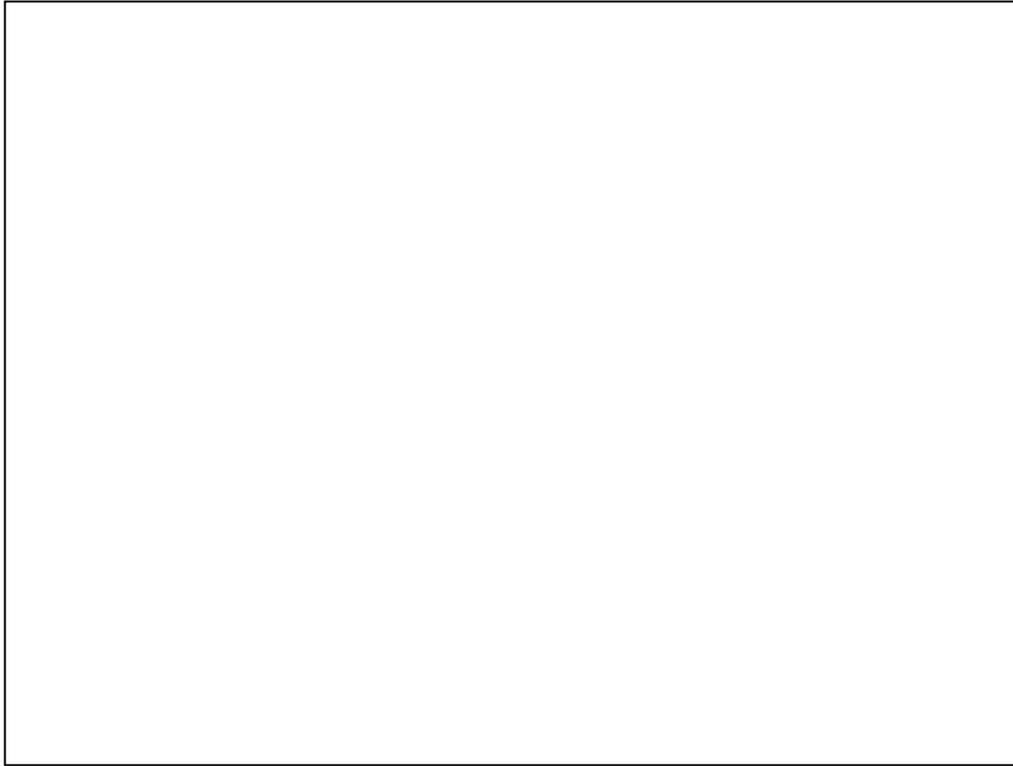


OPEN SPACE TRAIL SYSTEM PLAN



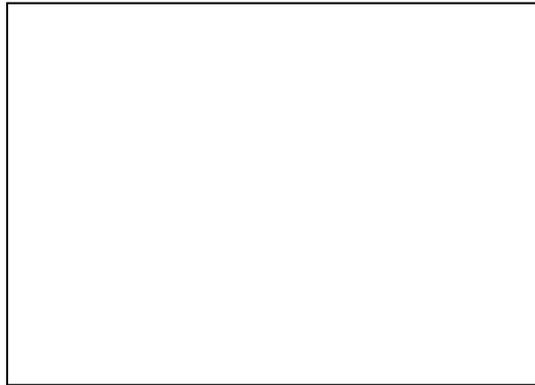
Placeholder for color photo of a local trail

FOR THE

**TOWN OF MYTOWN,
NEW HAMPSHIRE**

Produced by the Mytown Conservation Commission and Trails Steering Committee
and by the Central NH Regional Planning Commission
through funds from the NHDES Regional Environmental Planning Program (REPP)

OPEN SPACE TRAIL SYSTEM PLAN



Placeholder for color photo of a local trail

FOR THE

TOWN OF MYTOWN, NEW HAMPSHIRE

July, 2001

insert
Mytown's
logo

Produced by:

Mytown Conservation Commission and
Trails Steering Committee
Mytown Address
Mytown, NH 03000

and

Central NH Regional Planning Commission
28 Commercial Street
Concord, NH 03301

*Through the Year-Four Regional Environmental
Planning Program with funding from:*

NH Department of Environmental Services
6 Hazen Drive
Concord, NH 03305



ACKNOWLEDGEMENTS

This Plan was made possible through funding from the NH Department of Environmental Services (NHDES) through the fourth year Regional Environmental Planning Program (REPP) partnership with the Central New Hampshire Regional Planning Commission (CNHRPC). It was created through a cooperative effort of volunteers and staff of the Town of Mytown, the CNHRPC, and NH Department of Resources and Economic Development (NHDRED).

The Mytown Conservation Commission/Trails Steering Committee met on a monthly basis for five months and provided review and comment in the interim. Members of the public and of municipal boards participated in one or more meetings, with a core group of Conservation Commission members. The Steering Committee, representing a variety of interests within the Town, was comprised of many of the following individuals who participated in the planning process:

Conservation Commission:
<list names>

Planning Board:
<list names>

Board of Selectmen
<list names>

Private Property Owners/Interested Persons:
<list names>

The staff of the Town of Mytown assisted with collection of data:

<list names>

The CNHRPC staff provided the format, content, and publication of the Plan:

<list names>

The NH DRED staff previously provided review and comment on the process and of the Plan:

Bob Spoerl, Trails Bureau

The former legal staff of the New Hampshire Municipal Association (NHMA) previously provided review and comment on some of the technical explanations in the **IMPLEMENTATION MEASURES** chapter:

Bernie Waugh, Chief Legal Counsel.

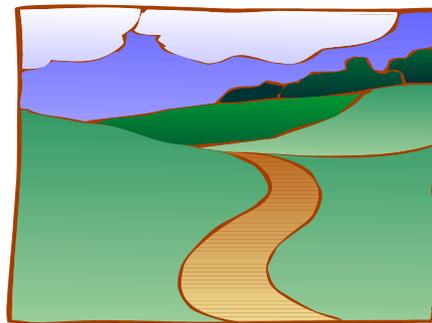


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EXECUTIVE SUMMARY

This document was produced by the Mytown Trails Steering Committee and the Central New Hampshire Regional Planning Commission over the course of several months of research and meetings. The purpose of creating such a Plan is to focus on what needs to be accomplished in order to protect the open space in Mytown and to create a trail system which gives residents and visitors alike the opportunity to enjoy and further appreciate the Town's open space.

This Open Space Trail System Plan, which can be adopted as an element of the Master Plan, had three goals to accomplish:

1. Inventory existing public lands, easements, rights-of-way, and trails;
2. Determine where linkages to the lands and trails should be obtained;
3. Provide recommendations on how to obtain the linkages and maintain a trail system.

By using the Town's tax maps and associated tax assessor's index, information was collected on the conservation land easements and permanently protected lands of the Town; on public or private parcels, such as those owned by utility companies, that could potentially be available for public use with landowner permission; on rights-of-way parcels such as those that encompass former railroad rights-of-way and utility line easements and those that abut Class VI roads; and finally, on the parcels which harbor existing non-motorized and motorized trails. All of the information that was collected is public information readily available at Town Hall.

Five maps accompany the Plan. The **Base Map** shows the names and classifications of all of the roads in Mytown plus its streams and ponds, while the **Topographic Map** shows 20' contour lines. The **Unfragmented Lands Map** depicts the areas that are not fragmented with Class I, II, IV, or V roadways. The **Public Lands, Easements, and Rights-of-Way Map** shows where the Town-owned land is located as well as other "public" lands, and the **Existing Trail System Map** shows where the official and unofficial trails are located within Town. For the **Existing Trail System Map**, Global Positioning System (GPS) technology was employed to record the actual location of some of the trails. The last map, the **Proposed Open Space Trail System Map**, is the culmination of the research and recommendations of this Plan. It depicts existing and proposed trails, trail linkages, and existing conservation and public lands.

After the extensive inventorying and data collection process, a series of **General Recommendations** were made to help Mytown retain its rural character, to create a trail system, to encourage a greater sense of community, and to enlarge its undeveloped open space landscape. In addition, specific **Recommendations** were made based upon the identified opportunities within Town. The opportunities included the wide array of private trails within Town, new trails on existing conservation land, and specific areas to encourage protection from development. In order to assist the Town with meeting these Recommendations of the Plan, comprehensive sections on implementing the Recommendations have also been included.

The following is a complete listing of the Recommendations within the Plan. The circles and boxes refer to the specific trail as depicted on the **Proposed Open Space Trail System Map**; the 0 indicates an existing trail while the Z indicates a proposed trail or trail linkage.

General Recommendations of Open Space Trail System Plan

- General Recommendation: Establish a permanent Trails Committee, comprised of various interests within Town, in order to oversee the maintenance of any trails that the Town wants to establish and to begin initiating contact with landowners of existing and proposed trails and easements.
- General Recommendation: Adopt this Open Space Trail System Plan as a sub-element of the Master Plan.
- General Recommendation: Recommend at Town Meeting that a Conservation Land Fund be established/amended to receive 100 percent of the proceeds of the Land Use Change Tax, with no cap.
- General Recommendation: Work with the local and area snowmobile clubs to learn how to approach landowners and to enter into a cooperative trail creation and maintenance relationship.
- General Recommendation: Educate the landowners of parcels under current use, particularly owners of those parcels without buildings on them, of the benefits of conservation easements.
- General Recommendation: Pursue appropriate Town-owned parcels as permanent Town Forests or Town Parks through Town Meeting (see **APPENDIX A**).
- General Recommendation: Gain public support by holding a series of public educational sessions about land protection, stewardship, what the Conservation Commission and Trails Committee do, and about this Open Space Trail System Plan. Alternatives include writing a series of news articles, writing and distributing flyers, or holding one-on-one meetings with landowners.
- General Recommendation: Pursue grant funds to help meet the Recommendations of this Plan.
- General Recommendation: Publicize the public trails within Town by publishing a brochure, creating a trail-specific map series, or by holding special events.
- General Recommendation: Amend the Site Plan Review Regulations and Subdivision Regulations (for major subdivisions) to encourage developers to donate easements or land and to require construction of trails on properties near existing or proposed trail networks.
- General Recommendation: Review the Zoning Ordinance and Subdivision and Site Plan Review Regulations on how Recommendations may be implemented by the Town.
- General Recommendation: Designate any trail which the Town wants to promote as a "Town" trail as a Class A or Class B trail (see **IMPLEMENTATION MEASURES**).
- General Recommendation: Recommend to the Board of Selectmen that all Class VI roads be retained by the Town as public rights-of-way and not returned to abutting landowners.

