal34@comcast.net>

Sent: Monday, October 10, 2022 6:45 AM

To: Paul Gagnon <pgagnon@pelhamweb.com>; Mike Gendreau <mgendreau@pelhamweb.com>; Karen MacKay <kmackay@pelhamweb.com>; Ken Stanvick <kstanvick@pelhamweb.com>; Lisa Loosigian <lloosigian@pelhamweb.com>; Kara Kubit <kkubit@pelhamweb.com>; Scott Bowden <sbowden@pelhamweb.com>; David Abare <dabare@pelhamweb.com>; Christine Kamal <ckamal@pelhamweb.com>; Heather Corbett <hcorbett@pelhamweb.com>; Al Steward <asteward@pelhamweb.com>

Subject: Steep Slopes - Zolkos Land

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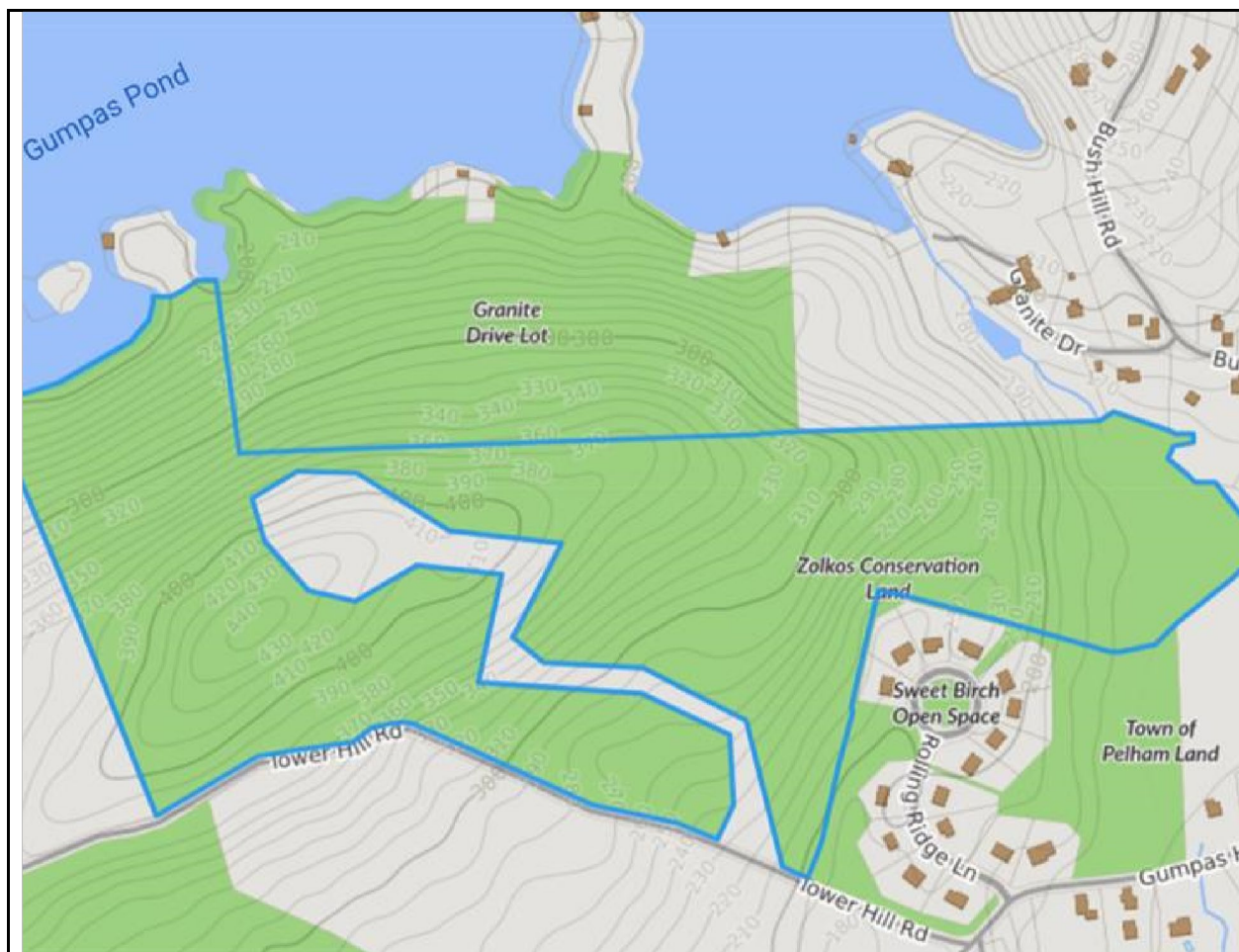
October 10, 2022

Conservation Commission
6 Village Green
Pelham, NH

Re: Steep Slopes – Zolkos Land

Members of the Conservation Commission:

The Zolkos land is steep. Below is a map showing contour lines.



Erosion is a significant problem that affects water quality. Healthy forests act as a filter to keep pollution out of water. Strong roots anchor soil against erosion and material on the forest floor helps absorb nutrients and sediment. But when forests are disturbed and degraded, sediment flows into streams and pollutes water. Erosion can be more pronounced on steep slopes.

Below is an aerial shot taken in 2015. Soils on steep slopes can be shallow and thin. This picture shows breaks in the canopy. What is the cause? Are the trees not growing well on the steep slopes or perhaps the property was logged around this time. If so, what kind of logging operation? Was the property “hard cut” (taking all merchantable trees without consideration of sustainability of the forest)?



Per **Best Maintenance Practices - Maine Motorized Trail Construction and Maintenance Manual (State of Maine)** trails are not recommended on slopes over a 20% grade. Significant erosion and trail degradation occurs on steep slopes as machines churn up soil on the trail surface. Rain hits the trail surface, and the soil erodes and disappears. In addition, machines impact tree roots. One half of a tree's roots grow in the first foot of soil. As soon as the roots are impacted by an OHRV, the corresponding part of the tree dies off, resulting in trees dying along the trail, further impacting erosion.

