



**LEBANON CLASS VI ROADS ADVISORY BOARD
FEBRUARY 18, 2021 - 6:30 PM
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - A. Review of meeting procedures and NH RSA 91-A "Right-to-Know" requirements
 - 2. Approval of Minutes**
 - A. February 4, 2021
 - 3. Study Items**
 - A. Signage for Class 6 Roads and Class A Trails
 - B. Preliminary Discussion of a subset of the roads remaining to be examined so as to inform the order in which they will be taken up.
 - 4. Other Business**
 - 5. Future Agenda Items**
 - 6. Open to the Public**
 - 7. Adjournment**

The order of agenda items is subject to change.

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams. Members of the public are encouraged to attend by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the Microsoft Teams software or by phone. Please visit LebanonNH.gov/Live for full details.

THE AGENDA, IN ITS ENTIRETY IS AVAILABLE ON THE CITY'S WEBSITE AT [LEBANONNH.GOV](https://LebanonNH.gov)

Agenda
Class 6 Roads Advisory Committee
February 18, 2021

Agenda Item #3A
Study Items

**Signage for Class 6 Roads
and Class A Trails**

DRAFT

**CLASS VI ROADS ADVISORY COMMITTEE
REGULAR MEETING AGENDA
Remote via Microsoft Teams
LebanonNH.gov/Live
Thursday, February 4th, 2021
6:30 PM**

MEMBERS PRESENT: Stephen Wood, Erling Heistad, Joan Monroe, Barbara Hirai, Colin Smith

MEMBERS ABSENT: Marc Coleman

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1 **1. CALL TO ORDER:** Chair Stephen Wood called the meeting to order at 6:33 PM

- 2
- 3 • Mr. Mark Goodwin reviewed the meeting procedures for remote meetings and NH RSA 91-A
- 4 “Right to Know” requirements. A Roll Call of Commission Members who participated remotely
- 5 are listed above.
- 6 • Mr. Goodwin explained that he has created an e-mail list and would be sending out pertinent
- 7 information to anyone who is interested in the Class VI Roads Advisory meetings. If you would
- 8 like to be added to the list or know someone who may be interested, please let Mr. Goodwin
- 9 know.

10

11 **2. APPROVAL OF MINUTES: January 21st, 2021**

12

13 *Mr. Heistad MOVED to approve the January 21st, 2021 Minutes as presented in the February 4th,*

14 *2021 agenda packet as amended.*

15 *Seconded by Ms. Monroe.*

16

17 Amendments:

18 Page 2, Line 24 Remove the 2nd “P” from “Cliff”

19

20 **Roll Call Vote:**

21 **Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood and Colin Smith all voting Yea.**

22 **None voted Nay.**

23 ** The Vote on the MOTION was approved (5-0).*

24

25 **3. STUDY ITEMS:**

26

27 **A. Review and Discussion of Farr Road Extension (#3):** Chair Wood began by explaining where Farr

28 Road was in Lebanon. Mr. Goodwin pulled up the template of Farr Road that was worked on by the

29 previous Class VI Roads Committee. He said that the previous Committee had a Motion by Ms. Macnab

30 to maintain Road #3 at the end of Farr Road as a Class VI Road. The motion was seconded by Vice Chair

31 Smith and a unanimous vote occurred. Mr. Goodwin also discovered 2 letters, one dated from January

32 19th, 1991 and the other one from February 26th, 1991. In the letters written by Attorney Gardener, he

33 stated that his opinion at the time was that Farr Road Extension was an unmaintained right of way.

1 Mr. Goodwin went through the rest of the template with the Committee. He explained there were map
2 evidence and field evidence such as stone walls. Several Committee members and Mr. Ron Bailey all
3 said they had walked on the Road in the past. Mr. Bailey explained the layout of the Road. Mr. Goodwin
4 said there was no record of a discontinuance of the Road.

5
6 Mr. Goodwin went over the current condition of the Road. Chair Wood asked Mr. Smith if he thought
7 any mountain bikers would use the Road or if it was a good idea for them to do so? Mr. Smith said it
8 offered a little bit of a short cut. When the Road was wet, the bikes may leave a bit of an erosion scar.
9 He did not think the Road was a vital link to the mountain bike trails.

10
11 Ms. Hirai asked if the abutting homeowners had been made aware of the meeting being held tonight? Mr.
12 Goodwin said they had been advised of the meeting. Ms. Hirai asked if there was any parking on either
13 end of the Road if someone wanted to walk the Road? Mr. Bailey said there was a nice place to park near
14 the Road.

