

**BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
JANUARY 22, 2019 at 6:30 PM**

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Present: Chairperson Tina Courtemanche, Selectman Ann Bond, Selectmen Vincent Greco, Selectmen Sandy Goulet

Staff: Town Administrator David Jodoin, Recording Secretary Jillian McNeil

Excused: Selectman Michael Crockwell

**I. Call to Order:**

Chairman Tina Courtemanche called the meeting to order at 6:30pm.

**II. Citizen Comment:**

None

**III. Scheduled Meetings:**

Chris Arrigo, Michael Arbo, and Jesse Hall were present to discuss the request of the SNH Off-Road ATV/UTV group to organize and use the town's Range Roads. Chris gave an overview of what the ATV group is looking to accomplish. They would like to organize a club to properly sign the roads, maintain the roads, and enforce the rules of the roads. Michael stated some of the issues they have found are riders riding on private property and discharging weapons. Chris stated that once the club gets the permission from the Town to organize, they would go to the state and begin the process of officially becoming a recognized club and that would bring the state's insurance policy to the trail network. This would change the Town's liabilities.

Selectman Greco made a statement that he feels that when there is club member presence on the trails, the trails become safer and cleaner. He also stated that is a big issue when people bring Jeeps and trucks out "mudding" on the roads and the destruction it causes. Chris stated there wouldn't be much the club could do to curtail that since the roads are currently class 6 town roads. David Jodoin stated that there are seasonal weight limits of 1,800 lbs. David asked for the typical weight of a side by side. Chris stated around 1,200-1,500. David asked what the clubs version of "Patrol" was. Chris stated that clubs typically have trail patrol and they would mark their ATV's trail patrol. He feels that the majority of riders will naturally slow down when they see people coming the other way, especially on a marked machine. The club members have pledged to have someone out there almost daily.

Selectman Greco asked about the 4-wheelers on the snow mobile trails. Chris stated they are open to having the Range Roads open year-round but that would require further discussion. Jesse stated that in the southern part of the state, the snow is not year-round which allows for riding most of the year.

Michael stated that the speed limit on trails is 25 -35 mph. Lieutenant Adam Cheney, NH Fish & Game, stated that regardless if the trail is posted or not, the maximum speed for an OHRV on a class 6 road is 35 mph. A 4-wheeler can only go as fast as it is reasonable and prudent for existing conditions. Michel stated without signage, there is no perceived speed limit.

Selectman Bond asked if the club is aware of the proposed development that will extend onto 4<sup>th</sup> Range Road. They stated that they were aware but there is plenty more land out there. Jesse stated that they plan to go trail by trail and look for ways to manage water diversion, add culverts, and manage the trails. David Jodoin stated that the Town cannot provide any funding for the roads and that the roads would have to be passable for emergency vehicles. Jesse stated that they are aware of that and once they have the permissions to go ahead with the project, they will apply for grants from the state to assist in these projects. Jesse stated that the goal is make the majority of the roads passable by removing the swamps and brooks that go through the trails.

Selectman Courtemanche asked for clarification on the statement of not having swamps and brooks out there. Jesse clarified that he meant in the middle of the trail. They are not touching any of the wetlands or going beyond the trails themselves. The trails have eroded over the years and they want to rebuild them. They want to control the silt and sediment running off the roads. They plan to build ditches along the sides of the roads.

Pembroke Police Chief Dwayne Gilman and Fish & Game Lieutenant Adam Cheney discussed their concerns for the Town allowing the club to open the Range Roads. Chief Gilman expressed that there is enforcement out on the Range Roads but what happens on the main roads of the Town takes priority with the Department. Opening the roads brings more people which will add to the local economy but more people will also mean an increase in any safety issues. The Chief has concerns for the noise level of the machines. Parking will be an issue at any entrance point to the Range Roads. At any given point, there is only room for 1-2 trailers. Chief Gilman spoke to the State of New Hampshire about parking at the lot near maple grove campground. The State stated they are unaware of the amount of people currently using that parking lot and they are discussing now if they are going to continue to allow the people who currently use the lot to continue never mind any additional parking. This will add enforcement issues to the Pembroke Police Department if the State says they cannot use the lot. They cannot park at Bear Brook if they have to travel in a public road way to get to the Range Roads. ATV's are not allowed on public roadways. David asked if side by sides are allowed on the public road ways. Lt. Cheney states that right now, Rt. 28 is not a legal crossing. The State would need

to come out and survey the road, do a traffic study, and then they would need to sign it at the official crossing point. It is a liability for the Town and the State to make these crossings.

Lt. Cheney discussed his experiences with the opening of the trails in Pittsburg and Colebrook. He stated that he covers District 5 which covers 44 towns and around 600,000 people. He has a total of 3 officers to cover all of the search and rescues and other fish and game responsibilities. There will not be more enforcement for the Range Roads if the roads are opened up. There has been an increase in complaints along the power lines and Cross Country Road from riding. He does not recommend allowing night time riding. He recommends that the club joins the New Hampshire Off Highway Vehicle Association (NHOVA). Fish & Game currently gives out grants to local law enforcement for aid in enforcing the trail systems. There are concerns for EMS and the town will likely have to buy some sort of rescue vehicle for injuries that require spine stabilizations. Lt. Cheney stated that side by sides are noisy and there will be a lot of complaints.

