



**Town of  
BROOKLINE, NEW HAMPSHIRE**

***Conservation Commission***

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**Minutes  
Tuesday, July 12, 2016  
Conservation Commission  
7:00 pm**

**Present:** Francis (Buddy) Dougherty, Chairman  
Jay Chrystal, Vice Chairman  
Tom Rogers, Member  
Brendan Denchy, Selectboard Representative  
Drew Kellner, Alternate (voting for Jordan)

**Absent:** Jordan Bailey, Member and Eric DiVirgilio, Alternate

**Buddy** asked Drew to vote for Jordan. **Drew** agreed.

**Mountain Bike Trail Discussion**

The Board introduced themselves to everyone in attendance. **Buddy** said they will discuss this until 7:45pm tonight then they will schedule the 4th Tuesday of July to continue discussion. **Buddy** read through the minutes of the Conservation Commission meeting dated February 10, 2004 "John Frugard said that, right now, mountain bikes are not allowed at Hobart Fessenden Woods a lot of requests were received asking to authorize their use. If mountain bikes are allowed, the BCC would like sometime restrictions (spring, mud season, etc.) Jay Chrystal asked if members of the mountain bike club were active as the Brookline snowmobile club is in maintaining trails. Chris Smith said that the South Central NH Chapter of the New England Mountain Bike Association (NEMBA) was helping in maintaining and creating trails in towns like Bedford and Merrimack and is very active in places like Mine Falls in educating people as well as working on trails. A lot of the NEMBA's members are skilled people to work on trails. Buddy Dougherty asked if the Association had the type of insurance as the snowmobile club has. John Frugard said that an email was received asking the same question. The town is covered by NH Municipal. Laura Libby said that she would like to see signage about the practicability of trails, depending on the season. John said that some timing could be set allowing the use of the trails. Chris Smith said that trails should be open all year long because it is difficult to predict the weather but signs could be put up with generic trails rules like 'no riding through puddles, never ride alone, etc.'" All other NEMBA member said that the best thing for Brookline was to increase the use of conservation lands and mountain bikers could help with trails. He suggested monitor the property for the first year and see how it goes. John Frugard said that there were a few logistical things the BCC would like to go through before Hobart Fessenden is open to mountain bikes. Laura Libby said that she would like to table the issue until next meeting and have more BCC members involved in the discussion.

John Frugard said that he would like to work some more on Hobart Fessenden this year by putting signs up, continuing the trails and working on the parking area at the entrance on Rocky Pond Road (Pope Rd) which is going to be the main access to the property for now."

**Buddy** said in March of 2004 they voted to allow Mountain bikes in the Hobart Fessenden area. Mountain bikes have not always been allowed on the town trails. He also met with Gene Rubin also a NEMBA member and introduced to Bob Giunta another NEMBA member.

**Tom** said about a year and a half ago he met with a few mountain bikers and they had also come into the meeting with the Board. **Buddy** said over the last couple of months they have found a few new trails that have been made on town property and the Board decided to post the signs. The situation needs to be addressed. **Bruce Landry** (296 Route 13) said he has been riding the trails in Brookline for the past thirty years. He has never seen anything bad done to the trails and he doesn't want to see the few people get punished for something someone else does. **Eric Power** (Westview Drive) said he has always supported the Conservation Commission he does mountain bike and would like to maintain the ability to use town trails. A few vandals shouldn't ruin it for everyone. We urge you to keep mountain biking available on the trails. **Marc Paquin** (Shady Rock Road) he said a year ago he had met with the Conservation Commission and had a discussion about maintaining the trails and being more proactive to preserve what we have. **Chris Smith** (Laurelcrest Drive) agrees with everyone's statements although he rides a lot in Burlington Massachusetts he has also seen illicit trails being created and NEMBA has been active with shutting these trails down. **Rui Loura** (Sargent Road) why are you doing this exactly. **Buddy** said for the same reason you would if you found someone was building trails on your property without asking permission. People should be asking permission to build trails on someone else's property. **Jay** said as a group we try to take care of the issues individually but this issue keeps coming up. They can only do so much they have posted on social media the town website, Conservation Commission Facebook page, word of mouth, cable tv, etc. with no response no one comes to the meetings. We put a sign at every trail that states they will be discussing closing the trails to mountain bikes and that one sign gets 35 to 40 people in here to meeting. The Commission would like to work with anyone that wants to put time into improving the trails. They work with the IceBreakers Snowmobile Club. When they are looking to put in a new trail they work with the Conservation Commission. **Jerry Jawoski** (Parker Road) said he walks the trails with his dogs all the bikers he has met up with are great and the newly created mountain bike trail are well executed trails. They still have motor bike problems in this area. He does agree that they should be asking permission to put in trails. **Kris Karlstrand** (Ames Road) said he believes the people that are constructing the trails are not here tonight. A while back the ATV club went to the Conservation Commission to request that they be allowed to ride on a Town Trail. They said they would use the clubs fee's to maintain the trails and keep up with the maintenance.