15
16 Mr. Goodwin went over the Current Road Usage section of the template. The Committee discussed
17 whether they thought snowmobiles should be allowed on the Road, or not. The Committee decided to
18 recommend not allowing snowmobiles on the Road.

19
20 The Committee agreed that signs should be put up at the end of the roads. Ms. Hirai wanted to know
21 what the funding source was for the signage. Mr. Goodwin said the Department of Public Works had
22 indicated signs for the roads would be put into their budget. Chair Wood was not confident that there was
23 a funding source for the signs. Mr. Heistad said he was sure that funding for the signs would be found.
24 Mr. Bailey explained that he had been trying for 6 years to get the laminated signs that are up on some of
25 the roads replaced on several roads.

26
27 Ms. Hirai suggested that when the committee was finished going over all the roads that needed to be gone
28 over, that the Committee take a meeting to address signage concerns. Chair Wood and Ms. Monroe
29 agreed with that. More discussion took place on the signs and wording that might go on the signs. The
30 Committee agreed to take the sign wording up at another meeting.

31
32 **Mr. Heistad *MOVED* that the Class VI Roads Advisory Committee recommend that the Lebanon**
33 **City Council reclassify Farr Road Extension, a class VI Road, as a Class A Municipal Trail as**
34 **defined in RSA 231-A:1(1), extending from Farr Hill Road, a Class V Road Northeasterly to the**
35 **intersection of Sunset Rock Road referencing Draft Map dated 7th of January 2021.**

36
37 **The Committee further recommends that Farr Road Extension be subject to the following public**
38 **trail use restrictions: Permitted means of travel shall be A) by foot, skis, snowshoes, and horses.**
39 **Motorized vehicles, on and off the road, shall be prohibited, excepting the allowed vehicular uses of**
40 **abutting landowners for access of their land as set forth in RSA 231-A:1(1). The Public Works**
41 **Director shall cause to be placed legible signs at the entrance to the trail describing the restrictions**
42 **contained herein, as provided by RSA 231-A:4.**

43 ***Seconded by Ms. Monroe.***

44
45 Mr. Smith asked about horses being allowed on the Road and if there was a potential for them to damage
46 the Road? Chair Wood said they could allow horses if the Road's condition allowed. Ms. Monroe
47 wanted horses to be an allowed use on the Road if the conditions were right. Chair Wood wanted to
48 know what the Committee thought about horses being allowed on the Road.

1
2 Mr. Goodwin suggested that the Motion not reference a map at all. Chair Wood wanted to exclude
3 motorized and wheeled vehicles on the Road. Ms. Monroe said that there were more and more mountain
4 bikers using trails but not more and more horse riders. Mr. Smith did not want bikes or horses on the
5 Road. Chair Wood agreed with Mr. Smith. Ms. Monroe said she still thought horses should be allowed
6 on the Road. Mr. Heistad said he was fine with removing the reference to the draft map and not allowing
7 horses on the Road.

8
9 Mr. Bailey said that some sections of the Road were mowed lawns. He believed horses would do damage
10 to the lawns on both ends of the Road. Ms. Monroe disagreed that the horses would damage the lawns.
11 She does understand respecting the owner's property. Mr. Heistad said he did not think horses would
12 leave prints on a lawn.

13
14 Further discussion took place on the Motion. Mr. Goodwin explained that the past motions that were
15 made did not list what is restricted, they only listed what was allowed, so procedurally everything was
16 restricted except what was given permission to.

17
18 Mr. Heistad and Ms. Monroe agreed to amend and second their first Motion as follows:

19
20 ***Mr. Heistad MOVED that the Class VI Roads Advisory Committee recommend that the Lebanon***
21 ***City Council reclassify Farr Road Extension, a class VI Road, as a Class A Municipal Trail as***
22 ***defined in RSA 231-A:1(1), extending from the maintained Class V section of Farr Road, extending***
23 ***to the intersection with Sunset Road. The Committee further recommends that Farr Road***
24 ***Extension be subject to the following public trail use restrictions: Permitted means of travel shall be***
25 ***limited to feet, skis, and snowshoes. Notwithstanding these permissions, none of these uses shall be***
26 ***allowed in a manner or in conditions that will encourage erosion or otherwise damage the trail. All***
27 ***other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the allowed***
28 ***vehicular uses of abutting landowners for access of their land as set forth in RSA 231-A:1(1). The***
29 ***Public Works Director shall cause to be placed legible signs at the entrance to the trail describing***
30 ***the restrictions contained herein, as provided by RSA 231-A:4.***

31 ***Seconded by Ms. Monroe.***

32
33 Discussion took place on the Motion.