Brian Lemoine, Resident, asked if it is advantageous for the Town to grant this club permission. Lt. Cheney stated that it is. He just wants to make sure there is a complete picture of what Fish & Game is capable of in regards to enforcement.

Lt Cheney reiterated that the club should get in touch with NHOVA and not have riding after dark. They will also need to get permissions from land abutters to use the trail system. This created an issue up North where permission wasn't granted and they opened up Town roads so people could go around the private property. When Town roads are opened up, per the State RSAs, it wipes any liability from the Fish & Game and puts it on the Town. This also means that there can be a 14-year-old riding on a Town Road which can be a liability.

Justin Colvin, Trail Master SNH Off-Road ATV Club, stated that since there cannot be anyone out there patrolling, wouldn't it be helpful to have the club presence. Lt. Cheney said definitely and he would recommend getting matching vests that say trail patrol as well as marking the machines.

Selectman Bond and Selectman Courtemanche asked if the Town could post signs and time limits for night riding. David said that the Town can set a local ordinance. Lt. Cheney said that they would recommend either a half hour after sunset or no riding after dark. The club can make the rules as well and would recommend getting help from NHOVA on that. Chris Arrigo stated that once they become an official club, they will get in touch with NHOVA but since they do not have an official trail network, they haven't taken that step.

David Jodoin asked if they believe the Range Roads would draw a large crowd. Lt. Cheney stated that he thinks they will. Michael Arbo stated that the riding is already happening and there isn't any structure and organization to it. That is what the club is hoping to accomplish.

Selectman Bond asked if having a club puts any limits on the Town's authority. Lt. Cheney stated that any law enforcement can enforce the Fish & Game laws and vice versa. The only laws that Fish & Game cannot enforce and the local police can, are town or city ordinances.

Selectman Bond asked if even with a club, if an issue presents itself in a year or so, can the Range Roads be closed back down. Lt. Cheney stated they can put a probationary period on the club to see if it is working or not. He recommends at a minimum, a probationary period should not be less than one year and maybe even two years since it will take a while for the club to get up and running.

Chief Gilman asked how many abutters have been notified. David stated that the hearing notice went out as a public hearing in the paper and on the website but not individual notices. Lt. Cheney suggested also discussing it at Town Meeting.

Public hearing opened at 7:17 p.m.

Bill Conn, Resident, expressed concerns for placing the trails on maps leading to the town being overwhelmed with machines and parking issues being created.

Ed Kenny, Resident, stated that the Snowmobile Club has spent \$10,000 in the last two years fixing up the Range Roads for their club. He worries about further damage to the roads when trucks are already causing so much. He also states that snowmobiles go away after 8-10 weeks, ATVs will be a year-round. He also noted that he is constantly applying for grants to put in culverts and they are consistently denied. Lt. Cheney recommended setting a season to avoid having activity on the roads during mud season. Memorial Day – Labor Day is a common season.

Wendy Weisiger, Resident and Conservation Commission Member, stated her support for the club and their intentions but that she also concerns. Wetland permits are being reviewed and it is not going to get simpler to get them. The majority of the roads are on wetlands which means getting the permits for the culverts will likely be very difficult. While there has been a boom lately in people getting outside and using side-by-sides and OHRVs, the old road beds that are commonly found in New Hampshire are not designed, maintained, or built to withstand the kind of abuse they are taking. Wendy recognizes that the roads are already out on the internet and people can already find them and the club is doing a great job of recognizing the need for protection and being proactive in cleaning up trash but it is only going to get harder with an influx of use. There is an inability of Fish & Game to enforce the area. This is going to fall on the backs of the Pembroke Police Force and the Town Hall to field resident complaints. The Town will have to work with the club to ensure everything is executed properly. The Town should outline expectations, what the town wants for outcomes, an appropriate timeline, and how the club can successfully reach those outcomes. They will need oversight from various Town Departments.

Public hearing closed 7:28 p.m.

It was the decision of the Board to notify the abutters and anyone effected by the trail system and have another public hearing.

**IV. Old Business:**

None

**V. New Business:**

Selectman Bond made a motion to appoint Timothy Goldthwaite as a full-time member to the Planning Board to replace Richard Bean. Selectman Goulet seconded the motion. Motion passed 4-0

Selectman Bond made a motion to appoint David Baril Jr. as an alternate to the Conservation Commission. Selectman Goulet seconded the motion. Motion passed 4-0

Selectman Greco moved a motion to accept the donation of \$5,000 from Continental Paving on behalf of the Recreation Commission in accordance with RSA 31:95-b. Selectman Bond seconded the motion. Motion passed 4-0

Selectman Goulet moved to approve the Manifest/Abatements as presented. Selectman Greco seconded the motion. Motion passed 4-0.

Selectman Greco moved to approve the minutes of January 7, 2019 as presented. Selectman Bond seconded the motion. Motion passed 3-0. Selectman Goulet abstained.

