



LEBANON CLASS VI ROADS ADVISORY BOARD
APRIL 1, 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. March 4, 2021
 - B. March 18, 2021
 - 3. Study Items**
 - A. Review and Discussion of the Class 6 portion of Alden Road (#5) - Continued from March 18, 2021
 - B. Review and Discussion of the Class 6 portion of Dorothy Perley Road (#4) - Continued from March 18, 2021
 - 4. Other Business**
 - 5. Future Agenda Items**
 - A. None
 - 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

Agenda
Class 6 Roads Advisory Committee
April 1, 2021

Agenda Item #2A
Approval of Minutes

March 4, 2021

DRAFT

**CLASS VI ROADS ADVISORY COMMITTEE
REGULAR MEETING AGENDA
Remote via Microsoft Teams
LebanonNH.gov/Live
Thursday, March 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 6:32 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:** None

12

13 **3. STUDY ITEMS:**

14

15 **A. Review and Discussion of the Segment Depicted on the Draft Class VI Road Map, Located**

16 **Along Eastman Hill Road (#56):** Mr. Goodwin explained that the Board has looked at this Road before.

17 No definitive decisions were ever made, and the question was posed if the Road should even be on any

18 maps. The map they do have shows it going to just one house, so it may just be a driveway. Various

19 maps were looked at to see the best view of the Road. Mr. Goodwin explained that in his opinion there

20 was very little prescriptive evidence to say this was a Class VI Road. It only showed up on a Torbet map

21 and on that it only showed going to one home.

22

23 Ms. Monroe said there was a map in the packet that the Board had that made it look like the Road went

24 passed the house and then connected to another Road. It was decided that the Board would go over the

25 template for Road #56. Mr. Goodwin said the map that Ms. Monroe was referring to was something that

26 an area resident made available to the City.

27

28 Mr. Goodwin went over the template with the Board. Evidence for Prescriptive Evidence had a question

29 mark next to it. Mr. Tim Lin, 46 Eastman Hill Road, lives at the driveway in question. He said he

30 believed the Road in question was the first part of his driveway. He said the Road was posted 3 years ago

31 when he bought the house with no trespassing signs.

32

33 Mr. Lin asked the Board that if he wanted to parcel his land would the Road qualify for the 300-foot

34 frontage he would need to have? Chair Wood explained that the Board was only advisory in nature. He

1 did explain that Class VI Roads did not qualify as road frontage. Mr. Lin said he would like Road #56
2 taken off as a Class VI Road listing.

3
4 Mr. Goodwin went back to the template and explained that the Road did show up on the 1892 Hurd Atlas,
5 the Historic USGS Map and the City Historian map and they all depict the Road the same, leading to one
6 homestead. Mr. Goodwin said he was not aware of any field evidence that showed the Road going passed
7 the home. There were no references to the Road in any historical City references and no evidence of
8 discontinuance.

9
10 Ms. Hirai asked Mr. Lin if his deed had anything in it about a right of way for the Road? Mr. Lin said he
11 did not recall anything in his deed. Chair Wood said he thought there was no deed evidence that he could
12 remember. Discussion continued among the parties on where the Road was exactly and how it was
13 depicted on different maps.

14
15 Chair Wood asked if anyone saw any evidence that there were people who believed that they had a right
16 to use the Road? No one did. Attorney Matt Decker, for the City of Lebanon, said he had pulled up the
17 deed to the property in question and there was no reference to any Road in the deed. The deed did
18 reference a 1985 plan that was recorded which outlined the boundaries of the properties with no
19 indication of a Road in that plan.

20
21 The Board concluded that there was no evidence that this Road was a Class VI Road, it is believed to just
22 be a driveway and should be removed from the Class VI Roads database.

23
24 **B. Review and Discussion of Monica Road (#11):** Mr. Goodwin pulled up the template to go over for
25 Monica Road. The Road was discussed by the Class VI Road Committee back in 2006 and 2008. Back
26 then no recommendation was made to the City Council on the Road, it was to stay as a Class VI Road.
27 Mr. Goodwin went over the template with the Board. There was no layout or dedication and acceptance
28 of the Road. There was evidence of prescription which was the Road showing up on the Torbet maps.

