

FINAL

**LEBANON CLASS VI ROADS – ADVISORY BOARD
REGULAR MEETING MINUTES
LEBANON LIBRARY – DAMREN ROOM OR
Remote Via Microsoft Teams
LebanonNH.gov/Live
February 16, 2023
6:30 PM**

MEMBERS PRESENT: Stephen Wood (Chair) (remote), Marc Coleman, Erling Heistad, Colin Smith (Vice Chair), Barbara Hirai

MEMBERS ABSENT: None

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER – Chair Wood called the meeting to order at 6:30 PM.

2. APPROVAL OF MINUTES: January 5, 2023

Mr. Heistad MOVED to approve the January 5, 2023 minutes, as presented.

Seconded by Ms. Hirai.

** The Vote on the MOTION was approved by roll call: Barbara Hirai – aye; Erling Heistad – aye; Colin Smith – aye; Marc Coleman – aye; Chair Wood – aye; (5-0-0).*

3. STUDY ITEMS

A. Review and Discussion of Class 6 Rd #30 – Ticknor Road

Mr. Goodwin explained that a Class 6 road is a public right of way that is no longer being maintained. This Committee reviews how roads were considered as public right of ways. It is very difficult to find dedicated acceptances for many of the early right of ways, however there is a robust amount of prescriptive evidence.

Mr. Wood explained that this discussion is dealing with a section of Ticknor Road running from Slayton Hill, past the cellar hole/pest house.

The Committee reviewed the prescriptive evidence.

Mr. Goodwin stated that this section is shown on all of the Torbet maps. The 1855 Eaton map shows a stub only off Slayton Hill. The 1860 map shows it to the cellar hole but not all the way to the end. The 1892 Hurd atlas has nothing off Slayton Hill. Two of the three City historian maps also show this section. There is field evidence. Historical documentation references the Ticknor family multiple times. There is no description of the road itself, but it generally references the southeast side of town.

Mr. Wood explained that he and Mr. Heistad visited an abutter and asked about the history of the Ticknor right of way. The abutter stated that the right of way has historically run to the cellar hole and down to the old ski area. Mr. Wood stated that he also spoke to Bob Townsend, who stated that the section is absolutely a public right of way. Mr. Wood stated that, through his own memory, he has used this right of way without ever considering requesting permission, as he always believed it to be a right of way.

Mr. Heistad stated that his father ran cross country races through this area in the mid-1940's. It was never believed to be anything other than a public right of way.

Ms. Hirai stated that, as a member of the Conservation Commission, she has used this pathway as an easy access into the Ticknor property. She always believed it to be a public right of way.

Mr. Goodwin stated that there has been reference to the cellar hole being a poor house, pest house, etc. One map does label that as Ticknor, so it may have contained a cellar hole and farm. The only reference to a poor house in the history reference books was shown to be located elsewhere in town. There is historic reference to a pest house located south near Storrs Hill.

Mr. Wood explained that the Committee has been taking Ticknor Road in sections, partly for the Townsend family. If this section is determined to be a public way, he suggested that a motion not be made this evening but that the Committee consider the whole way as one.

Ms. Hirai stated that she would like to vote on this section this evening, if possible.

Mr. Wood stated that motions made should be sent to the City Council and should likely not be sent in piecemeal for the entirety of Ticknor Road.

Mr. Goodwin stated that the second consideration is evidence of discontinuation. There is no historic evidence regarding Ticknor being discontinued.

Step three involves discussing the current conditions of the way. This is a distinguishable right of way. There are some erosion issues and some slight vegetation overgrowth. This area supports hiking, and some potential mountain biking. A car could not likely currently be driven down this way.

Mr. Wood noted that, if not for human interaction with the area, it would look very different in terms of the current erosion.

The Committee reviewed the potential future uses for the way.

Mr. Wood stated that his belief is that this is a Class A trail with vehicular restrictions and to be sustained for foot traffic. Ms. Hirai stated that the group should assert that this is a right of way and then recommend it as a Class A trail.

Mr. Coleman asked how this section will be specified from the full Ticknor Road. It was discussed that this could be considered the west end of Ticknor.

The Committee agreed provisionally to assert that this section is a public right of way and that, if obliged to recommend this evening, it would recommend it as a Class A trail.

Tori Carver noted that this is being disputed. Other than personal opinions, there is no evidence that this is a public right of way. Mr. Wood stated that the Committee reviewed the prescriptive evidence. There is a strong amount of living memory and that can be accepted in court to determine if this is a public right of way.

Ms. Carver asked if the groups' personal opinion is legally binding. Mr. Wood stated that a recommendation would be made from this group to the City Council, who would then accept or reject the recommendation either in whole or partly. This is not only an opinion of the group. Evidence of people using this way while believing that can be done as a matter of right, becomes evidence of the existence of a public right of way. Ms. Carver stated that she would not believe this to be evidence.

Mr. Coleman noted that 250 years' worth of historical maps also show this section of road.

Justin Carver stated that his surveyor will be examining this area, along with other sections of Ticknor Road. It has not been proven that this was not potentially just a private driveway to Ticknor Farm. He uses this area a lot and maintains the trail.

Mr. Wood stated that the Committee will eventually be reviewing the whole road. This section will also be reviewed as part of that larger discussion.

Ms. Carver asked if the public could make recommendations to the City Council as well. Mr. Wood stated that the City Council meeting will be public, and any declarations would likely coincide with a public hearing. The public can speak during those meetings.

Mr. Wood noted that the next meeting of the Committee will likely discuss the next section to the east on this road. The Committee agreed to next meet on April 1, 2023.

4. OTHER BUSINESS – *None at this time*

5. FUTURE AGENDA ITEMS – *None at this time*

6. OPEN TO THE PUBLIC– *None at this time*

7. ADJOURNMENT:

Mr. Heistad MOVED to adjourn.

Seconded by Ms. Hirai.

*** The Vote on the MOTION was approved by roll call: Barbara Hirai – aye; Erling Heistad – aye; Colin Smith – aye; Marc Coleman – aye; Chair Wood – aye; (5-0-0).**

The meeting was adjourned at 7:25 PM.

Respectfully Submitted,
Kristan Patenaude
Recording Secretary