**VI. Town Administrator Report:**

Carol Bertsimas, Vice Chair Conservation Commission, in 2012 the Town acquired 1 #260-41 on 6<sup>th</sup> Range Road through donation from owner. The abutting lot 260-42 became property of the town by tax collectors deed. Back in 2015, the Conservation Commission made an offer to purchase the property. Last March, the Town adopted an article that the Board is required to offer property like this to the Conservation Commission before trying to sell it. Selectman Goulet asked if this piece of property would qualify for that since the town acquired the property in 2015. David stated that the piece was deeded in 2012 but they held it for three years because if they town holds any property for three years; the town retains any profit at the sale. If it sells the property before that, the last known owner gets the difference. Selectman Goulet asked what the offer was. Carol answered it was \$5,000 for 5.6 acres which covered expenses. David stated it is on a class 6 road, not near an entrance, and is not developable unless the road is brought up to town specifications. Selectman

Bond asked what the total acreage that the Conservation Commission currently has. Carol answered it is 3-4% of total town land but is not sure what the exact acreage is. Carol and the Commission are looking to see if there is anything that can be done to push the project forward. Selectman Goulet requested additional time to research. Selectman Courtemanche asked if there was any additional interest in the property. David answered that there is not. Selectman Courtemanche stated that they will grant Selectman Goulet the time to research and will revisit this at the February 4<sup>th</sup> meeting and if needed, then they will carry it to the February 19<sup>th</sup> meeting. Carol agreed to come back with the exact acreage the Commission currently has.

Selectman Goulet suggested pushing the ATV club meeting to March 4<sup>th</sup> meeting to allow enough time for the abutters to be notified and so there is a full Select Board available.

David stated that he received an email to dedicate the Town Annual Report to Patricia Crafts who passed away last year. Selectman Greco made a motion to dedicate the Town Annual Report to Patricia Crafts, Selectman Goulet seconded the motion. Motion passed 4-0

David received a letter from the State of New Hampshire stating that the engineer review study for the North Pembroke Road Bridge is found to be acceptable. Total estimate of the project is \$2,056,055. The state will cover 80% and the remainder will be \$30,000 for Concord and the balance will be Pembroke's because the City of Concord will be managing the project with their staff. Pembroke's portion is roughly \$385,000 and there is currently enough money to cover the project from encumbered funds over the last two years.

David stated that the Barrington letters went out and the deeding letters went out to the property owners and mortgage companies. There are 26 people on the deeding list. Selectman Goulet asked if that amount is common. David stated that it is and 6 out of the 26 are new to the list this year. They will have until May 9<sup>th</sup> to pay. The Board will receive annual updates.

## **VII. Committee Reports:**

Selectman Bond – For the street light conversion project, there are still no costs from Eversource on the corrections they need to make. Ann stated that the Meadows View development is proposing a Mason's Way and the Town already has a Masons Avenue. David stated it was brought up at the TRC meeting and they were told they would need to change the name. Ann asked if there was an ordinance for driveway size when there is a shared driveway. The development is proposing a few shared driveways. David stated that the Police and TRC Board are not in favor of the shared driveways but that will be a discussion to have with the Planning Board. Ann stated that the other concern is they want to do open drainage. David stated that it is being discussed with the Roads Committee and the Planning Board. The developers are requesting to be on the agenda for February 4<sup>th</sup> to discuss the opening of the road and

the subdivision. Selectman Bond stated another concern is the four retention ponds. David answered that historically retention ponds have ended up the Town's responsibility. She also stated that there is a request to the Selectmen to adopt a standard for street lights by the Planning Board.

Selectman Greco – None

Selectman Courtemanche – The Budget Committee went over more of the School Budget. Dan Crean presented a list of \$212,000 worth of cuts. The next meeting is Thursday, January 24<sup>th</sup> to go over the Town and School warrant articles.

Selectman Goulet – None

The Next Selectmen's meeting will be February 4, 2019 at 6:30 at the Town Hall.

#### **VIII. Other/Citizen Comment:**

None

#### **IX. Non-Public Session:**

Motion by Selectman Goulet to enter non-public session in accordance with RSA 91-A:3 II (c). Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, at 7:58 PM. Seconded by Selectman Bond.

Roll Call Vote

Chairman Courtemanche	Yes
Selectmen Greco	Yes
Selectmen Goulet	Yes
Selectmen Bond	Yes

The Board came out of non public session at 8:10 PM.

Motion by Selectman Goulet to enter non-public session in accordance with RSA91-A:3 II b Hiring, seconded by Selectmen Bond.

Roll Call Vote

Chairman Courtemanche	Yes
Selectmen Greco	Yes
Selectmen Goulet	Yes

Selectmen Bond

Yes

The Board came out of non public session at 8:18 PM.

**X. Adjourn:**

Motion by Selectmen Goulet to adjourn at 8:19 PM seconded by Selectmen Bond.  
Motion passed.

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Justine M. Courtemanche, Chairman

For more detailed information, the meetings are now taped and can be seen on [www.townhallstreams.com](http://www.townhallstreams.com) click on Pembroke NH and look for the day of the meeting under the month.