**Chris Boucher** (Groton MA) said he works with the Groton Trail System and he is willing to offer his help to the Commission. **Peter Bowers** (Rideout Lane) said there is not a lot to do in this town for kids his age. This is a means of getting to friends' houses and just getting outside in general. **Jay** asked how they would get the attention of kids his age. **Tom** said he believe the middle school has a Mountain Bike Program. **Tom** said the problem is this is our group sitting at this table where it. We have been using Facebook more and more but reaching out to everyone is a challenge. For example we used Facebook to get the word that they were creating a new trail that connected to Beaver Brook which would double our trail system and still the only people that were there to help was the people at this table and Tad Putney. Not only do we need to reach out to people but they also need to reach in.

**Cameron Dreyer** (Sawtell Road) said there is a group in the Middle School and he is trying to create one in the High School currently. **Drew** said that no one at this table wants to shut the trails down to mountain bikers they just need people to request permission before cutting a trail. The Board would like everyone to work with the Commission. **Josh Foley** said he was excited to find the trail and is willing to help however he can. **James Gibson** (Cleveland Hill Road) stated one of the things that

attracted me to this town is the outdoor activity. He has 2 young boys that he takes mountain biking on these trails. He would be happy to be a conduit to NEMBA if needed. **Brian Scargill** (Laurelcrest Drive) said it would be nice not to have to pack up the bike and go out of town to go mountain biking. **Cameron Dreyer** (Sawtell Road) stated Andres Institute of Art has some great technical trails he would like to know if the Conservation Commission would allow those on Town Trails. **Drew** said they would discuss it but yes. They would like to see an organized group form and have a representative inform the Board of what is going on or what is needed. If you bring a map of the trail you would like to build that would be great. The Board has no issues with new trails people are just not asking permission to build these trails on town property. **Sherry Wyskiel** (Town of Hollis Trails Committee) said the Hollis Conservation Commission had created the Hollis Trails Committee to oversee the trails. It becomes too much work for the few members of the Conservation Commission to deal with along with everything else. If they don't know the trails are there and someone gets hurt it's not on a map emergency services doesn't know where the trail is there. This is a liability for the town. You just cannot have these trails going up without asking permission. The Hollis snowmobile club put in a trail and found out the map was wrong and the new trail ended up going through someone's property. This property owner was so mad that it was created without permission they ended up having to cut the trail around that property. Asking the property owners permission is key. Bottom line here is that you all have to work together that is all anyone is asking. **Matt Caron** said he is the Merrimack Vice-Chairman of the Conservation Commission and is also a member of the Southern NH NEMBA he said if someone is out there creating trails he knows who it is. He is the coordinator for this area. The Commission should have reached out to him. The person Buddy met with in 2006 is long gone he has never even hear of him. **Buddy** said they will hold a second meeting this month on July 26 at 7:00pm to discuss this further. **Drew** said if everyone gets together and creates an organized group and comes back to discuss this further with us on the 26<sup>th</sup> of July. **Cameron Dreyer** said if this is followed through can we come to you to ask about building a trail. **Jay** said of course you would just need to come into the BCC meeting and explain where you would like to put this trail along with some sort of a map. The Board will check the records to make sure this is all on town property. **Buddy** said it would be nice to have a subcommittee of Brookline Residents to come to speak with the Board about new trails or trail maintenance that will need to be done.

**Drew** said there is a notepad going around and if you would like to help please add your name and email or phone number to the list.