29
30 Mr. Ron Bailey agreed that there were iron pins along the roadway and Mr. Goodwin said the template
31 also indicated there were stone walls there as well. Mr. Heistad and Chair Wood both agreed that it was a
32 Road that existed for a long time. Mr. Joffrey Peters, 11 Eastman Hill Road, abutter on the west side of
33 the road said he runs along the Road approximately three times a week. There are stonewalls along the
34 way and pins on the corners of his property.

35
36 The decision the Board discussed was whether to leave the Road a Class VI Road or change it to a Class
37 A Trail. Mr. Matt Henry, 32 Monica Road, which is Lot 97-7, said that just passed his driveway the Road
38 turned to gravel.

39
40 The Board went through the template for Monica Road. In 1998 the City received a privileged legal
41 opinion from City Attorney, at that time, Larry Gardener, confirming the status of the Road as a right-a-
42 way. Mr. Bailey said there were some erosion issues on the north end. He put in 4 water bars and that
43 has helped to cut down on the erosion. The neighbors said there were some snowmobile use, believed to
44 be by neighbors, and that the Road was used lightly by dirt bikes and 4 wheelers. Ms. Meagan Henry, 32
45 Monica Road, said that if you consider the Class VI Road where the asphalt ends then she would say that
46 they use it as a driveway and that they and the neighbors next door maintain that portion.

Billy Dane, who works for the Highway Department said that they only plow and maintain the Road to the Manchester intersection. Chair Wood asked if anyone disputed that this Road was a public right-of-way? No one responded. Mr. Heistad said that the Class VI Road could be changed to a Class A Trail. Mr. Henry asked if the City made the Road a Class A Trail where would it begin? Chair Wood said it would begin after their driveway.

Mr. Dane asked that after hearing what the neighbors had to say about the Road and that they were not complaining about wheeled vehicles abusing the Road, he wondered why the Board would suggest making it into a Class A Trail and not leave it as a Class VI Road? Chair Wood said that since Mr. Bailey had to go out and fix water bars occasionally, when a wheeled vehicle went over them, that was why they were considering changing it to a Class A Trail. Mr. Peters was concerned about liability for when he goes out and fixes the Road.

Ms. Monroe MOVED to extend the meeting to 8:15PM.
Seconded by Mr. Heistad.

Roll Call Vote:
Stephen Wood, Erling Heistad, Barbara Hirai, Joan Monroe, and Colin Smith all voting Yea.
None voted Nay.

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

Discussion continued changing the Class VI Road to a Class A Trail. Mr. Heistad pointed out that once a rut was cut into a trail it made it extremely difficult to get the trail back to a good condition to hike on. Ms. Ann Farrell, Mr. Peters wife, asked if the Class A Trail status would put on restrictions for forestry use? Chair Wood said no, it would not for abutters. Ms. Farrell said she supported changing the Class VI Road to a Class A Trail.

Mr. Heistad MOVED that the Class VI Roads Advisory Committee recommend to the City Council that Monica Road from the Class V section up to the south end of the Road be classified as a Class A Trail with the following restrictions, that it be accessed by foot, snowshoe, ski, snowmobile, when there is adequate snow conditions to be used on a multi-use trail, by bicycle, on the condition as such as you will not damage the trail, and at no time will these rights be allowed if you are in any way damaging the condition of the Trail. The City Manager shall have DPW place a sign notifying these restrictions and giving notice of this being a Class A Trail.
Seconded by Mr. Smith.

Discussion took place and suggestions were made on the Motion.

Mr. Heistad MOVED to continue the Motion on Monica Road until the next meeting.
Seconded by Mr. Smith.

Roll Call Vote:
Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, and Colin Smith all voting Yea.
None voted Nay.

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

4. ADJOURNMENT:

*A MOTION was made by Mr. Heistad to adjourn the meeting at 8:14PM.
The MOTION was seconded by Ms. Monroe.*

Roll Call Vote:

**Colin Smith, Erling Heistad, Barbara Hirai, Joan Monroe, and Stephen Wood, all voting Yea.
None voted Nay.**

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

Respectfully submitted,
Barbara Higgins
Recording Secretary

Agenda
Class 6 Roads Advisory Committee
April 1, 2021

Agenda Item #2B
Approval of Minutes

March 18, 2021

DRAFT

**CLASS VI ROADS ADVISORY COMMITTEE
REGULAR MEETING AGENDA
Remote via Microsoft Teams
LebanonNH.gov/Live
Thursday, March 18th, 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 6:32 PM

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- 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: February 18th, 2021**

12

13 *Mr. Heistad MOVED to approve the February 18th, 2021 Minutes as amended and presented in the*