Below is a picture of an ATV trail on a private conservation area in New Hampshire. This trail demonstrates the inability of forest soils to withstand constant ATV traffic. The degraded trail forms a perfect channel for rainwater to flow, removing soil and constantly eroding. The roots of trees are exposed on either side of the trail. These trees along the trail are dying and cannot contribute to breaking rainfall (thereby protecting the trail surface) and dying roots cannot contribute to holding the soil in place as a healthy tree can.



The Conservation Commission should understand the inherent problems with building OHRV trails on steep slopes on native soils. The forest on the Zolkos property needs to be evaluated *before* the trails are built to determine the environmental pitfalls that could result in creating an OHRV Park in these conditions.

Deborah Waters
6 Harley Road
Pelham, NH

October 6, 2022

TO: The Pelham Conservation, Board of Adjustment, Planning Board and Board of Selectmen

RE: Proposed OHRV park at the top of Tower Hill Road

DATE: October 6, 2022

FROM: Wendy and Alan Smigelski, 12 Lox Lane

My husband and I are writing to express our opinion on the proposed location for the new OHRV park on conservation land at the top of Gumpus Tower Hill. I have lived on Gumpus Pond off Lox Lane in Pelham my entire life. Through residing with my grandmother, and other relatives and then we were lucky enough to be able to purchase it from family after I married 42 years ago. I have seen many changes over the years, which are bound to happen, however this particular change will have such a detrimental effect on our everyday life and that of all the wildlife in the area that we must express our total displeasure.

Over the years, I have walked and horseback ridden on these trails and the animals which we have encountered during these excursions have actually increased over the years. I don't remember having blue herons, eagles, and pileated wood peckers but we have them now. How long do you think that will be the case after the introduction of all the dirt bikes and OHRV's? When I was a kid, the land which is now conservation at the west end of the pond, was a privately owned proposed development. It was easy getting in and out of, to enjoy. Although I knew it wasn't my property to go on, I didn't realize the damage I could be doing to the land, the watershed, the animal habitat's, I only thought about having a good time. That's what kids do.

Once you open this up to riding, whether you try and restrict access to other areas or not, they will come into other areas in the off hours, that's human nature. Because they will scope those other areas out when they come up to ride on the 2.5-mile parcel. Except for those young families who are trying to spend quality time and teach their children the art of off-road riding, the older ones will become bored fairly quickly and they will be looking for expansion into critical areas that feed and effect the pond and the natural beauty of the area.

Additionally, and I think you will agree the conservation committee has worked hard to create and maintain an area that is serene, quiet and educational for all of Pelham and surrounding Towns to enjoy. How do you think that serenity and quiet will last once all these vehicles are allowed to run, sunrise to sunset.

Currently, we along with the Don Foss family and John and Kathy Walter own the abutting property to this proposed park. On our property and in order to access the top side,

we have a trail that runs from the bottom (pond side) to the top of the hill. Recently, we have already had OHRV traffic come down that hill. We know immediately, as sound travels across water quickly and loudly. I can see that increasing once people become aware of the area and the access.

As residents on this pond, we pay extra to have a view, the quiet, the animals and the natural beauty. The constant sound and activity that we and the other residents of Gumpus Pond will be forced to endure on a daily basis would be unbearable.

Sincerely,

Wendy and Alan Smigelski
12 Lox Lane
Pelham, NH. 03076
1-603-508-0469
1-978-957-8100

9/22/2022
updated 9/28/2022

Dear Conservation Commission Members and OHRV Committee Members

Dear Board of Selectmen Pelham, NH

Dear Fellow Board Members,

I am addressing concerns raised by some Gumpas Pond Association members relative to the proposed OHRV park to be placed on/in Town Conservation property Gumpas Hill near Tower Hill property.

I am representing Gumpas Pond Association Members relative to maintaining the quality and well-being of Gumpas Pond as it relates to water quality and maintenance of the surrounding shoreline.

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I hope that the town officials would reconsider the OHRV Committee's / Conservation Commission proposed used of the Gumpas Hill, Tower Hill, property for a community based OHRV Park.

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3. From witnessed accounts, trail riders Do Not stay on designated trails. Rather, many continue onto nearby trails, cross stone walls, go around gates, cut vegetation or drive over it.
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continue →

Addendum to concerns of Gumpas Pond area relative to negative impacts of OHRV trail park on Gumpas Hill, Cell Tower Hill:

9. The potential for oil, and gasoline fuels to be spilled on the soils and vegetation contaminating the soils possibly entering into the watershed of Gumpas Pond as riders go down the hill near the pond.
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RSA Chapter 215-A:43

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He did have open trails for snow mobiles but, did not approve of OHRV riding trails on his property.

This proposal acceptance could create a negative relationship toward the Conservation Commission by townspeople who may be considering offering their land for conservation in the future.

I had to remove a 4-wheeler that an unknown rider left in the Gumpas Pond after going through the ice this past winter. I also assisted a motor bike rider with a disabled bike this spring who had ridden his bike up from Dracut to ride the trails down over our property to Gumpas Pond.

I am requesting the Pelham Conservation Commission and OHRV Committee to reconsider the OHRV Park on Gumpas Hill, Tower Hill, Zolkas Conservation Land.

****Relative to Conservation Commissions RSA Chapter 36-A "for the proper utilization and protection of the natural resources and the protection of watershed resources of said town"**

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Sincerely,

John Walter


President Gumpas Pond Association

Abutting Property Owner

UNH Covert Volunteer

Stormwater Runoff Committee

Veteran's Park Beautification Volunteer

Board of Pelham N.H. Selectmen

9/24/2022

Pelham, N.H. Conservation Commission

Pelham N.H. OHRV Committee

Dear Fellow Board of Selectmen Members, Members of the Conservation Commission, Members of the OHRV Committee,

I am writing this letter in voicing our opposition to location of the ~~the~~ proposed OHRV Park, OHRV Trails, in the newly acquired Zolkas Conservation Property on Tower Hill, Gumpas Hill, or any part of the Zolkas Conservation Property.

