

FINAL

**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. CALL TO ORDER: Chair Stephen Wood called the meeting to order at 6:32 PM

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

2. APPROVAL OF MINUTES: None

3. STUDY ITEMS:

A. Review and Discussion of the Segment Depicted on the Draft Class VI Road Map, Located Along Eastman Hill Road (#56): Mr. Goodwin explained that the Board has looked at this Road before. No definitive decisions were ever made, and the question was posed if the Road should even be on any maps. The map they do have shows it going to just one house, so it may just be a driveway. Various maps were looked at to see the best view of the Road. Mr. Goodwin explained that in his opinion there was very little prescriptive evidence to say this was a Class VI Road. It only showed up on a Torbet map and on that it only showed going to one home.

Ms. Monroe said there was a map in the packet that the Board had that made it look like the Road went passed the house and then connected to another Road. It was decided that the Board would go over the template for Road #56. Mr. Goodwin said the map that Ms. Monroe was referring to was something that an area resident made available to the City.

Mr. Goodwin went over the template with the Board. Evidence for Prescriptive Evidence had a question mark next to it. Mr. Tim Lin, 46 Eastman Hill Road, lives at the driveway in question. He said he believed the Road in question was the first part of his driveway. He said the Road was posted 3 years ago when he bought the house with no trespassing signs.

Mr. Lin asked the Board that if he wanted to parcel his land would the Road qualify for the 300-foot frontage he would need to have? Chair Wood explained that the Board was only advisory in nature. He

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

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

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

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

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

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

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

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

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