14 *March 18th, 2021 agenda packet.*

15 *Seconded by Mr. Smith.*

16

17 Amendments:

18 Page 2, Line 7 Replace “Boston Lot” with “Landmark 31”

19 Page 2, Line 37 Change “Curley” to “Perley”

20

21 **Roll Call Vote:**

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

23 **None voted Nay.**

24

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

26

27 **3. STUDY ITEMS:**

28

29 **A. Review and Discussion of the Class VI Portion of the Monica Road (#11) Continued-**Chair Wood

30 asked if there was any more conversation needed on Monica Road. Mr. Heistad said he thought the Road

31 was ready for a Motion to be made on it.

32

33 *Mr. Heistad MOVED that the Class VI Roads Advisory Committee recommend that the Lebanon*

34 *City Council reclassify a portion of the Class VI Road section of Monica Road as a Class A*

1 **Municipal Trail as defined in RSA 231-A:1(1). The reclassified Class A Trail would run southerly,**
2 **from the driveway access point serving the residence located at 32 Monica Road, to the Road's**
3 **intersection with Eastman Hill Road, as shown on the City of Lebanon Draft Class VI Roads Map,**
4 **printed May 2014. The Committee further recommends that Monica Road be subject to the**
5 **following public trail use restrictions: Permitted means of travel shall be A) by foot, skis,**
6 **snowshoes, and horses, B) bicycles, ridden appropriately for a multipurpose trail, when the City**
7 **deems that the conditions of the trail warrant their use, and C) snowmobiles, ridden appropriately**
8 **for a multipurpose trail, when snow cover is adequate to warrant their use. Notwithstanding these**
9 **permissions, none of these uses shall be allowed in a manner or in conditions that will encourage**
10 **erosion or otherwise damage the trail. All other wheeled vehicles or motorized vehicles, on or off**
11 **road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access to**
12 **their land as set forth in RSA 231-A:1(1). The Public Works Director shall cause to be posted**
13 **legible signs at the entrance to the trail describing the restrictions contained herein, as provided by**
14 **RSA 231-A:4.**

15 *Seconded by Ms. Monroe.*

16
17 Chair Wood spoke on the difficulty deciding on the Road because part of the Road was a Class V Road,
18 and another section was a Class VI Road. He felt that this Motion would help to protect the homeowners
19 and the Road that they use.

20
21 **Roll Call Vote:**

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

23 **None voted Nay.**

24
25 ** The Vote on the MOTION was approved (5-0).*

26
27 **B. Review and Discussion of the Class VI portion of Alden Road (#5)-**Mr. Goodwin went over the
28 template that was filled out in 2008. Mr. Goodwin moved the marks on that template over to the new,
29 2021 template. In Step 1 the evidence supporting the creation of the Road was prescriptive. It checked
30 all the boxes in terms of representation on various maps such as the Torbert series and US GS Maps.
31 There was also clear treadway and stonewalls along significant sections of the Road.

32
33 Mr. Bailey did not recall a cellar hole on roadway, even though the 2008 template had one checked off.
34 Ms. Monroe said that she had a vague recollection of the cellar hole at the northern end of the Road by
35 Stevens Road. She said she would like to look for it when the snow had cleared.

36
37 Mr. Goodwin said there was no evidence of discontinuance. For Current Field Conditions of the Road the
38 historical row was distinguishable spot was checked off. Erosion issues on the Road was checked off. It
39 was also shown that it was walkable and hike-able and it could possibly be traveled by a 4X4.

40
41 Mr. Bailey said that there was some erosion on the northern end from the Morse driveway south, the
42 drainage there had been very poor, and the water was eroding the Road. Beyond the south end of the
43 Signal Hill area the culvert at the stream had been blocked up allowing water to run down the Road
44 causing further erosion. Further south, just north of the Dorothy Perley Road intersection and the power
45 lines, approximately 250 yards of that section of Road had very deep ruts.

46 Under Current Uses the Board wondered if the snowmobile club used the Road as a trail. Mr. Bailey said
47 they did not groom the Road, so they did not use it as a trail. Ms. Mary Lamert, 161 Alden Road, said
48 that as owners of the Road they did use it frequently to go snowmobiling. Pedestrian hikers were checked

1 off. Wheeled vehicles do use a part of the Road to get to their home. Mr. Smith said the Road was used
2 by mountain bikers.