The Board thanked everyone for coming into tonight's meeting. The Conservation Commission will hold a meeting on Tuesday, July 26, 2016 at 7:00pm in this same room to discuss this subject further.

### **Cider Mill Trail Head Parking Area – Helen Ballou**

**Buddy** said Helen Ballou live across from Bohanon Bridge Road and adjacent from the parking area. She has sent us an email with concerns about the Cider Mill Trail Head Parking.

**Buddy** read the email:

Would you please discuss/clarify what the parameters are for the Cider Mill Pond trail access?

1) Dogs - on or off their leashes? (My husband, Pete, and I have seen 2 instances in the last month alone where owners were calling their lost dogs (for 1/2 hour +/-), and we also had a large, aggressive dog in our yard 2 weeks ago).

2) Are you going to allow cars to park outside of the parking lot? (Particularly, in the back of the field near the trailhead or behind the island of trees)

We urge you to limit parking to the parking lot.

3) Do you allow overnight parking? (Have seen people getting picked up and their cars left there overnight)

4) Are the trails "open" during daylight hours only?

There has also been other (possibly) sketchy activity so it would be helpful if there were signs explaining your rules/expectations. Please let me know when these issues are on the agenda/up for discussion. Thank you!

Helen Ballou”

**Buddy** said they can discuss this a little and add to the agenda for the August meeting to discuss further. **Buddy** said they could put up no overnight parking signs in this area. **Tom** said he hikes and bikes at night. **Drew** said he figured out why they are parking at the kiosk and not the parking lot. By the kiosk is the only shade. **Drew** said they should discuss this further at the next meeting. **Jay** said they have been discussing dog issues since 2005. They should be on a leash. **Buddy** said this is an issue. Peoples dogs are a 100 yards ahead of them on a trail and people coming in the opposite direction don't know if these dogs are friendly or not. The wording that they are allowed to put on signs in regards to dogs on leashes is “Please have your dogs on a leash while on town trails”. The RSA only state that you dogs need to be under control not that they have to be on a leash. **Drew** urged Helen to contact the Police if there are any further issues with dogs or any issues. This way the Police are aware of what is happening in this area. The Board will add this discussion to the next meeting agenda on August 9, 2016.

### **2016-3: J-16 – Subdivision plan for Lot J-16, Eastman Development, LLC**

In attendance for this hearing Randy Haight, Meridian Land Services.

**Randy** said he is here tonight because they met with the planning board in October and they showed them a conventional and an open space both had 13 lots. The planning board overwhelmingly wanted the conventional. This was landlocked so they had done a lot line adjustment a few years ago. Since then they have worked on drainage and test pits etc. and it is now down to 12 lots. The three lots that have a conservation easement over it abut the open space area from we wanted to get this side of the wetland captured there are three other isolated low functional value wetland that are just there. They are not connected to anything they are just there. This is why we are here tonight to see if you have any comments. This lot has an exceptional crop of large boulders everywhere. Also associated with this they will be asking for a waiver from the road length. **Drew** asked if the restriction on proposed lot J-16-5 was removed because the owner or the Planning Board requested that it be removed. **Randy** said the Planning Board said this wasn't necessary. The purpose was at best for a walking trail. **Drew** asked if the conservation easement will be designated to the Board oversee. **Drew** said this is new for him but in the private sector there would be a fee associated with putting a conservation easement on a piece of property paid to the person who would have to oversee it. **Drew** asked who will be the owner of the lot if the easement is issued to the town. **Randy** said the owner of this lot or whoever buys it in the end. **Drew** said he would rather not be designated to watch over these areas. We will assume the liability if it before the Board has a way to maintain the easement. **Jay** said they have been dealing with issues on easements as they come up. The Easement wording gives them the authority to **Drew** said he would like the town to consider how they plan to monitor these easements that have been placed upon us. The Board had no issues no comments with this plan.

### **Lot K-28-2, Razzaboni Home Builders, Discuss ZBA Application for an Equitable Waiver of Dimensional Requirements.**

In attendance for this hearing Randy Haight, Meridian Land Services.