34
35 ***Mr. Heistad MOVED to extend the meeting by 15 minutes.***

36 ***Seconded by Ms. Hirai.***

37
38 **Roll Call Vote:**

39 **Stephen Wood, Erling Heistad, Barbara Hirai, and Colin Smith all voting Yea.**

40 **Joan Monroe voted Nay.**

41 **** The Vote on the MOTION passed (4-1).***

42
43 The Committee continued to discuss the Motion. Chair Wood asked if Mr. Heistad and Ms. Monroe
44 agreed that the Motion Mr. Goodwin had on the computer screen (and listed above) was the Motion that
45 they had made? Ms. Monroe said she believed so.

46
47 **Roll Call Vote:**

48 **Stephen Wood, Erling Heistad, Barbara Hirai, and Colin Smith all voting Yea.**

1 **Joan Monroe voted Nay.**

2 *** The Vote on the MOTION passed (4-1).**

3
4 **4. FUTURE AGENDA ITEMS:** Chair Wood suggested that at the next meeting the Committee talk
5 about Road signage and wording

6
7 Ms. Monroe wanted to discuss what time the Class VI Road's meetings were supposed to end. Mr.
8 Goodwin said he spoke to the City staff to correct the times of the meeting on the website from 6:30pm to
9 8:00pm. Ms. Hirai 0p suggested the meetings could go from 6:30pm to 8:30pm and meet only once a
10 month or they could go from 6:3m to 8:00pm and meet twice a month. Mr. Heistad said he would like to
11 meet twice a month. Ms. Hirai and Ms. Monroe wanted to meet twice a month. It was decided that the
12 meetings would continue to be on the 1st and 3rd Thursday of the month from 6:30pm to 8:00pm.

13
14 **Mr. Heistad MOVED to extend the meeting by 10 minutes.**

15 **Seconded by Ms. Hirai.**

16
17 **Roll Call Vote:**

18 **Stephen Wood, Erling Heistad, Barbara Hirai, Joan Monroe, and Colin Smith all voting Yea.**

19 **None voted Nay.**

20 *** The Vote on the MOTION passed (5-0).**

21
22 Mr. Goodwin said there were a few Roads that could be put on the next agenda for review at the next
23 meeting. He mentioned Dorothy Perley Road, Monica Road, Downer Road, Alden Road, Road #42,
24 Road #44, and Road #46. Mr. Goodwin asked the Committee which Road they would like to review
25 next.

26
27 It was decided that the next agenda item was to discuss road signage.

28
29 **5. ADJOURNMENT:**

30
31 **A MOTION was made by Mr. Heistad to adjourn the meeting at 8:25 PM.**

32 **The MOTION was seconded by Mr. Smith.**

33
34 **Roll Call Vote:**

35 **Colin Smith, Erling Heistad, Barbara Hirai, and Stephen Wood, all voting Yea.**

36 **Joan Monroe voted Nay.**

37 *** The Vote on the MOTION was approved (4-1).**

38
39 Respectfully submitted,

40 Barbara Higgins

41 Recording Secretary

Agenda
Class 6 Roads Advisory Committee
February 18, 2021

Agenda Item #3A
Study Items

**Signage for Class 6 Roads
and Class A Trails**

**ACWORTH CLASS VI ROAD
CLOSED TO
WHEELED VEHICLES**

Feb 1st through May 31st

**EXCEPT BY ABUTTING OWNERS FOR RESIDENTIAL
OR AGRICULTURAL USE.**

Regulated under RSA 41,47,236

Per Board of Selectman

TITLE XX

TRANSPORTATION

CHAPTER 231-A

MUNICIPAL TRAILS

Section 231-A:1

231-A:1 Class A and B Trails. –

I. A class A trail shall be a full public right-of-way, of indefinite duration subject to public trail use restrictions. It shall not have the status of a publicly approved street, and shall not be used as a vehicular access for any new building or structure, or for the expansion, enlargement, or increased intensity of use of any existing building or structure. It may, however, be used by the owners of land abutting on such trail, or land served exclusively by such trail, to provide access for such nondevelopment uses as agriculture and forestry, or for access to any building or structure existing prior to its designation as a trail, and such owners' access for such uses shall be exempt from applicable public trail use restrictions, subject only to reasonable time, season and manner regulations imposed by the local governing body. The municipality shall bear no responsibility for maintaining the trail for such uses by abutting owners. Such owners shall, prior to excavation, construction or disturbance of a class A trail, obtain permission from the municipal officers, in the same manner prescribed for highways in RSA 236:9-11.