I responded to a meeting held at Keith and Kathy Reagan's home on Saturday, Sept. 24, 2022 to a gathering of Gumpas Pond neighborhood residents and owners of property abutting the Conservation Land on Tower Hill. Not all were Gumpas Pond Association members, but people who live nearby, on the pond, or are related to the residents.

We discussed possible problems, concerns, and objections to the OHRV Park and have signed a petition to make our objections known to the board members. I have listed some of the concerns, problems, environmental issues, personal concerns, and property issues that may be factors in opening such a park near Gumpas Pond.

We the people signed below are, "Those in opposition of the proposed OHRV Park on the Tower Hill parcel are listed below:" The original signatures are attached.

John Walter 48 Footpath Way, Point of Rocks, Pelham, NH and Abutter on Gumpas Hill Pasture

Kathy Walter 48 Footpath Way, Point of Rocks, Pelham, N.H. and Abutter on Gumpas Hill Pasture

Keith Regan 39 Hinds Lane, Pelham and Abutter at Point of Pines

Kathy Regan 39 Hinds Lane, Pelham and Abutter at Point of Pines

Real Jussaume 15 Hinds Lane

Beth Jussaume 15 Hinds Lane

Lee Ann Boutwell 62 Walking Path

Nate Boutwell 62 Walking Path

Michelle Cooke 14 Hinds Lane

"Those in opposition to the proposed OHRV Park on the Tower Hill parcel are listed below:"

Continued from page one. 9/24/2022

Lee Boutwell 62 Walking Path

Pattie Perkins 62 Walking Path

Anthony Silva 51 Hinds Lane

Mary Ellen Silva 51 Hinds Lane

Bill Cooke 25 Hinds Lane

Daniel Rocheford Stevens Rd.

Michelle Richards 61 Hinds Lane and Abutter at the end of Hinds Lane

Robert Richards 61 Hinds Lane and Abutter at the end of Hinds Lane

Chris Schatz 59 Hinds Lane

James Fleming 57 Hinds Lane

Ed Sloan 45 Hinds Lane (by text) mc

Carmella Sloan 45 Hinds Lane (by text) mc

Alan Smigelski 12 Lox Lane (by phone) jw

Wendy Smigelski 12 Lox Lane (by phone) jw

Jeremy Griffus 48 Footpath Way

Jamie Osborne Hinds Lane

Those in opposition of the proposed
OHRV park on the Tower Hill parcel
are listed below

9/24/22

John Walter 48 Footpath Way Pt. of Rocks, Gumpes Pond
Kathy Regan 39 Hinds Lane (Abouther)
Keith Regan 39 Hinds Lane
RAL Jussawara 15 Hinds Ln
RAY Cooke 14 Hinds Ln
Beth Jussawara 15 Hinds Lane
Lee Ann Bartwell L2 walking path
Nate Bartwell L2 walking path
Michelle Cooke 14 Hinds Lane
~~Ra~~ Kathy Walter Point of Rocks
Lee Bartwell L2 walking path - Footpath way
Pattie Perkins L2 walking path
Anthony Silva 51 Hinds Lane
Mayellan Silva 51 Hinds Lane
Bill Cooke 25 Hinds Lane
Daniel Rochester 4 Stevens Rd
Michelle Richards 61 Hinds Lane
Robert J. Richards 61 Hinds Lane
Chris Schaefer 59 Hinds Lane
James Fleming 57 Hinds Lane
Carmella + Ed + Stacey via 45 Hinds Lane

UNH Covert Volunteer

Opposite OARU Trail Park on Zalkas
Conservation property

- Donald Jaws 27A Granite Dr Pelham, NH Gumpas H. 11
- Eleanor Fass 27A Granite Dr Pelham, NH
- Cindy Boyden 20 Granite Dr Pelham, NH
- 76 19 20 Granite Dr Pelham, NH
- Gerald E Turle 27B Granite Drive Pelham NH
- Julie + Jeff Speck 37 Rolling Ridge Ln Pelham, NH Vernal Pool

one drive
#027

October 6, 2022
Conservation Commission
6 Village Green, Pelham, NH'

Re Forested Wetlands

Members of the Conservation Commission:

Below is information on forested wetlands.

What areas are regulated under New Hampshire Wetlands Law?

- **Wetlands**, such as forested, scrub-shrub, emergent wetlands, marshes, wet meadows and bogs.

Source: [Wetlands and Stream Crossings FAQs | NH Department of Environmental Services](#)

"Wetlands that have woody plants or trees are forested wetlands or swamps, scrub-shrub wetlands, bogs, and vernal pools."

Source: Environmental Fact Sheet - 2009 – NHDES

A **forested wetland** is a **forest** where soils are saturated or flooded for at least a portion of the growing season, and vegetation, dominated by trees, is adapted to tolerate flooded conditions.



Forested wetlands are not mapped. Forested wetlands look like a forest. Soils in forested wetlands may be saturated for only a portion of the year. Forested wetlands and vernal pools need to be identified on the ground through an evaluation of a property.

OHRV riding in wetlands is against NH Wetland laws. Violations can cost the town up to \$10,000 for each incident and require restoration of damages that result from such action. (RSA 482-A and 485-A).

The Zolkos property needs to be evaluated before the trails are constructed to ensure that the town follows NH Wetland laws and does not incur fines.

Deborah Waters
6 Harley Road
Pelham, NH 03076

Dear Conservation Commission Members:

October 3, 2022

Dear Board of Selectmen, Pelham, NH:

As owners of the property adjacent to the newly acquired Tower Hill area, we strongly oppose the proposed OHRV Park to be placed on this site.

We have many concerns:

Our land that abuts this property is a wetland area which has vernal pools and is a habitat for many species of animals- birds, amphibians, large turtles, too numerous to mention. The wildlife we have witnessed over the years has been amazing- an albino coyote, deer, mink, fox, bobcats, fisher cats and others. There is no doubt of the substantial harm to the existence of this wildlife. The wetlands would surely be impacted as it is directly adjacent to the former Zolkos property.