<these are actual recommendations from one Town's Open Space Trail System Plan>

Recommendations for the Former Railroad Corridor

1

<numbers/letters correspond with Maps>

Recommendation: Contact PSNH and landowners to acquire permission to use the corridor as a recreational trail which would connect White Sands and Memorial Field in cooperation with the Trail Dawgs snowmobile club.

Recommendation: Acquire additional riverfront property along the former railroad corridor for public access.

Recommendations for the Powerline Corridors

2 3 4 5 6

Recommendation: Partner with PSNH and the Trail Dawgs for permission to use the powerline corridors as recreational trails.

Recommendation: Establish a recreational trail connecting to White Sands Conservation Area.

6

I

Recommendations for the Tenneco Gas Line Corridor

7

Recommendation: Partner with Tenneco Gas Co. and the Trail Dawgs for permission to use the gas line corridor as a recreational trail.

F

Recommendations of Trails on Conservation and Public Lands

- 8
- 9
- 10
- 11
- 12

Recommendation: Establish a trail loop connecting the trails in the Bragfield Pond Conservation Area with the trails in the Butterfield Lot.

Recommendation: Establish a recreational trail along the PSNH powerline corridor leading to White Sands Conservation and Recreation Area.

Recommendation: Establish a recreational trail connecting White Sands to the snowmobile trail along the gas line corridor.

11

Recommendation: Establish a recreational trail beginning at Memorial Field along the Suncook River to Thompson Road.

12

Recommendations of US Army Corps of Engineers Land

- 1
- 2
- 3
- 5
- 9
- 14
- 15
- 16
- 17
- 18
- F

Recommendation: Work with the Army Corps to raise public awareness of recreational trails and parks, and offer to help maintain some of the existing trails by becoming "trails stewards".

Recommendation: Obtain a detailed map which depicts all of the viable trails in the Reservoir area and all of the public access points/parks. Obtain permission to detail them in the Plan.

Recommendation: Determine who the lessees are of the Army Corps land and where the leased land is located. Contact the lessee to get their cooperation with the objectives of this Plan.

Recommendation: Determine the public restrictions at each of the public access areas and make sure the restrictions are posted accordingly and are so noted in this Plan.

Recommendations of Areas to Protect from Future Development

J K L M N

Recommendation: Approach property owners to encourage them to protect their property from development.

N

Recommendation: Recommend that Class VI Roads be designated as Class A or B trails at Town Meeting.

N

Recommendation: Encourage open space development in order to protect the aquifer.

J K L

Recommendations of Class VI Roads

Recommendation: Identify for designation as Class A or Class B trails some of the Class VI roads within Town by working with abutting landowners (see **IMPLEMENTATION MEASURES**).

Recommendation: Work with abutting landowners to share maintenance and monitoring duties of the trails or Class VI roads being used as trails.

Recommendation: Recommend to the Board of Selectmen that Class VI Roads not be opened to development.

Recommendation: Recommend to the Board of Selectmen that all Class VI roads should be retained by the Town as public rights-of-way and not returned to abutting landowners (see also **General Recommendations**).

Recommendations of Snowmobile Trails

11 12

Recommendation: Partner with the Trail Dawgs and landowners to allow public access to the snowmobile trails in the summer.

Recommendation of Scenic, Discontinued, and Abandoned Roads

Recommendation: Thoroughly research the status of the discontinued and abandoned roads within Town.

Recommendation: Where appropriate and after research has been conducted, use select discontinued or abandoned roads within Town as linkages to other trails or public lands.

Recommendation: Promote the Scenic Roads, which are all full public roads in town as an asset and work to incorporate them into the trails network.

Recommendations for Potential Trails or Trail Linkages on Private Land

- A B C D E F G H I

Recommendation: Research the feasibility of a trail connector beginning on Plausawa Hill Road, continuing along North Mytown Road and branching off to connect with Sixth Range Road and the snowmobile trail network in North Mytown.

A

Recommendation: Research the feasibility of establishing a trail connector along Brush and Sixth Range Roads to connect to the private trails off of Eley Lane and Sixth Range Road.

B

Recommendation: Contact PSNH to discuss the feasibility of establishing recreational trails along the powerline corridors within Town.

C E

Recommendation: Research the feasibility of creating a recreational trail beginning on Route 106, travelling Riverwood Drive to the Soucook River.

D

Recommendation: Contact Tenneco Gas Company to investigate the feasibility of using the gas line corridor as a multi-use recreational trail.

F

Recommendation: Research the feasibility of establishing a recreational trail along the shoreline of the Soucook River from the powerline corridor to the Soucook’s intersection with the Merrimack.

G

Recommendation: Research the feasibility of establishing a recreational trail along the Suncook River from Thompson Road to Memorial Field.

H

Recommendation: Research the feasibility of creating a trail loop linking the Bragfield Pond Conservation Area to the Butterfield Lot.

I



I. INTRODUCTION

As the primary constraints for producing a study or plan of any type are time and money, the Regional Environmental Planning Program (REPP) afforded an opportunity to produce this Plan that may not have otherwise become available. Knowing that the Town values its identity and has the desire to balance economic development with conservation, the CNHRPC approached the Town of Mytown with an offer to produce an Open Space Trail System Plan at no cost to the Town other than volunteer review and comment. This Plan is intended to serve as a guide toward the creation of a trail network through identification of existing and potential trails and the properties on which they fall and also to identify important areas of open space that should be targeted for preservation through acquisition, easement, or donation; with landowners' permission to utilize a portion of their land, these trails would adequately serve the purposes of conservation, recreation, and economy.

MYTOWN MASTER PLAN FINDINGS

A municipal Master Plan (RSA 674:2-4) is intended to be a guide to the current and desired conditions of the Town. These conditions are inventoried in the elements, or chapters, of a Master Plan. Typical Master Plan elements include Transportation, Land Use, Future Land Use, Conservation and Preservation, Historical, Population and Economics, Housing, and Community and Recreational Facilities. The Master Plan, when adopted by the Planning Board, is the legal basis for the Zoning Ordinance, Subdivision Regulations, and Site Plan Review Regulations of the Town. Although there are currently no laws which require an updated Master Plan within a particular time frame of the last version of the Master Plan, the generally accepted span of time between updates is five to seven years.

An Open Space Trail System Plan is a complement to a Master Plan because it is designed in conjunction with the findings and goals of the Master Plan. Specifically, the Open Space Trail System Plan can be considered a sub-element of the Conservation and Preservation Element and can be adopted by the Planning Board as such at any time.

Mytown's most recent Master Plan was written in 1993 and updated in 1998. The Town of Mytown's Master Plan contains no specific Conservation and Preservation Chapter, but it does have an overview of natural resources with specific recommendations regarding them and their protection.

Some of the final recommendations discussed in the Master Plan included:

- ◆ <insert short list of appropriate goals and recommendations>

These goals tie in with the intent of this Open Space Trail System Plan, with the general concepts being echoed throughout this document.

METHODOLOGY

<replace dates as needed>

In order to start the process of creating an Open Space Trail System Plan, a group of volunteers representing both public and private interests in Mytown formed. Meeting five times between February 1, 2001 and June 30, 2001, the Mytown Trails Steering Committee, led by a core of Conservation Commission members, provided guidance as well as review and comment on the maps and materials that CNHRPC produced. In addition, many also wrote descriptions of different trails or parcels.

At the first meeting on February 1, the volunteers corrected the road names and road classifications within Town, identified the former railroad rights-of-ways and existing trails, and verified land permanently protected from development. At the second meeting on April 5, volunteers reviewed the first draft of this Plan and the resulting draft trails map. At the third meeting on June 7, the volunteers reviewed the second draft of Plan, the draft proposed open space trail system map, and brainstormed on areas to protect from future development and future trail linkages. At the fourth meeting on June 28, the volunteers reviewed the Proposed Open Space Trail System Chapter and revised Map, proposed Recommendations based on findings, and reviewed the final version of the Plan that CNHRPC staff would be assisting with. After the publication of this July 2001 version, the Mytown Trails Steering Committee will decide whether to further review and amend the Open Space Trail System Plan before bringing the document before the Planning Board.

In between the meetings, CNHRPC staff researched the parcels on which the trails and rights-of-way fell, and researched the conservation land and Town-owned land using the Town tax maps and the 2001 tax assessment index. Detailed parcel information was obtained, including Map and Lot number, Acreage, and if the parcel was not currently protected from development, whether the parcel was in Current Use and if a Building was located on it. Information of this nature not only provides description of the parcel, but may also be relevant in determining the likelihood of the landowner to grant public access to the parcel. All of this information is available and accessible to the general public during normal Town Hall business hours.

In addition, if the parcel had a trail/right-of-way on it, was publicly owned, or was protected from development, educated assumptions about the Management of the responsibilities were listed as well as if the landowner has granted permission for any Public Uses of that parcel. Where the Management or Public Uses of a parcel were unclear, the Mytown Trails Steering Committee felt it most appropriate to defer to the privacy of the landowner.

Using a Global Positioning System (GPS) unit, CNHRPC staff located several of the trails identified by Steering Committee members, and the former railroad right-of-way. Individuals walked the trails with the GPS unit, which uses orbiting satellites to record the actual position of objects (trails, in this case) on the ground. The resulting data from the GPS unit can be used in a Geographic Information System (GIS) for the production of maps. In this Open Space Trail System Plan, GPS'd trails data has been incorporated into and used with existing GIS data layers to create the maps found at the back of this Plan. The trail segments that have been located using a GPS are indicated by a  symbol beside their descriptions in the two INVENTORY sections.

An important limitation of GPS to consider is its inability to correlate to the Town's tax maps because of different source data and different scales. Therefore, the tax map has not been used with this map series. Those trails indicated in the Plan with a  may or may not have the appropriate parcels listed. Additional field checking should be completed.

After completion of the inventory of conservation lands, easements, rights-of-way, trails, and important open space parcels, the Mytown Trails Steering Committee examined these assets and presented a proposed open space trail system. This system incorporates the existing trails and protected lands findings with the potential future trails and open space options, and gives a series of Recommendations to be undertaken for reaching the goals of the system.