II. A class B trail shall be a full public right-of-way of indefinite duration subject to public trail use restrictions. It shall not have the status of a publicly approved street, shall not be used as a vehicular access for any new or existing building or structure, and shall not be used by the owners of land served by or abutting on such trail in any manner inconsistent with applicable public trail use restrictions.

Source. 1993, 60:2, eff. Jan. 1, 1994.

Section 231-A:2

231-A:2 Reclassification of Highways; Damages. –

I. Any class V or VI highway may be reclassified as a class A or class B trail, and any class A trail may be reclassified as a class B trail, by vote of the local legislative body.

II. In accordance with RSA 231:43, no highway of any class which provides the sole access to any land shall be reclassified as a class B trail without the written consent of the owner of that land.

III. Whenever a reclassification is made under this section, any aggrieved landowner may appeal, or may petition for the assessment of damages, in the same manner as in the discontinuance of highways pursuant to RSA 231:48 and 231:49, and the amount of damages, if any, shall reflect the landowner use provisions set forth in RSA 231-A:1.

Source. 1993, 60:2, eff. Jan. 1, 1994.

Section 231-A:3

231-A:3 Reclassification of Trails as Highways. –

I. Any class A or class B trail which was previously a class V or class VI highway may be reclassified pursuant to RSA 231:22-a as a class V or class VI highway, and any class B trail may be reclassified as a class A trail, by vote of the local legislative body.

II. No reclassification under this section shall entitle any party to damages.

III. The reclassification of any trail to a class V highway may be made subject to conditions, as in the case of

reclassifying as a class VI highway pursuant to RSA 231:22-a.

IV. No trail established by acquisition under RSA 231-A:5 shall be reclassified under this section if such reclassification would violate a use restriction or other provision imposed by deed at the time of acquisition.

Source. 1993, 60:2, eff. Jan. 1, 1994.

Section 231-A:4

231-A:4 Public Trail Use Restrictions. – In this chapter "public trail use restrictions" means any restrictions upon use of a trail by the general public. Such restrictions may be imposed by a landowner as a condition of grant or dedication of a trail acquired under RSA 231-A:5, or by vote of the local legislative body or its designee at or subsequent to the time the trail is established, or by the local governing body under RSA 41:11. Such restrictions may include, but are not limited to, prohibition of motor vehicles, prohibition of wheeled vehicles, prohibition of off highway recreational vehicles, or restriction to specified modes of travel such as horse, bicycle, or foot. Such restrictions, if posted using legible signs at entrances to the trail from public highways, or at any property boundaries where new or different restrictions become applicable, shall be enforceable in the same manner as traffic violations as set forth in RSA 265. Any person violating such restrictions shall be guilty of a violation.

Source. 1993, 60:2, eff. Jan. 1, 1994.

Section 231-A:5

231-A:5 Acquisition of New Trails. –

I. Municipalities shall not use the power of eminent domain to establish trails.

II. A class A or B trail may be established by the local legislative body or its designee over any land previously acquired by the municipality, including land acquired by the conservation commission pursuant to RSA 36-A:4, or town forests established pursuant to RSA 31:110, unless the establishment of such trail would violate any right or interest reserved or retained by a prior grantor or held by a third party.

III. The local legislative body or its designee may acquire, by dedication and acceptance or by gift, purchase, grant or devise:

(a) Any class A or B trail, subject to such public trail use restrictions as may be imposed by deed by the owner or grantor; or

(b) Any lesser interest in land for trail purposes, including but not limited to a revocable easement, revocable license, lease or easement of finite duration, or conservation restriction, subject to such public trail use restrictions and such reserved rights as may be imposed by or agreed upon with the owner or grantor.

IV. A properly established conservation commission may utilize RSA 36-A:4 for the acquisition of trails.

Source. 1993, 60:2, eff. Jan. 1, 1994.

Section 231-A:6

231-A:6 Discontinuance. – Any class A or B trail may be discontinued by vote of the town, and such discontinuance shall have the same legal effect as the discontinuance of a public highway, provided however that the discontinuance of a class B trail shall not entitle any owner of land abutting or served by the trail to any damages.