Over the past twenty-five years, despite numerous no trespassing signs throughout our property, riders of off road vehicles and other people have disregarded them and entered our property. We have them on camera standing under these signs. Whether through carelessness or simply not caring, this intrusion would certainly escalate.

We retired here for the beauty, solitude, and peace this area gives us. That would be gone.

There are not many sanctuaries in our noisy world for people or wildlife to thrive. Please do not allow this rare find to be destroyed or harmed.

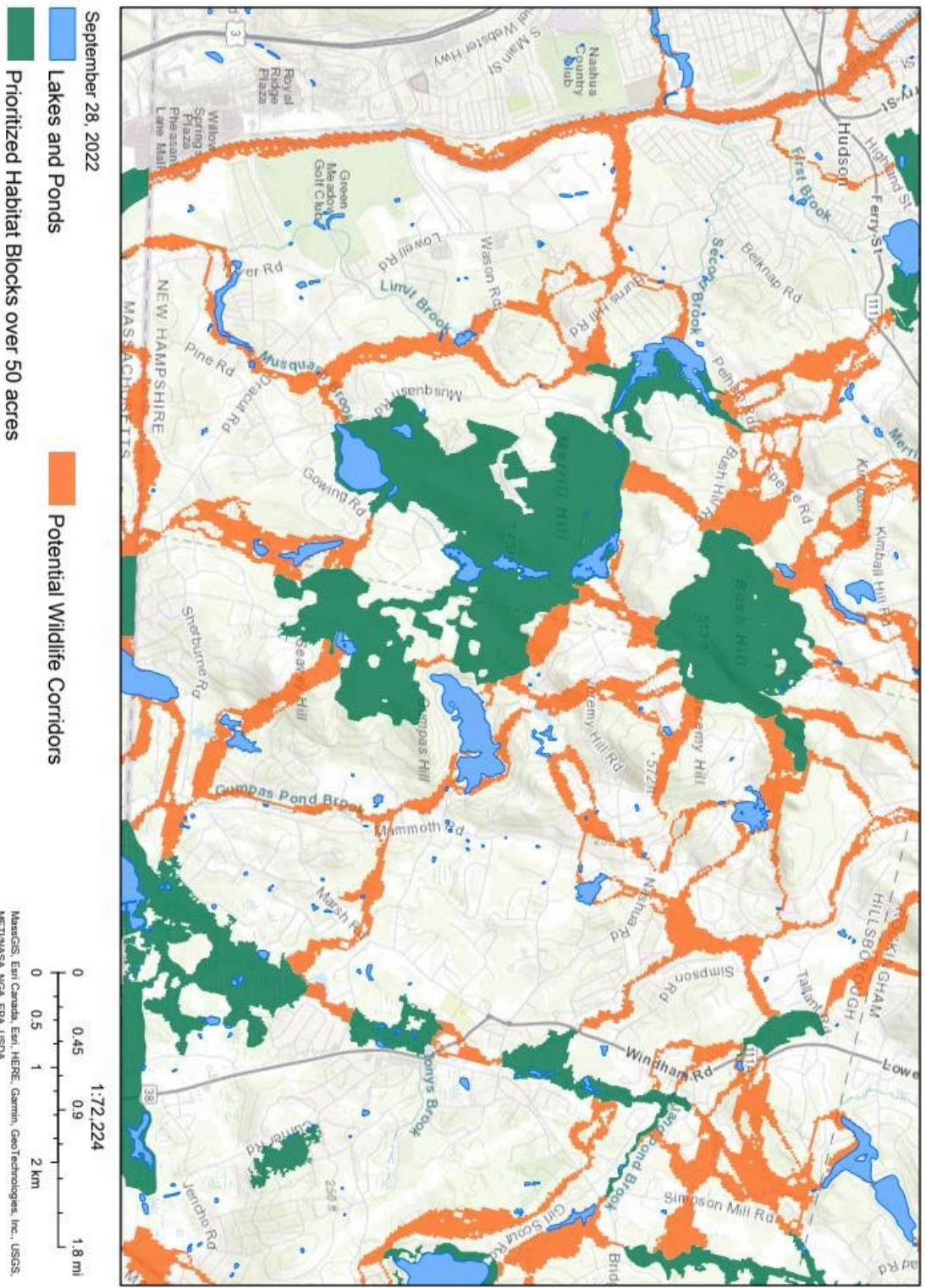
Respectfully,

Michael Riccio

Brenda DiStefano

62 Hinds Lane

Gumpas Area Habitat Corridors



Dear Pelham Conservation Commission,

My Name is Jamie Osborn and I live at 58 Hinds Lane on Gumpas Pond in Pelham. I am writing to express my opinion of the recent proposal made by the OHRV committee to put an OHRV park on the recently acquired Zolkos property on the hill behind Gumpas Pond.

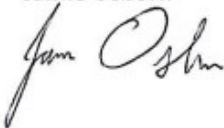
My degree is in environmental and recreation management and my early career was centered around facilitating a vast array of outdoor pursuits on land and over the water. In my professional opinion the proposed loop is too small to hold the interest of most experienced participants for very long. I would expect experienced participants to start making their own fun by either leaving the designated trail system or seeing who can achieve the fastest lap time. Part of the terrain in the proposed area has a very steep gradient which will pose a safety hazard especially for novice riders and riders racing to see how fast they can complete a lap. My largest concern would be on the convergence of those 2 problems, I can envision a scenario where a novice is uncomfortable with the grade and decides to turn back while a "racer" is pushing their machine to the limit expecting that everyone is obeying the proposed 1 way only trail system. The resulting collision would be devastating. My family has several OHRVs and we probably would never use this area based on the concerns above.