Staff of the CNHRPC previously consulted with the Trails Bureau staff of the NH Department of Resources and Economic Development (NH DRED) to ensure that relevant issues were adequately addressed in the Plan. In addition, staff of the NH Municipal Association (NHMA) were previously consulted to verify the accuracy of the references to the NH Revised Statutes (NH RSAs).

GOALS OF THE OPEN SPACE TRAIL SYSTEM PLAN FOR MYTOWN

This Plan is designed to accomplish three goals:

1. Inventory existing public lands, easements, rights-of-way, trails, and relevant open space;
2. Determine where linkages to the lands and trails should be investigated;
3. Provide recommendations on how to obtain the linkages and maintain a trail system.

1. Inventory existing public lands, easements, rights-of-way, and trails

An inventory of the conservation easements, conservation lands, publicly owned lands, rights-of-way on private land, and private lands that allow or may be requested in the future to allow public access, give a solid picture of where the Town stands in terms of its open space and a trail system. The two concepts are intertwined. Using a trail to enjoy the scenic and natural beauty of the land promotes a connectedness to the land and the community, and the cooperation involved in acquiring the land for public access encourages the enjoyment of the land through that cooperation and the land's stewardship.

2. Determine where linkages to the lands and trails should be obtained

Conservation land, including the land owned by the Town of Mytown and the State, creates a basis for a trail system. Coupled with existing formal (Snowmobile Club trails) and informal trails (Class VI roads, former railroad bed, and private trails), connections can be graphically viewed through maps and potential connections can be determined to enhance the existing open space and trail system.

Different trails and conservation lands have their own unique uses that are directly attributed to the topography, soils, and natural resources as well as the desires of private landowners to have their land enjoyed by the public in particular ways. Multi-use trails can safely accommodate different types of uses where appropriate trail construction or planning has been utilized.

3. Provide recommendations on how to obtain the linkages and maintain a trail system

Following the data collection stage comes putting the data to work. Landowner participation will be an integral factor in the overall success of the Plan; they should be educated about the benefits of conservation and contacted about the possibility of opening their land to public access. Trails can be officially designated by the Town, and strategies for their maintenance and promotion will be discussed. A comprehensive APPENDIX series will contain documentation and assistance with many of these issues.

*The Mytown Steering Committee and CNHRPC staff completed this Plan to the best of their ability with the information that was available. Additional research needs to be completed on the former railroad rights-of-way and on the status of each Class VI road; further investigation should be undertaken before performing any legal procedure suggested in the **IMPLEMENTATION MEASURES**. Although there are no guarantees on the accuracy of the data presented or on the interpretations made of the NH RSAs, everyone involved with this Plan put forth their best faith efforts in order to produce a viable, practical Open Space Trail System Plan for the benefit of the Town of Mytown.*



II. OPEN SPACE AND RECREATION

WHAT IS OPEN SPACE?

This question posed to thirty different people would probably yield thirty different answers. The term “open space” evokes various images in people. To a municipal recreation director, open space might mean playgrounds and public beaches while a hiker might think of vast expanses of wild lands. Suburban residents might think of their back yards.

The adoption of a functional classification of open space helps to establish priorities for both this plan and for conservation efforts. Six major functional types of open space have been described:

- **Natural Resource Protection Areas:** includes animal and vegetative habitat and riparian corridors
- **Outdoor Recreation:** includes two categories
 - Active Recreation:** parks, playgrounds, beaches, trails, etc.
 - Passive Recreation:** plazas, sitting areas, arboretums, etc.
- **Resource Management:** forests, fisheries, farmland, etc.
- **Protection of Public Health and Safety:** floodplains, wetlands, unbuildable areas or areas with limitations for development like steep slopes a high water table, shallow depth to bedrock, etc.
- **Areas that Shape Community Character or Design:** buffer strips, front, back, and side yards, urban plazas, greenways, open space dedications related to development, etc.
- **Historic or Archaeological Sites:** battlegrounds, historic structures or grounds, historic districts, town greens, etc.

For the purposes of this Open Space Trail System Plan, the definition of open space follows:

“Those broad undeveloped areas that can support both a wide variety of flora and fauna and human activities.”

This definition, by virtue of its wording, excludes some of the more intensively used open spaces listed above such as city parks, town greens, and golf courses. Those areas that are less intensively used, for example, forests, fields, wetlands, and so on, are the areas that are important for wildlife habitat and pollution control. They are also the areas that are important for human well being and for outdoor recreation and tourism, two major elements of the State’s economy. Therefore, even though such areas as municipal parks could technically be classified as “open space”, the broad vegetated open spaces that compose forests, wetlands, and the like are the primary focus of this plan.

In its simplest definition, open space is land that has not been developed or converted to other uses. These are the natural features that make the Town of Mytown a special place to live.

OPEN SPACE AND RECREATION

They include forests, fields, river corridors, wetlands, wildlife habitat, and greenway corridors, as well as agricultural lands. These are used for wildlife habitat, forestry and agriculture, recreation, and relaxation. As stated previously in this section, open spaces have different meanings to different people, but the majority of people in the State would probably conclude that open spaces are vitally important to New Hampshire's economy, biodiversity, and human well being.

Without the benefit of open spaces free from the pressures of development, wildlife and the forest products, recreation, and tourism industries would be much less healthy than they are today. In order for the Town of Mytown to continue to experience the quality of life that it does today, adequate open space must be maintained in its present state.

IMPORTANCE OF OPEN SPACE AND RECREATION

Conserving land for public use has been encouraged by the Mytown town officials and the Mytown citizens. In the late 1980's, when the LCIP began, Mytown raised money and purchased land for passive recreational use so that residents would be able to enjoy the beauty of their town. Despite the fact that large amounts of money were being raised for school and municipal improvements, the residents of Mytown repeatedly approved money for land purchases.

The land purchased and previously acquired was available to the residents of Mytown for hiking, skiing, snowshoeing and boating. Local Eagle Scouts marked trails, built signs and drew up maps. The Conservation Commission spoke to several local groups about possible activities available on local lands and led guided tours for these groups as well as for groups of students. Several local land owners donated land or offered the use of their land so that residents could expand their possibilities for passive recreation.

This interest in conservation continues today and could be furthered by a local open space and trail plan that would enlarge opportunities for recreation and preservation in Mytown.

New Hampshire itself is prized for its rural character and its eclectic types of outdoor recreation. Our legislators, recognizing the population and development boom that has been occurring since the mid 1980's, have passed a number of laws designed to preserve our open spaces and encourage stewardship of our natural resources. In 1993, the Land Conservation Investment Program (LCIP) unofficially concluded its six-year mission to protect 248 properties in New Hampshire, totaling 101,000 acres, through a successful public-private partnership. The NH Department of Fish and Game (NH F&G) also holds thousands of acres of conserved land, the vast majority of it accessible to the public for hunting, fishing, snowmobiling, hiking, and other uses. The NH Department of Resources and Economic Development (NH DRED) has similar land holdings and hosts grant programs to promote the development and maintenance of trails. Many private and non-profit organizations also hold easements and titles to key resource parcels. In New Hampshire, open space activities, including tourism, account for 25% of our gross State product.

Incentives given to private landowners encourage them to open their property for use by the public. The Current Use Taxation law (RSA 79-A:1), in effect since July 1973, is a way for property owners to receive a tax reduction based upon their agreement to keep their land undeveloped. Forestry and agriculture are encouraged. This law also offers a 20% reduction of the current use assessment if a property owner agrees to allow the public recreational access to the land 12 months of the year (RSA 79-A:4). Municipalities may adopt a Land Use Change Tax Fund (RSA 79-A:25-a) that places the money acquired from a property leaving current use into a fund, separate from the general fund, for the purpose of purchasing easements or parcels for conservation.

A healthy, diverse community is a great attraction to business, tourists, and new residents. What makes a community appealing is its fine balance of development and conservation. The link between open space and recreation is distinct, and it is beneficial for both landowners and the public. There are many types of recreation possible on these lands, and this Plan will focus on the benefit of trails. A trail network will serve to allow alternative modes of transport, particularly for recreation, throughout Mytown. The Open Space Trail System Plan for Mytown will identify those existing trails and linkages which could be established through landowner contact and cooperation and offers guidance on how to accomplish the Recommendations of this Plan.

THE VALUE OF OPEN SPACE

Open space in New Hampshire is important not only for wildlife habitat and human well being, but also for New Hampshire's economic well being. Open spaces, such as those in the Mount Kearsarge region, are what attract visitors from out-of-state, and open spaces are what these visitors spend millions of dollars per year to see and experience. In fact, open space contributed (directly and indirectly) \$8.2 billion to New Hampshire's economy in 1996/1997, or over 25% of the State's gross product.¹ It could be argued that without the scenic value of these areas, there would be a reduction in the tourism industry, the outdoor sporting industries, and the various recreational industries that today thrive in New Hampshire because of open spaces. Preserving open space, therefore, makes good economic sense.

Open spaces cost less for a community to retain intact than to develop for the purpose of expanding the tax base.³ Studies show that, for new residential developments, the income generated through property taxes is less than the cost for community services such as education, new sewer lines, and police and fire protection. New commercial development is not as costly to the community in terms of services provided, but the influx of new residents working at the establishment will in some cases require new residential development. In the end, retaining undeveloped land costs less to maintain and preserves a community's unique characteristics.

Open spaces also provide services that society would be forced to pay millions of dollars to replace if they were eliminated.² Wetlands filter toxins out of water, sequester and desynchronize floodwaters, and in some cases provide a recharge area for groundwater, making wells a viable source of public and household water. Greenways reduce traffic noise and consume carbon dioxide to give us oxygen. Replacing the services described in the passages

below, which are provided at no cost, would be astronomical despite the relatively good economic situation New Hampshire is currently enjoying.

Wildlife Habitat and Biodiversity

Why is protecting wildlife habitat so important? Consider this prediction: in 2000, 90% of all U.S. citizens will live in urban areas.⁶ This does not necessarily mean that people are moving to places like New York City and Boston. Instead, urban areas are expanding to meet us where we live. For example, the “Boston area” is now considered by some to encompass cities like Nashua, Portsmouth, Manchester, and, to a lesser extent, Concord.