Source. 1993, 60:2, eff. Jan. 1, 1994.

Section 231-A:7

231-A:7 Management. – Unless otherwise specified by vote of the local legislative body, or by the terms of a deeded interest affecting the property, the local governing body or its designee shall have supervision over

management or maintenance of all trails, including signs. Such management may be delegated to a volunteer of a nonprofit organization or association, or a town committee or commission, by means of a written cooperative agreement.

Source. 1993, 60:2, eff. Jan. 1, 1994.

Section 231-A:8

231-A:8 Liability Limited. –

I. All trails established under this chapter shall be deemed to constitute land open without charge for recreational or outdoor educational purposes pursuant to RSA 212:34 and RSA 508:14, I, and the liability of owners, lessees or occupants of land affected by a trail, and of the municipality establishing the trail, shall be limited as set forth in those statutes.

II. The liability of any person performing volunteer management or maintenance activities for or upon any trail established under this chapter, with the prior written approval of the body or organization with supervision over trail management pursuant to RSA 231-A:7, shall be limited as set forth in RSA 508:17, and such management shall not be deemed "care of the organization's premises" under RSA 508:17, IV.

Source. 1993, 60:2, eff. Jan. 1, 1994.

DUTY WITH REGARD TO CLASS VI OR DISCONTINUED HIGHWAYS?

RSA 231:50 relieves towns and cities of "all obligation[s] to maintain, and all liability for damages incurred in the use of, discontinued highways or highways discontinued as open highways and made subject to gates and bars."

However, the New Hampshire Supreme Court has construed this immunity narrowly. In *Bancroft v. Town of Canterbury*, 118 N.H. 453 (1978), the Court held the town liable where it had placed a steel I-beam and a quantity of sand across the entrance to a discontinued bridge. The Court reasoned that the statutory immunity didn't apply where the plaintiff sought damages sustained from the town's negligent construction or maintenance of a barrier to the discontinued bridge. The *Bancroft* decision preceded the evolution of the present discretionary immunity doctrine and the standard of care statute. Nevertheless, its holding is illustrative of the Court's potentially strict application of the above statutory protections. Although a municipality is not liable for a Class VI or discontinued road, it should provide notice to travelers regarding maintenance. **For instance, erect signs where town maintenance ends, such as "Town Maintenance Ends 100 Feet Ahead" or "Unmaintained Class VI Highway Beyond This Point. Travel At Your Own Risk."**

THE ISSUE OF STANDARDIZED SIGNS: THE MUTCD

New Hampshire law requires that all erection, removal and maintenance of traffic signs and signals "conform to applicable state statutes and the latest edition of the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* (MUTCD)." RSA 47:17, VTTT(b). **The MUTCD allows for the exercise of discretion and flexibility.** Section 1A-4 states: "[W]hile this Manual provides standards for design and application of traffic control devices, the Manual is not a substitute for engineering judgment. It is the intent that the provisions of this Manual be standards for traffic control devices installation, but not a legal requirement for installation." Section 2C-40 further provides that warning signs "other than those specified above may be required under special conditions."

POSTING OF ALL HIGHWAY REGULATIONS

Any highway regulation aimed at the public using the highway must be posted on the affected highway. Otherwise, it has no effect. RSA 236:3. All posted traffic signs or devices enjoy a presumption of legality. RSA 236:5 and 265:9, III. As stated above, all road signs must be in conformity with the *Manual On Uniform Traffic Control Devices*. Importantly, "traffic signals" (RSA 47:17, VIII(b)-see definition at RSA 259:111) must be approved by the New Hampshire Department of Transportation (DOT). Accordingly, a town's inventory of traffic signs should be registered with the DOT.

Agenda
Class 6 Roads Advisory Committee
February 18, 2021

Agenda Item #3B
Study Items

**Preliminary Discussion of a
subset of the roads remaining
to be examined so as to
inform the order in which they
will be taken up**

Preliminary Additional Review and Discussion Requested, i.e. prioritizing roads for future discussions