**Tom** recused himself from this discussion.

**Randy** said two years ago we did a subdivision and at the time we this northern wetland area was not revealed. The State came out to walk the property and they also missed this wetland. Since then Quigley Way was built, a house has been built and sold, and this lot K-28-2 was about to be sold. They went out to dig a test pit and found this northern wetland. This is a low functioning

wetland located in the northern part of this lot. A letter stating this is a low functioning wetland was issued by Tim Ferdwa from Meridian Land Services. They have applied to the Zoning Board for an Equitable Waiver of Dimensional Requirement. This was a mistake not done on purpose. With the new wetland to the north this eliminates the ability to meet the 125 foot septic setback from any where on this lot. **Randy** showed the Board photos of the newly discovered wetlands. The Board agreed there was nowhere else to put this septic with the newly discovered wetland to the north of this property that would meet the setback requirement. **Jay made a motion to write a letter to the Zoning Board that the Conservation Commission agrees with the conclusion that Meridian Land Services has on the placement of the leaching field being that is the only place it could go and support granting the Equitable Waiver of Dimensional Requirements for this placement. Seconded Brendan seconded. Vote yes 4-0. One abstention.**

## **Trail Discussion**

### Hol-Brook Trail (Holbrook Trail)

**Tom** said he would like the trail name to be spelt Holbrook Trail if everyone on the Board is ok with this. The Board agreed. **Tom** said this past weekend some minor vandalism was found on the trail. He has since put up new signs and replaced all the flags.

### Stickney Brook

**Tom** said he walked out to make sure the beaver box was still working. It still seems to be really wet in this area. He will go out this weekend with his kayak to get a better look and make sure the beaver box is functioning properly.

### Trail Behind Sunoco

**Drew** said he walked this area with Bill Gagnon from DRED. He stated he believed they have a good application. **Drew** said he will go this weekend to clean up the trail.

### Rail Road Bed Reconstruction Project

**Buddy** said this project should be completed tomorrow.

### Letter from owner on Route 13

**Tom** said he received a letter from an owner of property located on route 13. It stated they will no longer be discussing any options with the BCC. **Drew** said this meant they will not be able to use this for the Ghost Train Race this year. **Tom** said yes.

### Milfoil Melendy Pond

**Buddy** said they have received a bill but no update on how the treatment worked. **Kristen** said she sent an email asking how the treatment worked and hasn't heard anything back.

### Milfoil Lake Potanipo

**Buddy** said Amy Smagula has gone out to look at the Lake and she sent us a map of where there will need to be some weed pulling. She thought they would only need a couple of days to complete.

## Minutes

**Brendan made a motion to approve the June 14<sup>th</sup> 2016 minutes both public and non-public as written. Tom seconded. Vote yes 5-0.**

**Water Testing - Lake Potanipo**

**Buddy** said they will need to test the water at the Lake Potanipo. **Jay** said he will try to contact Tom LaRochelle. They will also test Melendy Pond.

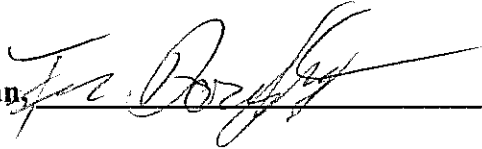
**Non-Public**

**Jay** made a motion to go into non-public session under RSA 91 A: II (d) for the discussion of possible land acquisition and immediately adjourn the meeting. **Brendan** seconded. Roll call vote **Buddy**, **Jay**, **Brendan**, **Tom**, and **Drew** all voted yes.

**Brendan** made a motion to come out of non-public session and seal the minutes. **Tom** seconded. Roll call vote **Buddy**, **Jay**, **Brendan**, **Tom**, and **Drew** all voted yes.

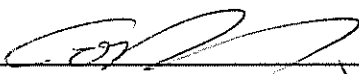
**Jay** made a motion to adjourn the meeting at 9:52 pm. **Tom** seconded. Vote yes 5-0.

**Francis (Buddy) Dougherty, Chairman,** \_\_\_\_\_



**Jay Chrystal, Vice Chairman,** \_\_\_\_\_

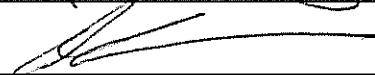
**Tom Rogers, Member,** \_\_\_\_\_



**Brendan Denehy, Selectboard Representative,** \_\_\_\_\_



**Drew Kellner, Alternate (Voting for Jordan),** \_\_\_\_\_



Minutes submitted by **Kristen Austin**.

Next meeting will be held on **July 26, 2016**.