With the expanding urbanism comes increasing habitat fragmentation as forests and fields are developed for new residential, commercial, and industrial complexes. With a decrease in habitat comes a decrease in the number and type of species that can occupy an area, until all that remains is habitat suitable for plants and animals commonly associated with humans, such as squirrels, skunks, and hardy common-variety plants. Other, larger animals are forced to find more suitable places to live, and if the entire habitat is disturbed by human activity, the species becomes locally rare or extinct. Humans should protect wildlife habitat, and therefore the species living in them, because the rate of extinction is currently about 100 times its natural rate. If the status quo remains with regard to unmanaged growth, this rate is expected to increase within the next sixty years to 100 to 1000 times faster than it is today.⁶ To put this into perspective, the last time the rate of extinction was this high was approximately 65 million years ago, after an asteroid collided with earth. In the past 200 years, at least six species of mammals and birds that once occurred in New Hampshire have already been pushed to extinction.⁷

Protecting wildlife habitat will help ensure that the level of biodiversity remains for future generations. Biodiversity is defined as being “the variety and variability of all living organisms.”⁶ This diversity includes all the plants, animals, bacteria, fungi, and protozoans living in an area, their genetic variability, the community in which they live, and the processes and interactions that shape the biological and physical elements of the earth into a complex web. Species diversity, or the wide range of species in an area, and species richness, the number of each species present, are both important indicators of ecosystem health. With regard to species diversity, over 15,000 plant and animal species have been identified in New Hampshire.⁶ They live in 100 types of natural communities.¹

What does biological diversity have to do with the well being of New Hampshire? It is well known that a great deal of our medicines is derived from natural sources. Penicillin and aspirin are two common treatments for everyday maladies that were discovered as a result of observing natural processes; penicillin, in fact, was discovered by accident. Despite these medical successes, less than one percent of the plant and animal species known today have been examined for direct human benefit.⁷ Considering the status of human disease in the late 20th century, it would make sense to preserve habitats for the plants and animals living there so that more of them could be tested for a possible solution to these puzzles. The answers may be right here in New Hampshire, but time and financial resources limit how many plants and animals can be tested for possible benefit.

Habitat protection will ensure that endangered and threatened species will have a place to attempt recovery. Species such as the golden eagle, the lynx, the timber rattlesnake, and the common loon⁸, the very symbol of New Hampshire wildlife, are all endangered or threatened species that have specific requirements for survival that are magnified because of the rarity of suitable habitat.

Seven Biological Principles for Habitat Protection at the Landscape Scale:⁶

1. Maintain large, intact patches of native vegetation by preventing fragmentation of those patches by development.
2. Establish priorities for species protection and protect habitats that contain the distribution and abundance of those species.
3. Protect rare landscape elements. Guide development toward areas of landscape containing "common" features.
4. Maintain connections along wildlife habitats by identifying and protecting corridors for movement.
5. Maintain significant ecological processes in protected areas.
6. Contribute to the regional persistence of rare species by protecting some of their habitat locally.
7. Balance the opportunity for recreation by the public with the habitat needs of wildlife.

As much as it makes sense to protect open space for the benefit of the endangered species living in the area, it makes just as much sense to protect open space for the great deal of non-endangered species. Such common animals as deer and porcupines are important for maintaining the natural and economic health of the area. Other carnivores and raptors help to keep the herbivores in a stable population. Preserving open space for these "common" animals helps to guarantee habitat will remain to keep these and endangered species populations stable for years to come.

Pollution Control

Open spaces such as forests, wetlands, and river and greenway corridors serve humans by providing services that would otherwise be very expensive to replace. Pollution control is one of these services. If wetlands ceased to provide the services they do at the present (at no cost to us), then perhaps their action as pollution filters would have to be replaced by some technological means to keep pollutants out of surface waters. Wetlands also sequester and desynchronize floodwaters. Would we have to design and construct enormous stormwater retention basins for the purpose of holding waters that would surely flood our towns? If greenways were to be removed, then perhaps building walls along Interstates 93 and 89 would be necessary to keep noise pollution from affecting us in our homes, at work, while we sleep, and while we tend our gardens. Fortunately, greenway corridors help to position us away from the highway and deflect and absorb noise.

A green buffer on river and stream banks improves water quality because the vegetation helps to filter out toxins.² The stream also stays cooler because of the shading provided by the trees on the bank. Buffers are important for stabilizing the banks of a river, thereby decreasing erosion. They also provide a unique habitat for the species requiring such a place to live. A forest is invaluable in its ability to filter the air we breathe. Plants cleanse the air through photosynthesis by taking in carbon dioxide from and releasing oxygen into the atmosphere. Plants also absorb pollutants directly into their leaves, assimilate them into less harmful forms, and store them in their tissues until they die, at which time fungi complete the breakdown process. Vegetation can absorb ozone, sulfur dioxide, carbon monoxide, and airborne particles of heavy metals.²

The amount of development the Mytown area is experiencing today is turning a great deal of open space into lands that are more intensively used. Because of Mytown's large expanses of undeveloped land, the Town is a target for new real estate developments. In the greater Concord area, fields are becoming residential developments, forests are becoming new commercial districts. With an increase in urbanization comes an increase in the amount of land that becomes impervious to water infiltration because of the construction of new roads, parking lots, roofs and driveways in these new subdivisions. If water cannot soak into the ground, it runs off over the surface of the land, water and picks up such contaminants as sediment, oil and gasoline, and bacteria. Eventually, the water and its contaminants reaches a stream or river, where the pollutants can be deposited or transported further downstream. This “nonpoint source” pollution is a major threat to the health of our waterways, which serve as habitat and feeding areas for terrestrial and aquatic organisms. In the end, unmanaged growth consumes open spaces and pollutes our lakes, streams, and rivers, making both terrestrial and aquatic habitats unlivable for the wildlife that define New Hampshire.

In addition to the threat of nonpoint source pollution, other hydrological effects of urbanization include the following:⁹

- A decrease in transpiration and an increase in runoff (total amount and velocity) as more vegetation is removed,
- Some lowering of the water table as more wells are drilled,
- Some increase in soil moisture as more septic tanks and sanitary drains are installed. If an increase in soil moisture is significant, the land could become waterlogged and nearby wells or streams could become contaminated, and
- Accelerated land erosion, stream sedimentation, and stream aggradation as lands are cleared for large tracts of housing.

Quality of Life

Given the choice, people would generally rather live near a natural area than far from one, and real estate prices reflect this preference. Why are people willing to pay more to live near a park or forest when a comparable house can be found in a slightly less natural area? The answer is that natural areas are nicer to look at than a factory façade or a new, treeless development in the suburbs, and they afford the opportunity for recreational activities. They provide a cleaner, healthier environment for our children to play in. Proximity to open space affords more opportunities to take advantage of that resource. It counts as a “quality of life” factor.

Many people are starting to realize what open, green spaces can do for their cities and towns. The Mayor of Boston has supported efforts to restore the “Emerald Necklace,” Frederick Law Olmsted’s system of parks and connecting corridors that wind through Boston and its neighborhoods from the Back Bay neighborhood to the Neponset River.¹⁰ A series of greenways such as this is a point of pride for the residents of Boston, and the opportunity for recreation, relaxation, and renewal in the city will exist for those with a limited capacity for mobility as well as for those who can travel outside the city.

Open areas are good places for exercising. Studies show that exercising reduces health care costs; people who exercise spend 30% fewer days in the hospital and make 14% fewer claims against their health insurers.² These savings are passed on to public health services, employers, individuals, and eventually on to society in general in the form of lower health insurance rates. In addition, exercising helps to prevent premature death, which results in approximately 132 million lost workdays nationwide. Finding and training replacements costs industry \$700 billion per year.²

Recreation

For just about every open area, there is a recreational activity associated with it. Forests and mountainous areas invite camping and hiking in the summer, hunting in autumn, and snowmobiling and cross-country skiing in the winter, lakes welcome boating, and streams are perfect for fly-fishing. Not only are these activities a way to spend one's time on one's vacation, but they are also a source of revenue for the entire Central New Hampshire Region. Entire industries have sprung up around recreation in order to provide the adventurer with just the right equipment. The "eco-tourism" industry caters to people wanting an adventure in the outdoors. Hotels and restaurants depend on the presence of people visiting New Hampshire to ski, bicycle, and so on. For those sorts of companies existing in the Central New Hampshire Region, the preservation of open spaces is paramount to the success of their business.

Tourism

Like recreation, tourism is an industry that depends on the presence of open spaces. Unlike recreation, tourism already makes up a significant portion of the state's economy. It has the potential to become an even larger portion in the coming decades as leisure time becomes more and more important to Americans.

A common sight in the summertime months is a recreational vehicle travelling north on Interstates 93 or 89 on its way to a natural area that is considered to be special to the occupants. While the tourists are here, they spend money on food, gas, and perhaps lodging and entertainment, but they would not spend any in the Central New Hampshire Region if those natural areas or events did not exist. In addition to the summer tourists, the Region would lose revenues because of the absence of the autumn "leaf peeper" tourists that come to revel in the natural beauty of the area. Leaving our natural areas intact allows us to benefit from the millions of dollars spent by these tourists year after year.

OPEN SPACE RESOURCES IN THE TOWN OF MYTOWN

<insert your Town's information here - these are actual resources of one Town>

The Town of Mytown is fortunate to have within its borders a number of different natural resource areas that support a diverse community of plants and animals. The more common of these are mixed hardwood and softwood forests, tracts of which run from a few acres to a few thousand acres. Ponds and wetlands abound. One of the largest rivers in New England, the

OPEN SPACE AND RECREATION

Merrimack, forms the Town's southwestern border and has acted as a backbone in terms of the Town's history and until recently, its economy. Two smaller rivers, the Soucook and Suncook, Rivers also form Mytown's borders, the Suncook on the southeast side and the Soucook on the northwest side.

Forests

Some of the most important natural resources in the Region are the tracts of forests that are used as a renewable source of wood. The New Hampshire Department of Resources and Economic Development Division of Forests and Lands owns over 11,000 acres (17.3 mi²) of State Forest throughout the Region in thirteen towns and thirty-eight parcels. These forests are maintained, according to the Division, to “protect, improve and develop New Hampshire’s forest resources and increases awareness of the contributions that forests make to the quality of life in New Hampshire.”¹² Since the great majority of the population uses wood products, the working forests ensure a steady supply of wood for future generations.