My property does not directly abut the parcel in question, but it is directly across the pond and will be heavily impacted by the proposed OHRV park. The concentrated use of OHRVs will create significant noise pollution to our neighborhood. We already have trouble with illegal ATV and dirt bike use in the Gumpas Conservation area, which my property directly abuts. The proposed OHRV area will give easy access to illegal riding in the surrounding Conservation areas. Rules will not stop riders from leaving the designated trails if we already have a problem with illegal riding in the conservation areas. We have had property damage done to our property on several occasions from illegal riding. The town already struggles to enforce illegal riding in the conservation area, creating easier access will only compound this issue. I am also concerned about the environmental damage which will be directly caused by the machines constantly ripping up the topsoil and heavily compacting the subsoil. Over time the soil erosion on the steep terrain that leads to the pond will damage the surrounding hillside and ultimately increase the stormwater runoff to the pond below. This proposed use would also likely disrupt the natural wildlife in the surrounding "prioritized habitat blocks over 50 acres" and "potential wildlife corridors" as identified by the attached map which can be found on the NH Fish & Game website. This site may be considered "dry" so riders won't be riding directly in wetlands, but the geography of the area guarantees a direct negative impact on the surrounding wetlands and conservation land.

Finally, I find it in poor taste that the land in question was purchased using conservation funds but is being considered for a use that is not conservation minded in any way. My children are the 4th generation in my wife's family to live on Gumpas pond. The natural beauty and peacefulness of the area is what brought the family here, and it is why we are still here generations later. We urge the Commission to keep conservation in mind and not vote to approve, endorse, or support the use of this land for an OHRV park.

Thank you for your time and thoughtful consideration,

Jamie Osborn



58 Hind Lane
Pelham NH 03076
(781) 354-4794

Dear Conservation Commission Members and OHRV Committee Members 9/22/2022

Dear Board of Selectmen Pelham, NH

Dear Fellow Board Members,

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RSA Chapter 215-A:43

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Sincerely,
John Walter

President Gumpas Pond Association

Abutting Property Owner

UNH Covert Volunteer

Stormwater Runoff Committee

Veteran's Park Beautification Volunteer

September 26, 2022

Conservation Commission
6 Village Green
Pelham, NH

All and Members of the Conservation Commission,

Thank you for your letter dated September 23, 2022, with your response to 2 letters I sent to the Commission. I appreciate the time and effort that was put into the letter.

First, to those who don't know me, I am a former Conservation Commission member and Forestry Committee Chairman. In the "old days" on the Conservation Commission, we reviewed 4-5 development proposals per meeting. Sometimes, we needed extra meetings to keep pace with the incoming development plans. We did not have all the tools you have today – NRPC data, digital maps, better subdivision regulations and an open space subdivision regulation. My time reviewing site plans has long passed. Every Commission faces challenging buildout projects, but I have full confidence that this board will review the apartment complex project and make appropriate recommendations without my help.

To answer your question - Every town forest has a management plan prepared by a licensed NH Forester or the plan is pending. Every town forester has a 4-year degree in Forestry from either UNH or University of Maine. Every town forester is a certified inspector for the NH Tree Farm Program. Along with the implementation of the management plan, every town forest is periodically inspected and re-certified under the NH Tree Farm Program.

As for town forest votes, your NRI has information on when town forests were voted and detailed information on the status of forest management for each forest.

As you deliberate the Zolkos OHRV proposal, the Conservation Commission should focus on its mandated duty under RSA 36-A to properly utilize and protect the natural resources. The Zolkos property is under your care. I encourage you to think about solving stewardship problems that might threaten the conservation values of the property. There are many.

The Conservation Commission should be able to explain to the public the reason this proposal is consistent with your required duties under RSA 36-A to properly utilize and protect natural resources. Residents may step forward to ask questions on why land purchased for conservation is being transformed into an OHRV Park. They may see this use as inconsistent with your duties under RSA 36-A.

The Conservation Commission should be able to explain to the public the environmental due diligence the board has undertaken to determine if an OHRV Park is an appropriate use of the

Zolkos property. The public should have access to the data you reviewed and the results of your determination.

Finally, the Conservation Commission should listen to all voices. Every development plan requires abutter notification. Residents should endure no less for a proposed OHRV Park. The Commission should reach out to area residents, listen to their concerns and respond with solutions.

Deborah Waters
6 Harley Road
Pelham, NH

September 24, 2022

Pelham Conservation Commission
6 Village Green
Pelham, NH

Re: Zolkos - Trail Layout and Location

Members of the Conservation Commission:

If the Zolkos OHRV Proposal is approved, the Conservation Commission will be managers of a conservation area with an OHRV Park. Fulfilling your required duties under RSA 36-A to properly utilize and protect the natural resources will be a high responsibility considering known OHRV impacts on the environment, wildlife and natural resources.

While it seems logical to utilize skid trails and existing snowmobile trails for the trail location, this may not be the best idea.

In the Trail Manual **Best Maintenance Practices - Maine Motorized Trail Construction and Maintenance Manual** prepared by the State of Maine, page 4 states...

Trail Impacts

Here in the Northeast, we have inherited a legacy of poor trail layout. Many of our trails went from point A to point B with no consideration for steepness or terrain. Many ATV or snowmobile trails have evolved over time on old woods roads or skid trails that were never designed for the type of use they get today. The result is inappropriate water management and erosion which is a trails arch enemy.

Erosion destroys trails and results in sedimentation of our lakes, wetlands, streams, and rivers where it has a detrimental effect on water quality, fish and smaller organisms. It can also contribute to algae blooms.

In addition to causing sedimentation problems, erosion also create ruts, bumps, potholes, and washouts that can make trails impassable. Each year, clubs and towns have to spend precious dollars to 'repair' these problems.

Your trail design, construction, and maintenance determine how the natural environment around your trail will be impacted. A well-built trail will provide access, while conserving our natural resources.

This handbook will show you examples of how to construct and maintain trails that minimize erosion and environmental impacts while providing safe accessible trails. The key is to ***keep the trail out of the water and the water out of the trail!***

Proper trail design will reduce the impact on natural resources. I urge the Conservation Commission to study this trail manual and others. Rooky mistakes are easy to make. It is much harder to study, do the homework, and understand how to properly layout a trail. It's not good enough to simply hand over trail use to a Club. The Commission should ensure the trails are located so they do not adversely affect natural resources.