#4 Dorothy Perley Rd

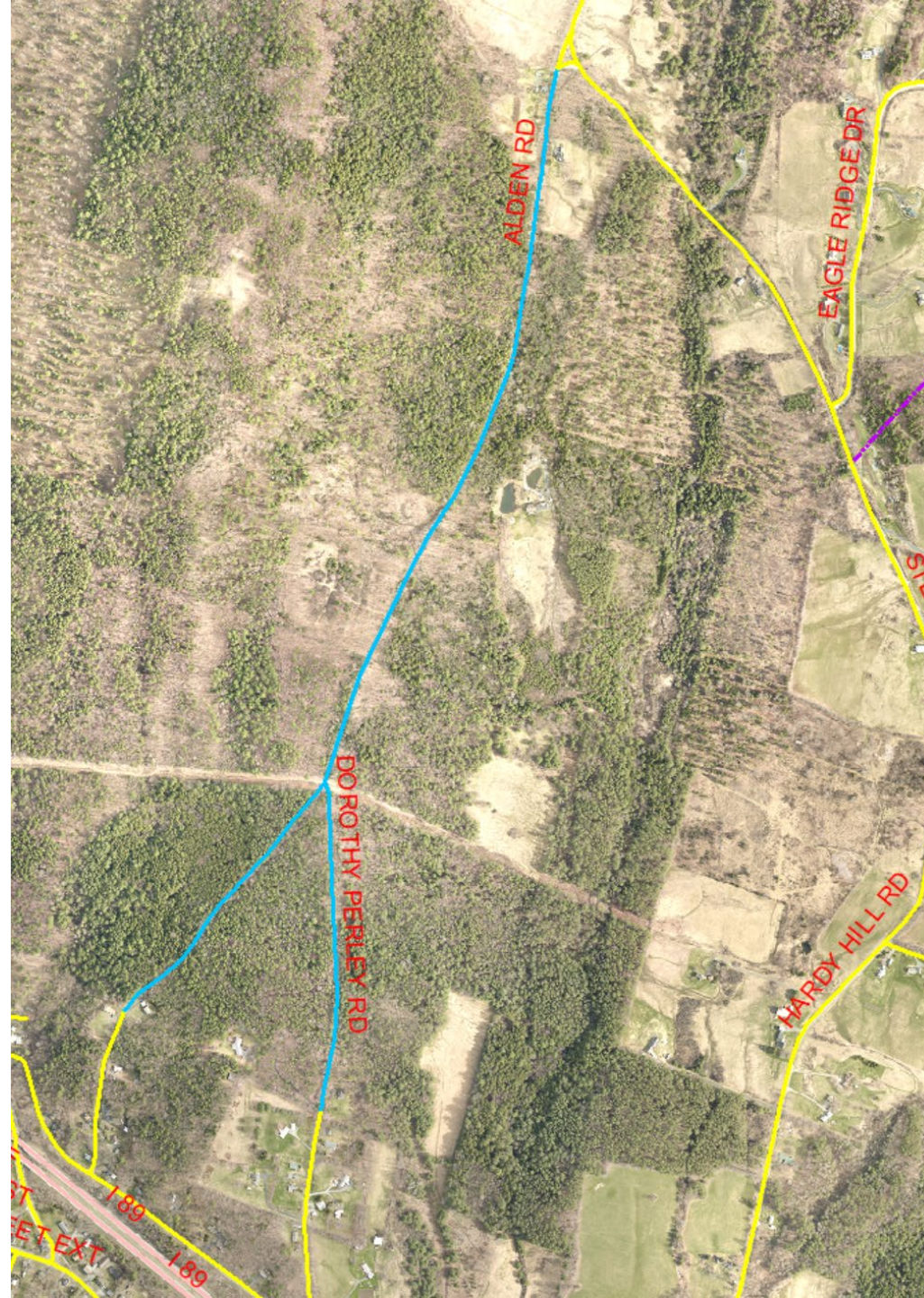
Road #4 (End of Dorothy Perley Road). Template application was applied for this road.

Dorothy Perley Road residents Bernie Hazelton and Lorraine Slack offered input and the Committee, as well as members of the audience, decided that there was no reason to change its classification from a Class VI road to a Class A trail.



#5 Alden Rd

Template application began on Road #5 (End of Alden Road). Ms. Slack and Lawrence MacLeod offered input through the process and the Committee, as well as members of the audience, decided that there was no reason to change its classification from a Class VI road to a Class A trail.



#11 Monica Rd

Motion by Cliff Below that the Class VI Road Advisory Committee recommend the City Council direct the administration to notify the property owners affected by the Class VI section of Monica Road, as well as the realtors representing these properties, to advise them of the presence of the Class VI road known as Monica Road, and provide supporting documentation. Seconded by Denise MacLeod.