Just over Mytown’s border is Bear Brook State Park in Allenstown, which is a 10,000-acre tract that is open to recreational activities ranging from swimming in the summer to snowmobiling in the winter. From Bear Brook, the tract of forest extends north-northeast into eastern Epsom and eastern Pittsfield. There are no other State-owned conservation lands in this area, but a few town-owned lands and conservation easements exist here. A second arm of this tract extends from Bear Brook north-northwest into Mytown. Again, there are no other State-owned parcels here, but the Whittemore Recreation and Conservation Area exists among a number of criss-crossing Class VI roads. The Town’s conservation lands are discussed in the INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY.

Floodplains and Rivers

Floodplains were created long ago by the waters rushing forth from melting glaciers. They are continually being modified by the rivers that run through them. Floodplains are generally flat tracts of land that border the river and are formed when a river overflows its banks. Flooding is a natural process of the river system that serves to slow floodwaters, reducing damage further downstream, to fertilize the soil, making floodplains the most likely site for a farm, and to recharge groundwater resources, making well a reliable source of drinking water. Floodplains also provide habitat to a wide variety of plants and animals.

Rivers serve to channel rainfall and other water that does not soak into the ground. Water collects in small channels, which drain into larger ones until a network drains the landscape. The Merrimack River watershed is comprised of the Suncook, Turkey, Soucook, and Contoocook Rivers and all their tributaries. The Merrimack, Suncook, and Soucook Rivers all border Mytown. These rivers have been an important feature in the Town since its founding, and remain an important recreational and natural asset to the Town.

Riparian corridors are undisturbed, naturally vegetated areas contiguous with and parallel to rivers and streams. They are important for maintaining water resources by filtering pollutants, maintaining water temperatures, stabilizing stream banks, supplying woody debris for stream habitat, providing food for aquatic life, and storing surplus runoff for gradual release during low

base flow. The minimum width for a riparian buffer is determined to be 95 feet, which is divided into three zones. Zone 1 begins at the top of the stream bank and occupies a strip of undisturbed forest of 15 feet. Zone 2 begins at the edge of Zone 1 and occupies 60 feet of managed forest. Zone 3 begins at the edge of Zone 2 and is comprised of 20 feet of natural or controlled grazed grasslands. Although the 95-foot width is considered to be the minimum, local constraints such as the nature of the stream, soils and topography, and land use may restrict the width to less-than-ideal condition.⁵

In earlier times, rivers played a much more important role in our everyday lives than they do today. Our towns were settled on rivers for the power potential, for drinking water supplies, and for transportation. As late as the early 1900s, rivers were the primary conduits for transporting logs from the mountains to the sawmills downstream. In addition to this function, rivers provided mechanical power to a number of mills throughout the Region. With the advent of electricity, rivers again provided the mechanical power to spin the turbines, thereby creating electric power. Now, rivers are viewed primarily as a source of drinking water and recreational opportunities. The hydroelectric dams still exist, but the emphasis is more on the impounded water than on the structure itself. The corridors on either side of the river are as important now for agriculture as they were a hundred years ago, primarily because the thin, rocky New England soils are too inefficient to work except in the floodplains of our larger rivers.

The Merrimack River is the largest river in the Central New Hampshire Region and one of the largest in New England. It played a large role in the development of Mytown's early industries. Its banks are most heavily developed in Concord between Loudon Road and Manchester Street. The remainder of the river's banks is still quite rural. Much of the land along the Merrimack River in Mytown is undeveloped. In Mytown, the Merrimack River can be accessed by the public at the White Sands Conservation Area and Memorial Field.

The Soucook River originates from the confluence of several streams and from the outflow of Rocky Pond in northern Loudon and northeastern Canterbury. It flows south through Loudon through deep sand and gravel. The water from the Soucook River is of excellent quality and the aquifer underlying the Soucook River is considered to be one of the highest-yielding stratified drift aquifers in the State. For these reasons, the area is an excellent source for a public water supply. It already hosts public water supply wells for the Town of Mytown and the City of Concord. Mytown's two wells on the Soucook River each pump about 600 gallons per minute. The river parallels Route 106 as it travels southward into Concord, Mytown, and Bow, forming the border between the three communities. The Soucook then drains into the Merrimack River. There has been very little development along the Soucook River corridor, however, development pressure is increasing due to the presence of I-393 and the development in the Steeplegate Mall area.

The Suncook River originates from the Suncook Lakes in Barnstead and flows southwest through Pittsfield and Epsom and forms the border between Mytown and Allenstown. It empties into the Merrimack River at the southernmost point of the Region. The Suncook River played a large part in developing Mytown's early industries and settlement in the Suncook Village.

OPEN SPACE AND RECREATION

Mytown has a few named brooks, three of which flow into the Suncook River, and one which flows into the Soucook River. French's Brook travels 2.5 miles from Plausawa Hill and flows into the Soucook River. Ames Brook, Pettingill Brook, and Hartford Brook all flow into the Suncook. Ames Brook originates in the northeast part of Town, and it travels downhill over 400 foot elevations to the Suncook River. Pettingill Brook connects most of Mytown's wetlands which are located in the geographic center of Town to the Suncook River. Hartford Brook travels parallel to Fourth Range Road into the Suncook River.

In addition to the larger, named waterways in the Town, Mytown has several unnamed brooks and streams interconnected with ponds and wetlands. These areas provide extensive wildlife habitat, recreational opportunities, ecological benefit, and aesthetic beauty of unforested areas.

Ponds and Wetlands

The Town of Mytown is dotted with ponds of all sizes. Many different types of activities are found on the Town's water bodies, ranging from fishing to serving as portions of snowmobile paths in winter.

Ponds are important to wildlife for a variety of reasons. First, they provide an assortment of habitats and can therefore support a number of different plant and animal species. The shore can range from marshy in places to sandy in others and boggy in still others. In the water, the stratification of the water in deeper lakes in the summer and winter can provide habitat for cold water and warm water fish. Second, water bodies often serve as resting areas for migrating birds, providing a source of food, shelter, and, of course, water.

Mytown has several fairly small wetlands spread throughout the majority of Town. Wetlands are typically defined by three parameters: drainage, soil type, and vegetation. The National Wetlands Inventory defines wetlands by hydrology, hydric soils, and vegetation, including trees and plants that dominate an area and require wet conditions to grow. They are transitional zones between surface water and upland sites. Many wetlands are remnants of glacial pools that have been slowly filling in with sediment over the past 10,000 years. A wetland can serve a number of purposes such as to provide wildlife habitat, facilitate groundwater recharge, sequester and desynchronize floodwaters, and filter toxins depending on the type of soils and bedrock beneath it. In addition to these services, wetlands contribute to the scenic quality of an area.

Wetlands have been viewed in the past as areas with little economic value and have been subjected to filling, draining, and dumping with little regard for the consequences. In recent times, however, science has shown that wetlands serve a purpose in maintaining and improving environmental quality by performing the services mentioned above. In addition, wetlands are critical to bird migration in providing a rest stop with food, water, and shelter.

Unfragmented Lands

The Town of Mytown has three large expanses of unfragmented lands over 500 acres in area, and several unfragmented tracts over 100 acres. One of the tracts over 500 acres has frontage on the Soucook River and Merrimack River on the southwestern side of Town. The other two

largest areas are located on opposite sides of Cross Country Road in north Mytown, encompassing many of Mytown's conservation lands. The Town of Mytown has the third largest population in the Central New Hampshire Region, after Concord and Bow, but Mytown is also the third smallest town in land area in the Central New Hampshire Region. Development in Mytown has occurred primarily in the southwestern portion of the town, while the northeastern portion has remained virtually untouched, allowing for large expanses of undeveloped land. The unfragmented lands are shown on the **Unfragmented Lands Map (Map 3)** of this plan.

Unfragmented lands provide wildlife habitat which is undisturbed by development. Mytown's unfragmented areas are undoubtedly host to many species of plants and animals, some of which are threatened or endangered species. Rare species such as bald eagles, spotted turtles, Blanding's turtle, the Eastern Hognose snake, the pine barrens Zanclognatha moth, wild lupine, golden heather, and pitch pine and scrub oak barrens have been reported in Mytown, according to the January 2001 New Hampshire Natural Heritage Inventory.

The unfragmented lands are also historical asset to the community. The range roads contained in some of the unfragmented tracts were laid out when the town was first settled. Some old foundations can still be found along the range roads, where small settlements were established at one time in Mytown's early years.

CURRENT USE

<insert your Region's current use statistics in these tables>

According to New Hampshire RSA 79 (Current Use Taxation), the public interest is served by the preservation of open space and the maintenance of an "attractive outdoor environment". The preservation of open space is encouraged by taxing land in open space at a rate lower than land that is built up. Many landowners have taken advantage of the tax savings by placing their land in current use, thereby conserving the land for wildlife habitat or agriculture.

Current use comes with a caveat: a landowner whose land is currently in current use status can develop his land at any time. As more of his land is subdivided and developed, each portion is removed from the Current Use status. For each parcel that comes out of Current Use, the landowner pays a penalty equal to 10% of the assessed market value after development. Therefore, current use does not permanently protect land but provides an economic incentive to not disturb or develop the land. **Table 1** shows the status of current use lands in the Central New Hampshire Region as of December 31, 1998. **Table 2** shows the percentage of land in the communities and the Region in current use.

Table 1 shows that there is a great deal of land in the Region in current use. Over 450 mi² of forestland, farmland, and wetlands have been put into current use status to realize the tax savings. To help with conservation efforts, eleven communities in the Region have elected to provide a portion of the Land Use Change Tax to the Conservation Commission in a Conservation Fund. This fund provides some of the money necessary to acquire conservation lands in the Town.