Deborah Waters
6 Harley Road
Pelham, NH

September 21, 2022

Conservation Commission
6 Village Green
Pelham, NH

Re: OHRV Complaints

Members of the Conservation Commission:

From 4/2020 to 5/2022 (2 years), data shows the Forestry Committee received an average of 1-2 OHRV complaints per month. This rate continues today.

Complaints involve trail damage caused by unauthorized OHRVs riding the trails and disruption of residents' peace and quiet caused by the noise of the machines. In my letter of September 19, 2022, I discussed trail damage that happens on the town's conservation areas/town forests. In this letter, I want to address noise complaints.

Residents complain OHRV noise is disruptive to their peace and quiet. Standing at the end of the Gumpus Pond Conservation Area at Hinds Lane, OHRVs running the trails near the Gowing Road entrance can be heard. The distance, as the crow flies, is 2/3rds of a mile. OHRV noise can be heard for a long distance.

Many Pelham's town forests and conservation areas are in neighborhoods. Trails can run close to lot lines and homes. When hiking in Pelham, often houses nearby can be seen from the trail.

Here is a sampling of noise complaints received reported by residents:

1. Residents of a neighborhood adjacent to a conservation area became so concerned about OHRVs disturbing their peace and quiet, they called a meeting with the Forestry Committee to express their dissatisfaction.
2. A resident who lives near a snowmobile trail experiences OHRV noise so loud, the family must retreat to the inside of their house. They are miserable, calling the Police many times trying to end the activity so they can enjoy their home.

3. A resident who lives near a conservation area hears the drone of OHRVs near the home and has been driven indoors on many occasions. OHRV operators have ridden over the resident's land and caused destruction to the property.

The Conservation Commission should consider the significant noise disruption OHRVs can cause.

Stearns v. Town of Gorham (2018) - NH courts have recognized OHRV trails in residential settings is an actionable nuisance. In the case of Stearns v. Town of Gorham, the court found the town liable for "inverse condemnation"* when it ignored the adverse impacts of OHRVs on the quiet enjoyment of residents' homes. The town was ordered to compensate homeowners for the loss in the property values of their homes.

**Inverse condemnation is a legal concept that entitles property owners to just compensation if their property is damaged by a public use.*

If an OHRV Park is instituted on the Zolkos land, the Conservation Commission will be the managers of a property that could conceivably cause misery for residents and draw litigation against the town.

The Conservation Commission should understand the adverse effects of OHRV noise. Given the location of the trails and parking lot on the proposed Zolkos OHRV plan, residents of Rolling Ridge Lane, the Gumpus Pond area and others could be affected.

Deborah Waters
6 Harley Road
Pelham, NH

September 19, 2022

Conservation Commission
6 Village Green
Pelham, NH

Re: OHRV Proposal – Zolkos

Members of the Conservation Commission:

Thank you for the opportunity to make a few comments at your meeting on September 14, 2022. At the meeting I stated that native soils* do not have the carrying capacity** to withstand the weight of the OHRVs, the action of heavily treaded rigid tires and power of the engines.

*Native soil is defined as soil that is naturally occurring, formed by normal geologic and biological processes; undisturbed soil.

**Carrying capacity (or bearing capacity) is the capacity of soil to support the loads applied to the ground.

Using the publication “Managing Degraded Off-Highway Vehicle Trails in Wet, Unstable, and Sensitive Environments” by the USDA Forest Service (Forest Service Manual), we learn... “Where OHV trails...cross... sensitive soil conditions, trails can become rutted, mucky, and eroded. Such areas are referred to as degraded trail segments. Degraded trails develop when trail use exceeds the trail’s natural carrying capacity. For land managers, degraded trails are a significant environmental problem because of their direct effects on vegetation, soils, and site hydrology. In addition, degraded trails may have indirect effects on wildlife, site esthetics, and other resource values. For trail users, degraded trails reduce the utility of trail systems....” p. 1

NOTE: All pictures are from Pelham’s Conservation Areas and Town Forests with the exception of picture #14 which is from a private conservation area in New Hampshire.

Forest trails begin as a path in the woods. Foot traffic creates a small pathway about 3 feet wide. Native plants, tree roots and grasses edge the pathway holding the soil in place. Foot traffic depresses the soil somewhat, but the trail has a stable surface free from hazards, ruts, mudholes and damage. Trail blends into the forest with little environmental impact and is suitable for a large cross section of passive recreational users. See pictures 1, 2, 3, 4



2. Cutter Merriam Conservation Area
Despite heavy foot traffic on this popular trail, pine needles and leaves still blanket the trail surface cushioning rainfall and protecting the surface; trail blends with environment; trail is stable



3. Cutter Merriam Conservation Area
Native plants and leaf litter on edge of trail holds soil in place





4. Kirby-Ivers Town Forest
Leaf litter cushions rainwater
and helps prevent erosion on
the trail

Impact of OHRVs on Hiking Trails

According to the Forest Service Manual, when OHRV machines ride a hiking trail, the result is as follows:

Step 1 – Vegetation and soil is stripped by OHRV traffic along the trail. The trail widens to about 8 feet as the machine travels at a high rate of speed and easily swerves back and forth to avoid perceived obstacles. See pictures 5,6,7,8



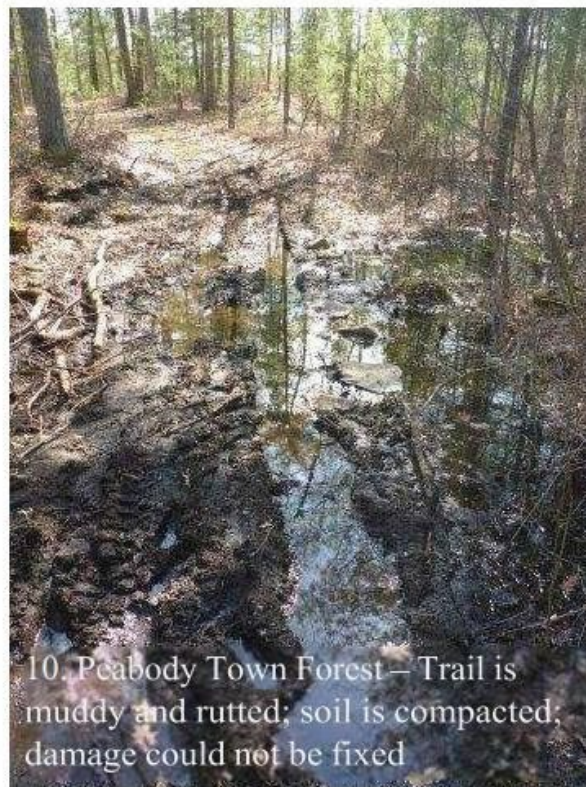
5. Costa Conservation Area
OHRVs are stripping the
topsoil and vegetation from
the trail