*** Vote was unanimous in favor.**

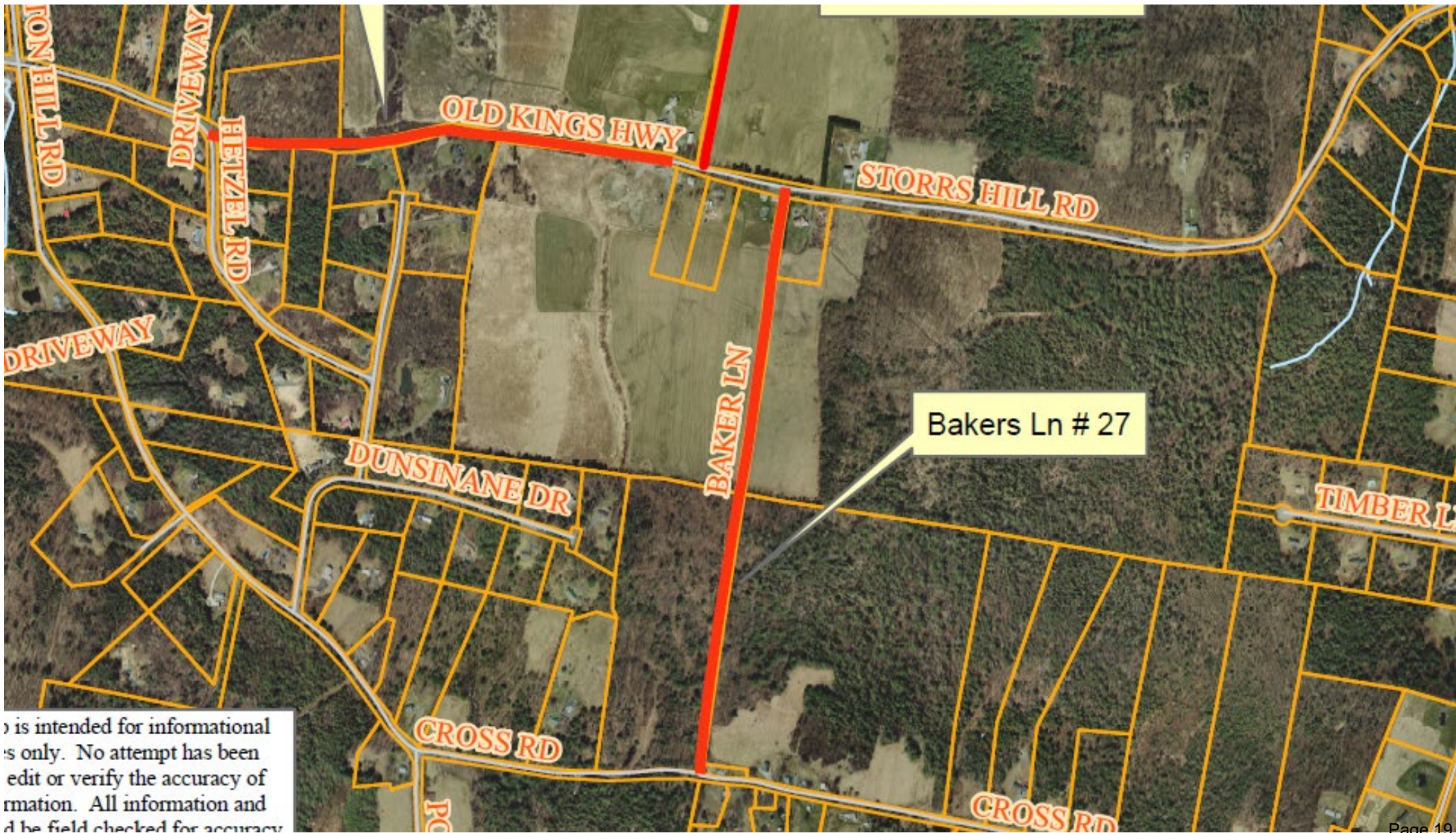


#13 Downer Rd

The recommendation was made to keep this area as a class VI road, and Vice-Chair Porter asked if there was any reason not to keep it as a class VI road. Mr. Bailey stated that on the template they showed evidence of road misuse, such as littering. They felt that the construction debris and palettes left in this area, on the northern end, should be noted.