Table 1
1998 Current use acreage for communities in the Central New Hampshire Region

	Farmland (ac)	Forestland (ac)	Unproductive Land (ac)	Wetlands (ac)	Total (ac)	Conservation Fund?	% into Conservation Fund	Cap?
Allenstown	166.31	1597.77	1.00	811.56	2576.64	No	--	--
Boscawen	1581.85	7985.10	71.50	674.03	10312.48	Yes	50%	\$10,000
Bow	264.02	4394.62	651.05	413.99	5723.68	Yes	100%	No
Bradford	562.74	13129.00	0.00	0.00	13691.74	Yes	50%	No
Canterbury	1694.61	16814.01	191.60	1158.91	19859.13	Yes	100%	No
Chichester	933.15	6035.37	17.60	399.68	7385.80	No	--	--
Concord	3076.40	16179.56	0.00	113.76	19369.72	Yes	25%	No
Deering	743.95	12836.56	222.98	785.21	14588.70	Yes	50%	No
Dunbarton	842.81	8567.09	430.81	116.67	9957.38	Yes	50%	No
Epsom	1614.66	12236.96	156.00	393.53	14401.15	No	--	--
Henniker	1405.00	14032.00	0.00	614.00	16051.00	No	--	--
Hillsborough	888.50	14425.04	1198.37	199.09	16711.00	No	--	--
Hopkinton	2006.90	12271.88	3.00	1538.05	15819.83	Yes	35%	No
Loudon	2270.00	13202.00	999.00	1133.00	17604.00	No	--	--
Pembroke	1093.51	7848.38	150.29	0.00	9092.18	No	--	--
Pittsfield	1324.25	7752.61	266.78	360.74	9704.38	No	--	--
Salisbury	944.00	15583.00	146.00	424.00	17097.00	No	--	--
Sutton	577.36	17168.70	39.44	768.63	18554.13	Yes	25%	No
Warner	730.80	20498.61	1112.67	82.00	22424.08	No	--	--
Webster	655.00	10052.16	78.56	497.35	11283.07	No	--	--
CNHRPC Total	23375.82	232610.42	5736.65	10484.20	272207.09			

Source: New Hampshire Department of Revenue Administration 1998 Current Use Report: Acreages, Percentages, and Other Stats.

From **Table 2**, we see that the amount of land in current use varies from town to town. The highest percentage of land in current use is in Deering, at 71.9% of its 20,288 acres. The town with the lowest percentage of land in current use is Allenstown at 19.5% of its total area, primarily because Bear Brook State Park comprises over half the land acreage.

Table 2

1998 Percentage of acreage in current use in each community in the Central Region.

	Total acres in Current Use	Total Town Acreage	% of Acreage in Current Use
Allenstown	2,566.73	13,184.00	19.5%
Boscawen	10,312.48	16,256.00	63.4%
Bow	5,723.68	19,264.00	29.7%
Bradford	13,692.07	22,784.00	60.1%
Canterbury	19,859.13	29,672.00	66.9%
Chichester	7,385.80	13,568.00	54.4%
Concord	20,369.72	41,920.00	48.6%
Deering	14,588.70	20,288.00	71.9%
Dunbarton	9,957.38	20,416.00	48.8%
Epsom	14,401.15	21,696.00	66.4%
Henniker	16,051.00	28,352.00	56.6%
Hillsborough	16,711.00	28,288.00	59.1%
Hopkinton	15,819.83	28,416.00	55.7%
Loudon	17,604.00	29,696.00	59.3%
Pembroke	9,092.18	14,528.00	62.6%
Pittsfield	9,704.38	15,488.00	62.7%
Salisbury	17,097.00	25,344.00	67.5%
Sutton	18,554.13	27,456.00	67.6%
Warner	22,424.08	35,392.00	63.4%
Webster	11,431.43	18,048.00	63.3%
CNHRPC Total	273,345.87	470,056.00	58.2%

Source: New Hampshire Department of Revenue Administration 1998 Current Use Report: Acreages, Percentages, and Other Stats.

OPEN SPACE VS. DEVELOPMENT

In recent years, there has been tremendous residential development pressure in the Third Range Road, Robinson Road, and Route 3 corridor areas, as well as along the area along the Chichester border. In addition, there has been pressure from the Town to build a larger commercial tax base.

In most municipalities in New Hampshire, there is barely money available to do what is needed to be done, let alone to do all the extras that their residents would like to see done. To realize a greater income, some communities set out on a course of economic development that usually includes new commercial and residential development in order to increase the tax base. However, the problem with such rapid expansion as this is that the community’s unique characteristics, which probably drew people there in the first place, are being compromised. In addition, the taxes collected from the new development are often less than what the town spends on community services such as fire and police protection and new schools for the new, young families moving in.³ As alluded to before, commercial development is not as costly in services to the community but the following residential development brings more expenses than the revenues taken in.

OPEN SPACE AND RECREATION

Because of costs, few developers would prefer to build in areas that would require terrain modifications. Instead, a developer would opt to build in soils that can readily accommodate effortless construction. These soils are most often found in floodplains or in forestlands. Unfortunately, there are often other land uses on these soils that conflict with development; namely, working farms in the floodplains and forests in the remainder of the developable areas. These are also the features that contribute to a community's uniqueness. Removing or destroying them changes that little piece of the community forever.

From 1980 to 1990, New Hampshire's population was growing at a rate of about 20,000 people per year as the total population grew from approximately 900,000 to 1,000,000.¹ A soaring economy in the mid-1980s helped to push the population growth rate to the highest the state has ever seen. The change in land use from the early 1980s to the early 1990s has been dramatic. **Table 3** illustrates how New Hampshire's open areas (out of statewide area of approximately six million acres) have been converted to developed areas within that period.

Table 3
Land use change in New Hampshire from 1982 to 1992.

Year	Crop Land (acres)	Pasture Land (acres)	Forest Land* (acres)	Developed Land (acres)
1982	157,800	124,500	4,085,900	411,400
1992	141,500	98,300	3,932,100	563,200
Change in Acres, 1982-1992	-16,300	-26,200	-153,800	151,800
Percent Change, 1982-1992	-10.3%	-21.0%	-3.8%	36.9%

* Non-federal forest land.

Source: *New Hampshire's Changing Landscape*, Society for the Protection of New Hampshire Forests & The Nature Conservancy 1999.

Although the data are somewhat dated, the numbers indicate some significant trends. In the time period from 1982 to 1992, New Hampshire lost over twenty-five square miles of cropland, the most productive soils in the State. The total acreage of land in farms in 1997 (415,031 acres) and the average size of farms (141 acres) have both declined from the 1982 levels (469,582 acres and 170 acres, respectively), even though the number of farms actually increased (2,757 in 1982 to 2,937 in 1997) over the same period.¹³ Over forty square miles of pastureland were lost to development from 1982 to 1992. And, New Hampshire lost over 240 square miles of forestland in the decade from 1982 to 1992, which would have been prime habitat for plants and animals.

The late 1980s were considered to be the period of highest growth in New Hampshire while the early 1990s were characterized by the recession, therefore slowing growth to their lowest levels in the time period indicated by **Table 4**. Growth rates in the late 1990s and early 2000s are considered to be similar to those of the late 1980s.

A method of quantifying how much a community's open spaces are worth was developed by the American Farmland Trust and used by the University of New Hampshire Cooperative Extension to find the Cost of Community Services that results from the development of land in four towns in southern and central New Hampshire. Each of the four towns, Stratham,

Fremont, Dover, and Deerfield, experienced population growth in the period from 1983 to 1993. In the same period, each town spent more on community services to residential areas than was taken in from taxes, in some cases by as much as 15%. Open space, on the other hand, takes in fewer taxes than residential areas but requires fewer community services. In each town, open space required less than the taxes it brought in to maintain; in one case, it brought in almost three times more than the town spent on maintaining it.³

While open space may not necessarily bring in large amounts of tax revenue to a community, it will be a net asset when the cost of providing services to new developments is factored into the equation. In other words, open space pays its own way. Each community in the Central New Hampshire Region should assess their fiscal situation when deciding whether to encourage development of open land.

CNHRPC REGION POPULATION AND DEVELOPMENT TRENDS IN THE 1990s

<insert your Region's/Mytown's population trends in these tables>

In 1950, New Hampshire's population was approximately 500,000. By 1990, the population more than doubled to over 1,000,000 (*Table 5*). By 2020, the population is projected to reach 1.5 million, or three times greater than the 1950 population, in just seventy years.¹ In the Central New Hampshire Planning Region, the population has grown by an average of 206% since 1950.¹ The Region's population is expected to increase by an additional 19% by 2020.¹ *Figure 1* illustrates the Region's population growth throughout the 1900s and projects the amount of growth in early the 2000s. New Hampshire is experiencing exponential growth the likes of which have never been seen in its history. The rising population needs a place to call home, and more and more families are choosing to build single-family homes in the suburbs of our larger towns. This process has contributed to sprawl, fragmented our open spaces, and placed human well being and wildlife habitat in danger of deterioration. Mytown is literally right in the middle of all this population growth and development-- Kimball's Store on Route 3 is the population centroid of the State of New Hampshire, according to the 2000 Census.

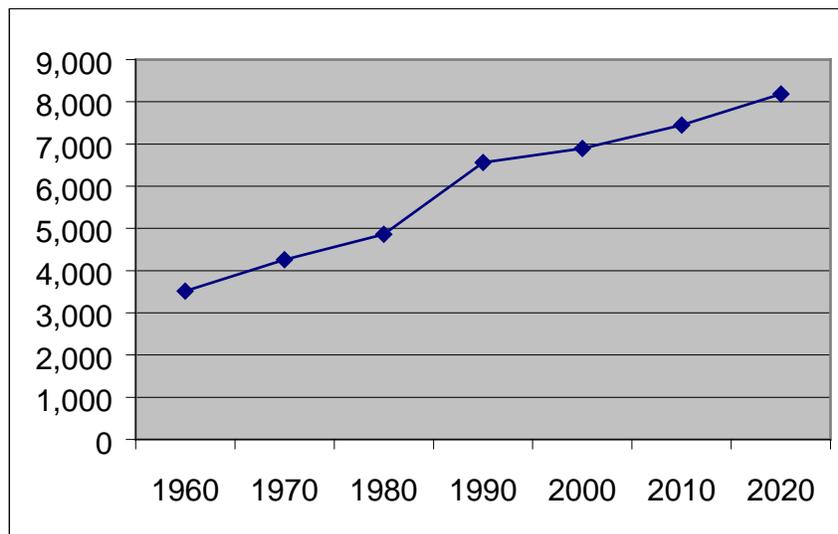
Since 1990, 3285 residential, 61 commercial, and 20 industrial structures have been erected in the Central New Hampshire Region.¹⁵ This represents an 8.3% increase in housing structures (single family, multifamily, and mobile homes) since the beginning of the decade (39,775 in 1990). Based on local zoning specifications that determine minimum lot size, an additional 5470 acres are estimated to have been developed into homes, businesses, or manufacturing establishments in the period from 1990 to spring 1999.