6. Costa Conservation Area
OHRVs travelling at a high
rate of speed push topsoil to
the sides of the trail creating
berms



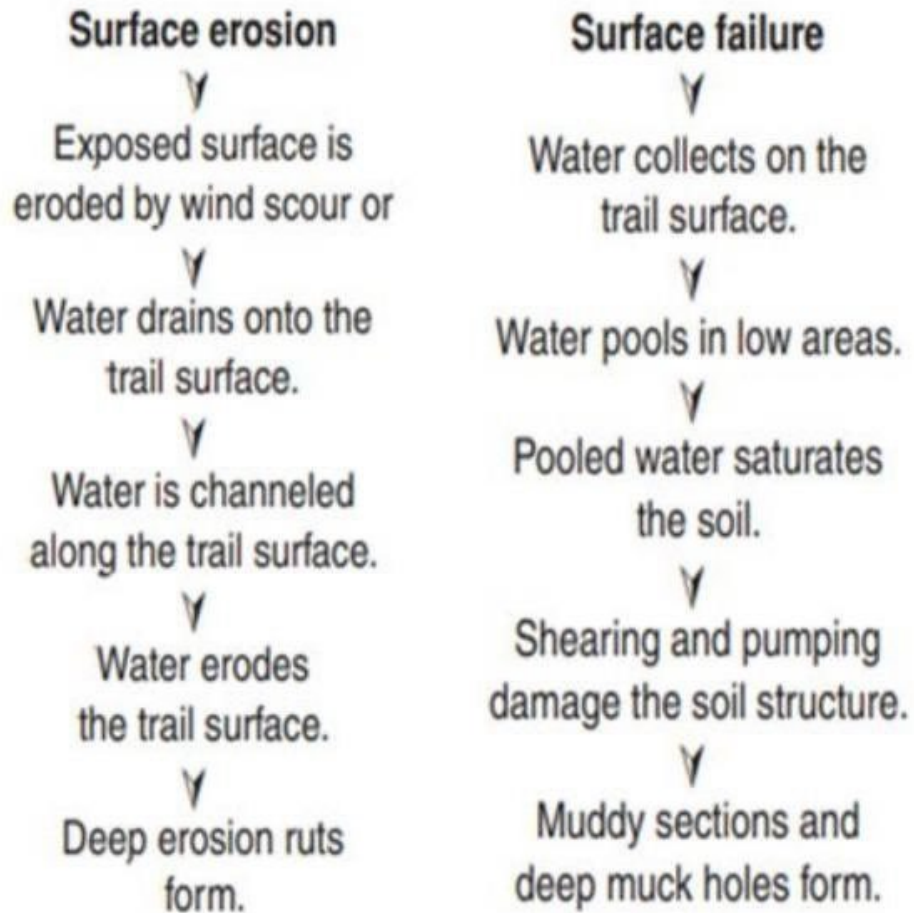
Step 2 – Exposed soil is compacted, flattens out and forms depressions. Compaction destroys the soil structure and disrupts internal drainage capacity. See pictures 9, 10, 11



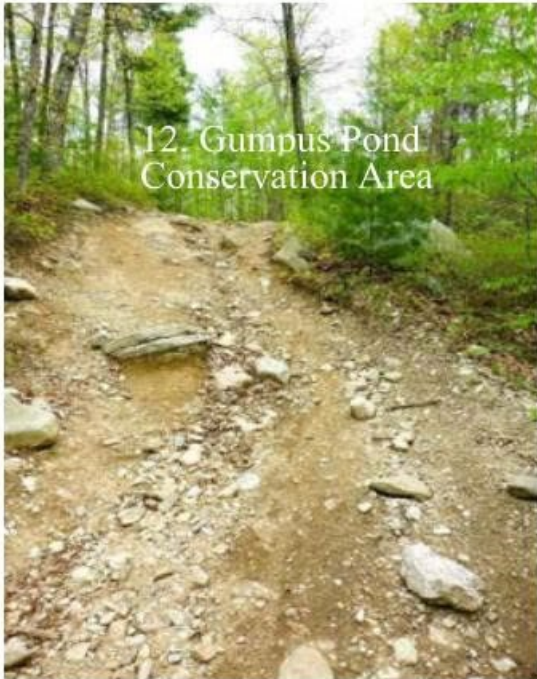


11. Moose Pond Town Forest
soil compaction, ruts and
mud; trail could not be fixed

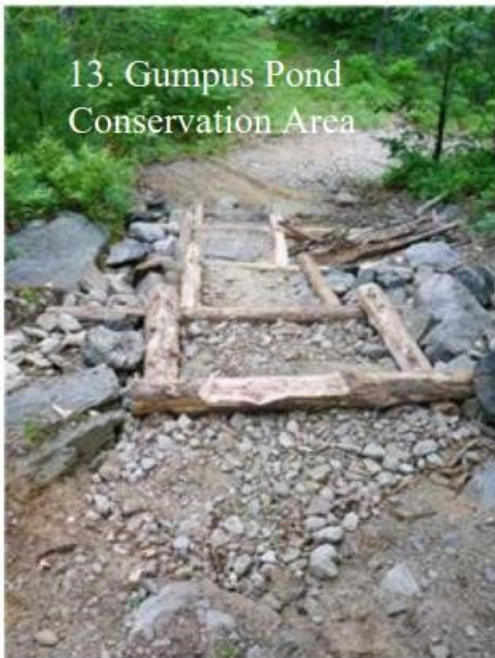
According to the Forest Service Manual (p.6), OHRV impacts on trails follows 2 paths:



PATH 1 - SURFACE EROSION



Action of OHRVs has worn away topsoil and killed vegetation that helps stabilize the trail surface. Trail has widened to about 12 feet as OHRVs ride the trail weaving back and forth. Roots, rocks and gravel are exposed, creating hazards and an unstable surface. As water runs down the trail, the surface constantly erodes. Soil is lost and channels develop which further the erosion. There is no way to fix the damage. Topsoil cannot be returned as it has flowed away from the trail and disappeared. The trail will continue to lose soil and erode if vehicles continue to ride the trail.