3
4 Ms. Lamert said that vehicles went up and down the Road all the time, not necessarily in the winter, but
5 for the rest of the year. She was not sure that they should, but they did. She did say that neighbors up the
6 Road used it to get to their residence.

7
8 The Emergency Road Access spot was checked off as being able to be used for that reason. More
9 discussion took place on the Potential Future Users. Abutters and landowners were notified about this
10 meeting. The meeting was posted for the public to view.

11
12 No one disagreed that Alden Road was a public right of way. Chair Wood explained the difference
13 between a Class VI Road and a Class A Trail to the public.

14
15 Ms. Lamert said she did not want the Road made into a Class V Road but was ok with it being a Class VI
16 Road. There were vehicles currently going up the Road to go mudding and were also tearing up the
17 fields. She wondered if it could be posted to no vehicular traffic during mud season. She said she did
18 have neighbors who used the Road to get to their driveway.

19
20 The Board discussed keeping it a Class VI Road to the last driveway on the Road and then turning the rest
21 of the Road into a Class A Trail. Ms. Pam Booma, next door neighbor to Ms. Lamert on Stevens Road,
22 said she agreed with what Ms. Lamert said about the Road possibly going from a Class VI Road to a
23 Class A Trail after the last driveway on the Road.

24
25 Ms. Hirai asked if they could discuss the Road in sections to make it clearer to understand. Mr. Bailey
26 gave a description of the Road in detail to the Board. The Board discussed whether they were ready to
27 make a Motion on Alden Road or not. Ms. Hirai said it made sense to turn part of the Road into a Class
28 A Trail to help protect it from erosion.

29
30 Chair Wood said they could try to make a Motion or wait. Mr. Heistad said he would like to hear from
31 the landowners at the end of the Road. The Board decided they would give all the landowners another
32 chance to be heard on Alden Road before they made a Motion on the Road.

33
34 **C. Review and Discussion of the Class VI portion of Dorothy Perley Road (#4)-** Mr. Goodwin told
35 the Board that Mr. Slack, who owned the abutting property on the right side of Dorothy Perley Road
36 called him. Mr. Slack conveyed concerns of there being misuse of the Road but did say he used it to get
37 firewood. He did have some concern about occasional vehicles going up and down the Road.

38
39 Mr. Goodwin went over the template for the Road. Under Prescriptive Evidence the Road did not show
40 up on many maps. Under Field Evidence the treadway was evident, stonewalls were evident, but there
41 were no cellar holes found on the Road. Mr. Bailey spoke further on the Field Evidence of the Road. He
42 said it had a beautiful treadway with very little erosion.

43
44 Mr. Goodwin continued to go over the template. He said there was no evidence of discontinuance.
45 Under Current Field Condition of the Road there was minor erosion, but it was not overgrown with
46 plants. It could be driven on, but not suggested to do so during mud season.

Ms. Lamert said that snowmobilers did use the Road. Hikers did use the Road as well as mountain bikers. There were no driveways on the section of Road under discussion. Ms. Lamert said someone did use the Road as a throughway. The Board continued discussing the Road and how it was used.

Chair Wood said it was his inclination to turn the Road into a Class A Trail. Mr. Heistad said he thought they should make the Road a Class A Trail. He felt it was in Mr. Slack's best interest. Ms. Mary said that she was OK with a Class A Trail, but without gates. Mr. Dick Booma said he did not think the Road needed to be turned into a Class A Trail.

***Mr. Heistad MOVED to extend the meeting to 8:15 PM.
Seconded by Ms. Hirai.***

**Roll Call Vote:
Stephen Wood, Erling Heistad, Barbara Hirai, Joan Monroe, and Colin Smith all voting Yea.
None voted Nay.**

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

The Board and public continued to discuss the Road and whether to leave it as a Class VI Road or change it to a Class A Trail. The Board decided they would put off making any decisions on the Road until the next meeting. The Board expressed their appreciation to the abutters who attended the meeting and gave their opinions on the process.

4. ADJOURNMENT:

***A MOTION was made by Ms. Monroe to adjourn the meeting at 8:17 PM.
The MOTION was seconded by Mr. Heistad.***

**Roll Call Vote:
Colin Smith, Erling Heistad, Barbara Hirai, Joan Monroe, and Stephen Wood, all voting Yea.
None voted Nay.**

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

Respectfully submitted,
Barbara Higgins
Recording Secretary