Table 5
Population trends of the communities in the Central New Hampshire Region

	Population					Percent Change		
	1960	1970	1980	1990	2000	1960-2000	1960-1990	1990-2000
Allenstown	1,789	2,732	4,398	4,649	4,843	171%	160%	4%
Boscawen	2,181	3,162	3,435	3,586	3,672	68%	64%	2%
Bow	1,340	2,479	4,015	5,500	7,138	433%	310%	30%
Bradford	508	679	1,115	1,405	1,454	186%	177%	3%
Canterbury	674	895	1,410	1,687	1,979	194%	150%	17%
Chichester	821	1,083	1,492	1,942	2,236	172%	137%	15%
Concord	28,991	30,022	30,400	36,006	40,687	40%	24%	13%
Deering	345	578	1,041	1,707	1,875	443%	395%	10%
Dunbarton	632	825	1,174	1,759	2,226	252%	178%	27%
Epsom	1,002	1,469	2,743	3,591	4,021	301%	258%	12%
Henniker	1,636	2,348	3,246	4,151	4,433	171%	154%	7%
Hillsborough	2,310	2,775	3,437	4,498	4,928	113%	95%	10%
Hopkinton	2,225	3,007	3,861	4,806	5,399	143%	116%	12%
Loudon	1,194	1,707	2,454	4,114	4,481	275%	245%	9%
Pembroke	3,514	4,261	4,861	6,561	6,897	96%	87%	5%
Pittsfield	2,419	2,517	2,889	3,701	3,931	63%	53%	6%
Salisbury	415	589	781	1,061	1,137	174%	156%	7%
Sutton	487	642	1,091	1,457	1,544	217%	199%	6%
Warner	1,004	1,441	1,963	2,250	2,760	175%	124%	23%
Webster	457	680	1,095	1,405	1,579	246%	207%	12%
CNHRPC Total	53,944	63,891	76,901	95,836	107,220	99%	78%	12%
New Hampshire	606,921	737,681	920,610	1,109,252	1,235,786	104%	83%	11%

Source: US Census Bureau 1960-2000 Census

Figure 1
Population change in Mytown since 1960 and projected population to the year 2020.



Source: 1960-2000 US Census
2010-2020 figures from NH Office of State Planning Population Projections

SUMMARY

Open space can be thought of as a resource that does not affect our everyday decision-making but are important to us in more subtle ways. They are important to our health and well being and to our economy. The forest products industry and numerous entrepreneurs make a living from open spaces in the Region. Agriculture thrives in the Region, as evidenced by the number of apple orchards and vegetable farms in the communities. Some dairy farms still remain in the Region. In addition to the human benefits, open spaces are critical for the survival of the wildlife that makes the Central New Hampshire Region unique.

Open spaces perform the functions that are taken for granted by most people. They filter toxins out of the air and water and help keep our waterways clean and flowing smoothly. They provide a place for humans to go to seek out quietness and recreation.

Unfortunately, open spaces are being pressured by development, especially in the southern reaches of the Region. The Region has grown in population by over six percent in the 1990s and over 3,200 new houses have been constructed in this time period. Some of our most valuable forest and agricultural lands are now home to residential subdivisions and commercial districts. Growth in the Region is desirable, because it brings in new ideas and manpower to work on these ideas. Unmanaged growth is not desirable, because it compromises the areas that mean a great deal to us.

Some of the points this chapter has highlighted are the following:

- ❖ Open spaces provide habitat to plants and animals that may directly benefit humans at some point in the future;
- ❖ Open spaces provide for pollution control and therefore relieve us of building expensive technological equivalents;
- ❖ Open spaces give humans a place to relax and exercise, thereby increasing personal health, societal health, and workplace productivity;
- ❖ Open spaces give humans a place to go to experience the State's natural areas;
- ❖ Open spaces provide a place to participate in such sports as hunting, fishing, and snowmobiling;
- ❖ Open spaces bring revenue into the State when people come to New Hampshire to experience the State's natural beauty;
- ❖ Open spaces cost less to maintain than residential housing developments do;
- ❖ Current use is helping to keep land undeveloped, but it is only a temporary solution; and
- ❖ Open spaces are rapidly disappearing in the Central New Hampshire Region.

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III. INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

The first step to any plan is to identify the existing conditions of the study area. By giving a detailed listing of parcel information as well as a description of the property or right-of-way, it becomes easier to determine what the next steps will be for enhancements, landowner agreements, or determination of appropriate trail usage. Many properties have characteristics

Special attention should be given to any *Public Uses* listing in this Plan as the majority of the parcels listed as having potential for a trail or are currently being used as a trail are privately owned.

that are better suited for certain types of trails usage; for example, trails along a riverbank or waterbody are generally not suited for motorized use, nor are trails susceptible to erosion. Also, landowners that have given permission for one use, such as winter snowmobiling, may not be willing to allow summer hikers to cross their land. Throughout the Plan, it is imperative to remember that almost all land is privately owned and needs to be respected as such regardless of its being listed in this Plan.

This section is dedicated to the inventorying of the official conservation land easements, other public land owned by the Town of Mytown, land owned by private public service companies, Class VI roadways, railroad rights-of-way, and powerline easements. Although some charts will change slightly due to the information being collected, *Map* and *Lot* number are always indicated as well as the *Acreage*. A blank cell indicates that a potential discrepancy exists between the tax map and the assessor's index, while a "n/a" listing is an abbreviation of "not applicable" because the parcel is tax-exempt. As a matter of public record, this same information and additional information can be found in the Mytown Town Hall.

CONSERVATION LAND EASEMENTS AND PERMANENTLY PROTECTED LANDS

Property ownership is a combination of privileges that allows a landowner to exercise certain rights. Conservation easements are restrictions that landowners voluntarily place upon their property that legally bind the present and future owners of that property, restricting their ability to use some of those rights in order to protect the natural features of the land. Many public agencies and private organizations make these permanent agreements with landowners and oversee their compliance. All of the public and conservation lands are located on the **Public Lands, Easements, and Rights-of-Way Map**.

- This Section
- ◆ Conservation Easements
 - ◆ Town-Owned Conservation Parcels
 - ◆ Other Owned Conservation Parcels

This section also contains those lands which are not permanently protected from development but which serve as Town forests or have potential for future preservation.

Conservation Easements

Easements permanently protect the land from development. While the spirit of a conservation easement suggests that the land is open to the public for use, each conservation easement deed is uniquely tailored to suit the needs and desires of the landowner. Therefore, many conservation easements may or may not allow public access. Particular attention should be paid to the *Public Uses* column before any assumption is made as to usage by the general public. Where there is any doubt about the ability of the public to use a parcel of land, the landowner or easement holder should be contacted for clarification.

[<list each conservation easement in Mytown:>](#)

Example Conservation Easement

<description of parcel(s)>

Name	Map #	Lot #	Acres	Management	Public Uses
Example Conservation Easement	999	1	10.0	SPNHF	hiking, biking

Town-Owned Conservation Parcels

The Town owns several permanent conservation parcels, including those turned over to the Conservation Commission for management or Town Forests. The Town-Owned Conservation Parcels category is an important piece of the open space puzzle because the undeveloped lots generally allow public use of the land for certain purposes.

[<list each Town-owned protected parcels in Mytown:>](#)

Example Town Forest

<description of parcel(s)>

Name	Map #	Lot #	Acres	Management	Public Uses
Example Town Forest	999	2	20.5	Town of Mytown	hiking, biking

Other Owned Conservation Parcels

This category is reserved to list conservation lands owned by the State (such as a State Forest) or by a land trust (such as a conservancy). These parcels are permanently protected from development and are enforced by an agency other than the Town of Mytown. The public is allowed to use these parcels for certain purposes.

[<list each other-owned protected parcels in Mytown:>](#)

Example State Forest

<description of parcel(s)>

Name	Map #	Lot #	Acres	Management	Public Uses
Example State Forest	999	2	20.5	NH DRED	hiking, biking

PUBLIC OR PRIVATE PARCELS FOR POTENTIAL PUBLIC USE

A significant number of acres within the Town are either owned publicly by the Town itself, by the State, by private companies that provide types of public services to the Town, or by private organizations. The large blocks of undeveloped land are essential to the rural character of Mytown. The Town-owned parcels in particular are important to document because of the relative ease of using the properties in a conservation- or recreation-related manner.

<p><u>This Section</u></p> <ul style="list-style-type: none"> ◆ Utility Parcels ◆ Other Private Parcels ◆ Local, State, and Federal Public Parcels

Utility Parcels

Land owned or managed by private companies providing a public service to the Town can serve a unique purpose. Mutually beneficial agreements can be forged between these companies and the Town: the Town gets to place a trail on the land and the utility company gets to publicize its community service to the Town. In addition, such land is also valuable from an open space standpoint because of its relative permanence and minimal development.

[<list each utility-owned parcel in Mytown:>](#)

Example Utility Parcel

<description of parcel(s)>

Name	Map #	Lot #	Acres	Management	Public Uses
Example Utility Parcel	999	3	1.0	Utility Company	none

Other Private Parcels

Other landowners that own large, contiguous portions of a Town can potentially be approached for the use of their land for certain recreational purposes. Here, private organizations are targeted as opposed to private individual landowners because of the mutual benefit possible, and the practicality for such an arrangement.

[<list each private parcel in Mytown that could be incorporated:>](#)

Example Private Parcel

<description of parcel(s)>

Name	Map #	Lot #	Acres	Management	Public Uses
Example Private Parcel	999	4	25.0	Private	List, if any

INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

Local, State, and Federal Public Parcels

Land that the Town of Mytown, the State of New Hampshire, and the United States government own but which are not officially conservation lands are listed here, identified by the Town's Tax Assessor's index.