Long Trail Repair Project - "The project included hauling 8 foot and 4 foot cedar logs from the parking lot into the work site. All of the squares are spiked together with 6 to 8 inch spikes to become one structure in order to make it solid. The space within each square was filled and leveled using gravel that was raked into a 5 gallon bucket and hauled back up and large flat boulders. Within this picture the left side is filled with big odd, shaped rocks to force folks to use the steps. The right side is filled with same but not as many. The big rocks were mined up to 100 yards away and rolled to the worksite. This was a big project from June 2020 and is holding up well. If this had not been done, the erosion would have continued and would have become a wash out area." Tim Kennedy



OHRV trail on private conservation land in New Hampshire. Topsoil has completely eroded and erosion continues on subsoil. Roots of the trees adjacent to the trail are damaged and exposed causing trees to eventually die off.

PATH 2 - SURFACE FAILURE



Costa Conservation Area - Complete trail failure caused by OHRVs; multiple drainage trenches had to be dug; geotextile fabric installed and many loads of 2 inch minus crushed stone hauled to the site to try to stabilize the trail.



Moose Pond Town Forest - Complete trail failure and wetland violation caused by OHRVs; bridge had to be removed and trail re-routed.



Long Trail – Cutler Spalding Conservation Area - This section of trail became rutted and muddy from OHRVs riding on the trail. Picture #18 was taken in 2019. A mud hole developed. Picture #19 was taken in 2022. Installing gravel to fix the damage is useless – the damage is in a remote location. In addition, gravel would just sink in the mud under the weight of the vehicles. Drainage is impossible – there is nowhere for water to drain. The OHRVs created a bowl. The only solution is to create a long wooden platform bridge so hikers can maneuver through the damage.

Forest Service Manual - "The impact continues: Trails widen as users avoid degraded sections. Trail users abandon degraded sections. New routes are pioneered on adjacent soils. Vegetation and roots are stripped by traffic along the new route. Soil is compacted and the soil structure is destroyed, leading to surface erosion and/or surface failure. And so the cycle repeats itself." p. 6

Deborah Waters
6 Harley Road
Pelham, NH

Ms Karen Mac Kay

To: Pelham Conservation Commission, Pelham Selectmen's Office, Pelham Forestry committee
From: Julia Steed Mawson, 17 South Shore Dr. Pelham, NH
Re: OHRV proposal for Zolkos Conservation Property
Date: Oct 12, 2022

I am writing to express my concerns regarding the proposed OHRV proposal for the Zolkos Conservation Property. As I understand it in this proposal, the trails would be open to all OHRV vehicles, with parking provided for up to 25 vehicles and trailers.

I am a biologist and environmental educator, Extension Emeritus from UNH Cooperative Extension and am looking at this proposal through that lens and expertise. I have walked the property and I have also reviewed trail use on both conservation land and private land nearby for comparison. I see some areas of great concern and questions.

1. The trails proposed are on extremely steep slopes.

How will safety be maintained, especially with families, children and inexperienced riders managing the terrain? Is there any liability exposure to the town in the case of accident and injury?

2. The steep slopes are very rocky, with thin soil cover and therefore easily subject to erosion and unplanned widening of trails by vehicles avoiding rocks or severely pitted areas.

How will erosion control and trail boundaries be initiated and maintained?

3. The trail proposed is extremely close to several homes where noise, exhaust, dust, and potential intrusion can be issues.

How will these issues be mitigated for homeowners and is the town liable for failure to provide adequate enforcement concerning mitigation of these issues?

4. This trail is located in the Gumpas Pond watershed. Lakes and ponds in southern NH are under extreme pressure from population growth, the incremental impacts of development and greater overall use in Pelham and southern NH. **To insure that this important water resource is protected and any impacts of the proposed trail are clearly identified will the town first initiate a baseline water quality and natural resource assessment as well as a DES Watershed Management Plan for Gumpas Pond, including a plan for ongoing water quality testing of Gumpas?**

5. This conservation area as a proposed site for this OHRV trail is contiguous to several other important conserved areas that are used by hikers, runners, horseback riders, wildlife watchers seasonal hunters, etc. Further they were purchased in good faith from landowners for their protection, for passive recreation as noted above, in some cases timber harvesting, and for the ecological functions and services of the forests and wetlands. These services are vital to mitigate impacts of climate change, assist with temperature reduction, protect water resources (surface water, groundwater and aquifer recharge) and provide critical habitat for maintaining biodiversity of animal and plant species.

How will intrusion by vehicles into those areas be prevented and enforced? How will these passive recreation uses and ecological functions be protected and enhanced? Will the town be in legal jeopardy and /or lose the confidence from landowners should promises for protection of conserved land be compromised?

Thank you for your attention. I understand that there are no easy answers to questions of multiple use - especially in our town and surrounding region that has grown enormously in a very short amount of time. I also understand that we are no longer the rural community that we once had been and adjustment to that reality is very difficult.

Please let me know if you have any questions or concerns.

Thank you for all that you do. I know that you are all busy, so your attention to this is all the more appreciated.

Regards,

Thank you Julia Steed Mawson

Julia Steed Mawson
17 South Shore Dr.
Pelham, NH 03076
603-315-4642
Islandview999@gmail.com

✓
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From: Julia Steed Mawson, 17 South Shore Dr. Pelham, NH
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Date: Oct 12, 2022

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