#27 Baker Ln

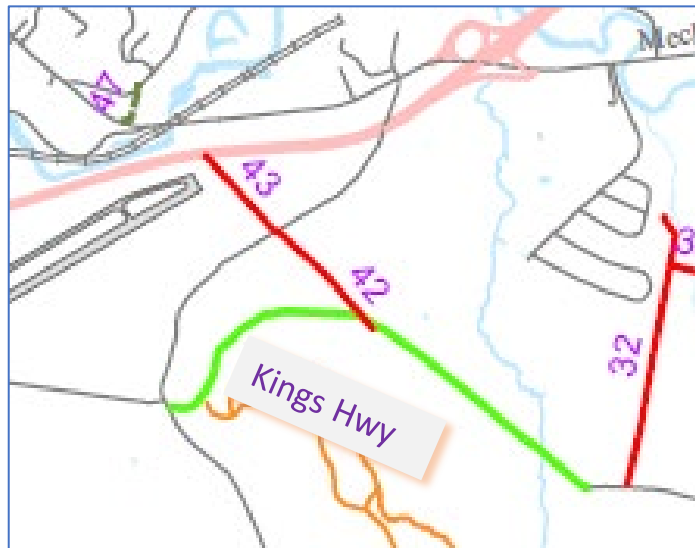


is intended for informational
s only. No attempt has been
edit or verify the accuracy of
rmation. All information and
d be field checked for accuracy

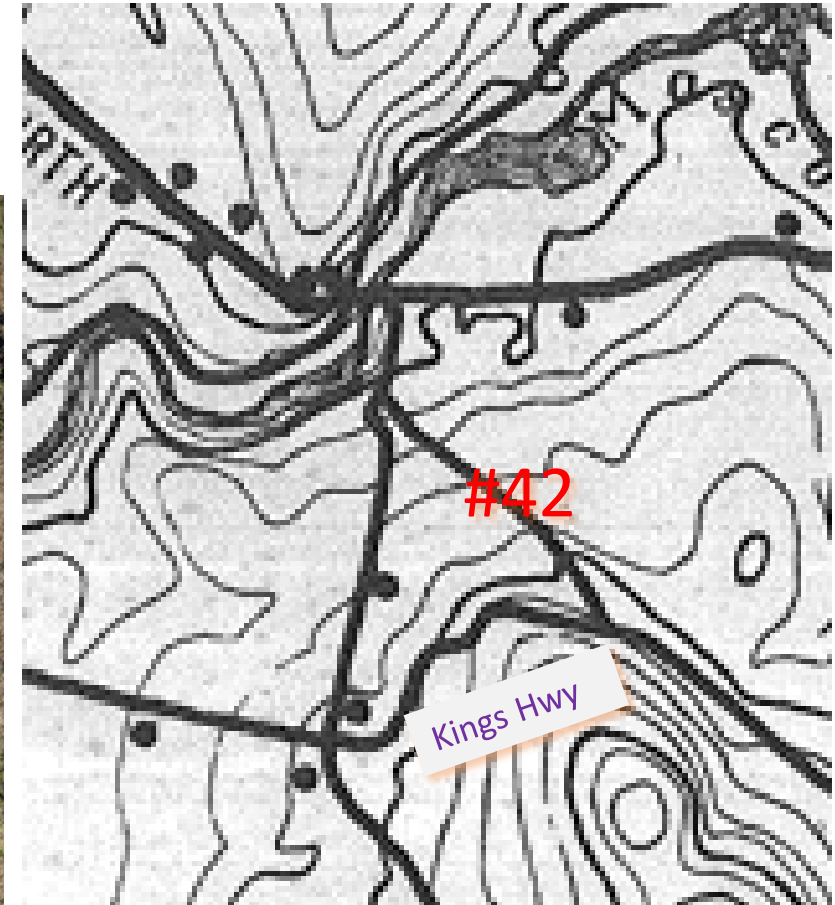
#42

- Torbet Map(s) (42)
- Depicted on the 1964 Benton/Leavitt map
- No layout or discontinuance currently known of

Draft C6 Map – * poor configuration of #43



Torbet Map



#44 Morse Rd

A motion by Mr. Smith that the Class VI Roads Advisory Committee recommends to the Lebanon City Council that they affirm the status of Class VI Road #44, as shown on the City of Lebanon Draft Class VI Roads Map, printed June 2013. Seconded by Mr. Lacey. There being no further discussion, a vote was taken and passed unanimously (5-0).



#46 Unnamed Rd

A motion by Mr. Smith that the Class VI Roads Advisory Committee recommends to the Lebanon City Council that they affirm the status of Class VI Road #46, as shown on the City of Lebanon Draft Class VI Roads Map, printed June 2013. Seconded by Mr. Lacey. There being no further discussion, a vote was taken and passed unanimously (5-0).