[<list each town-owned parcel in Mytown:>](#)

Example Town Parcel

<description of parcel(s)>

Name	Map #	Lot #	Acres	Management	Public Uses
Example Town Parcel	999	6	2.00	Town of Mytown	general use

[<list each state-owned parcel in Mytown:>](#)

Example State Parcel

<description of parcel(s)>

Name	Map #	Lot #	Acres	Management	Public Uses
Example State Parcel	999	7	2.00	NH Fish and Game	general use

[<list each federally-owned parcel in Mytown:>](#)

Example Federal Parcel

<description of parcel(s)>

Name	Map #	Lot #	Acres	Management	Public Uses
Example Federal Parcel	999	8	2.00	Army Corps of Engineers	general use

[<list other State-owned parcels in Mytown:>](#)

Other State-Owned Parcels

This category is reserved for those parcels which are owned by the State but are not necessarily accessible to the public for general use. Although the tax index does not identify the State agency in charge of each parcel, the *Management* and *Public Uses* are assumed:

Name	Map #	Lot #	Acres	Management	Public Uses
State of NH Parcel	999	9	4.04	Fish and Game	unknown
State of NH Parcel	999	10	0.72	State of NH	unknown

[<list other Town-owned parcel in Mytown:>](#)

Other Town-Owned Parcels

The Town itself owns many parcels of various sizes that have been acquired through different means. The tax-deeded parcels should not be considered permanent Town lands unless they are officially dedicated as such for conservation or other Town purposes. Except for those parcels

which serve a public purpose, only those town-owned lots over two acres were listed. In addition, several were previously mentioned and are not listed here:

Name	Map #	Lot #	Acres	Location	Public Uses
Town of Mytown Parcel	999	11	0.41	865 Mytown Rd	Boat Ramp
Town of Mytown Parcel	999	12	2.5	814 Mytown Rd	Recreational field
Mytown High School	999	13	42.00	209 Mytown Rd	High School
Mytown Elementary School	999	14	41.00	300 Mytown Dr	Elem. School

RIGHTS-OF-WAY PARCELS

Rights-of-way are defined as those strips of land acquired by reservation or dedication to be occupied by a road, crosswalk, railroad, electric transmission line, water line, or other similar uses. The right of a person or representatives of an entity to cross over the property of another is granted. For the purposes of this Plan, the types of rights-of-way which will be examined will be those of railroad, Class VI unmaintained Town roads, and powerline easements because they are more conducive to encouraging trails activities.

- This Section
- ◆ Former Railroad Rights-of-Way
 - ◆ Class VI Roads
 - ◆ Scenic, Discontinued, or Abandoned Roads
 - ◆ Private Roads
 - ◆ Utility Corridor Easements

Parcels are identified by Map and Lot number, with a listing of the Acreage of the property. In addition, the Town tax records indicate if the parcel is in Current Use and if a Building is located on the property. Examining these particular features of a parcel make it easier to identify if the land is more apt to be utilized as a trail, or if applicable (such as powerline easements, where only the utility company is officially granted access), if a landowner is more likely to grant additional access to his or her property. A "n/a" listing indicates that the parcel is tax-exempt. When identifying who is responsible for Management, the intent is to note who has agreed to take responsibility for overseeing the maintenance of the right-of-way. In the case of Class VI Roads, the right-of-way is Town owned, but is not maintained by the Town. Close attention should be paid the Public Uses of any parcel listed in this section, as some rights-of-way are inherently open to the public while others are not.

<<describe former railroad rights-of-way>>

Former Railroad Rights-of-Way

In the mid-1850's, the industrial age was beginning to take shape throughout the country with the advent of the railroad. New Hampshire was home to 1,200 miles of newly-constructed railroad track by the mid-1880's. Not only did the arrival of the train era bring the ability to export local timber resources and textiles, it also allowed for the convenient moving of people. After a 1905 state law was passed that established a state highway system, plus the arrival of and popularity of motor cars, our dependency on the railroads within New Hampshire diminished. Many were abandoned or dismantled; the State claimed some of the former rights-of-way and so did abutting landowners.

INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

Former railroad rights-of-way offer tremendous recreational potential. They are typically flat, hard-packed, straight beds, with the ties removed, that run continuously for miles. The Suncook Valley Railroad once ran through Mytown along the Merrimack River and across the Suncook River into Allenstown. Most of the former railroad right-of-way now is a PSNH powerline corridor, and the rest has been converted into private lots.

For the purposes of this Plan, the former railroad rights-of-way are listed on a parcel-by-parcel basis for the existing segments of bed. The trails identified in this section are referenced by a circled number that correlates to the **Existing Trail System Map** found at the back of this Plan. The parcel information was obtained by referring to the approximate location of the former railroad right-of-way on the Town's tax maps. Despite the questions of ownership of the rights-of-way, the parcels are privately owned and should be duly respected.

[<list each railroad ROW in Mytown:>](#)

Example Former Railroad Right-of-Way Segment

1

<description of ROW and parcel(s)>

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Former RR Right-of-Way: Example	999	15	19.85	Y	Y	private	none

Class VI Roads

Municipal highways become known as Class VI roads if they are unmaintained for five or more years; or if they are voted as "discontinued subject to gates and bars" at Town Meeting; or, less commonly, if a strip of land which was not previously a roadway, is "laid out" subject to gates and bars under an old law. Regardless of how a road became Class VI, the Town is not under obligation to maintain it. Class VI roads "discontinued subject to gates and bars" at Town meeting (meaning the public still has the right-of-way) are different from roads that have been voted at Town Meeting as "discontinued" (meaning that the roadway is permanently no longer a public right-of-way).

Typically, Class VI roads are public rights-of-way that are used for recreational purposes, for through-travel, for driveway access, and for other uses such as agricultural and forestry activities. The Town is not liable for damages or injuries incurred while traveling on a Class VI road (RSA 231:93). In addition, the owners of the properties abutting the Class VI road are not liable for damages or injuries sustained to users of the road, although they may choose to maintain the road for access to their property. A Class VI right-of-way is one of the best types of rights-of-way to consider for a recreational trail system: there are no inherent liability concerns, the pathway has been established, and public access is allowed.

The parcels in this section are so listed because of the inherent interest an abutter has to a Class VI road (vehicular access to property, privacy, particular concerns, etc). The *Management* column in this section lists "n/a" because private landowners are responsible for their own property. Although the Class VI road rights-of-way belong to the Town, they are not

maintained by the Town, or "enforced" by them. The Public Uses listed in this section refer to the uses of the *right-of-way*, not to any private parcel that is listed here.

For the purposes of this Plan, it is assumed that the Class VI roads listed in this section are public rights-of-way that have not been discontinued or are not private roads. Extensive research of Town Meeting records would need to be undertaken to verify this assumption.

[<list each Class VI road in Mytown:>](#)

Example Class VI Road

<description of road and parcel(s)>

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Class VI ROW: Example Road	999	16	81.4	Y	N	n/a	general public use

Scenic, Discontinued, and Abandoned Roads

Other types of roads also can provide a pleasant recreational experience. Scenic roads are those which have been officially designated as such at Town Meeting. Typically, what clearing or development-type activities that occur along the sides of scenic roads are limited in the zoning ordinance, such as not allowing the removal of stone walls, or specifying how many trees can be cut in any given section. Fully discontinued roads are roads that were voted at Town Meeting to revert to the abutting landowners, in effect becoming private roads. These are the roads that we will focus on in this Plan. A different category of discontinued roads exist, where the road is voted at Town Meeting as "discontinued subject to gates and bars", essentially becoming a Class VI road to which the public still has access. Since the road is Class VI, this type of road was been addressed in the previous section and will not be discussed here. Abandoned roads are those public roads which have fallen into disuse and that the Town have neglected to maintain, thus becoming Class VI by default. Technically, abandoned roads are still Town roads and the public has the right to pass, but since they have lain dormant for so long, approval by the abutting landowners should be obtained before using abandoned roads for recreational or other purposes.

The following is a partial list of those roads the Trails Steering Committee thought were scenic, abandoned, and discontinued. It is important to note that of the three different types of roads in this section, only scenic roads allow true public access. For consideration of an open space trail network, scenic, discontinued, and abandoned roads have the potential to serve as linkages. The Trails Steering Committee is inventorying the assets of the Town to the best of their ability and strongly recommends that further research be conducted into the statuses of all of the roads listed below. Where there is any question as to usage, abutting landowners should be contacted for permission.

[<list each scenic, abandoned, or discontinued road in Mytown:>](#)

Example Scenic Road

<description of scenic road>

INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

Example Abandoned Road

<description of abandoned road>

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Abandoned Road: Example Road	999	17	25.9	Y	N	private	none

Example Discontinued Road

<description of road>

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Discontinued Road: Example Road	999	18	3.1	N	Y	private	none

Private Roads

There are many private roads in Town that, pending permission from the landowners, may be incorporated into the trail design. [<list private roads that may be used>](#) Some private roads are currently used as driveways. Before any individual uses a private road, the landowner(s) must be contacted for permission because they are private property.

Utility Corridor Easements

Utility easements are granted by private property owners to allow the placement of transmission lines across their property and to grant access for maintenance of those lines. The easements are recorded in the Registry of Deeds. Individuals are currently using some of these utility corridors for recreation, but landowner permission may not have been granted for such use by private citizens. Landowner permission should be obtained before any recreational users take advantage of these corridors. Utility easements are listed in this Plan because of their natural tendency, with wide, clear, and long avenues of travel, to become trails. Those columns which have neither a *Current Use* nor a *Building* listing, but which are marked by a "n/a", indicate the parcel is tax-exempt.

Although utility easements are considered rights-of-way, the right-of-way has not been granted to the public unlike other types of rights-of-way. There are several utility line corridors within Mytown.

[<list each utility easement corridor parcel in Mytown:>](#)

Example Public Service of NH Powerline Easement Corridor

2

<describe powerline easement corridor>

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
PSNH Easement: Example	999	20	8	N	N	PSNH	none - utility maintenance only

INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

Example Gas Line Easement Corridor
 <describe gas line easement corridor>

3

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Gas Line Easement: Example	999	21	1.4	N	N	PSNH	none - utility maintenance only

Example Water Line Easement Corridor
 <describe water line easement corridor>

4

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Water Line Easement: Example	999	21	1.4	N	N	PSNH	none - utility maintenance only



IV. INVENTORY OF EXISTING TRAILS

Two types of trails are being identified for this Plan: non-motorized and motorized. The trails listed in this chapter are being separated into one of these two groups for functional as well as organizational purposes. By inventorying both motorized and non-motorized trails, it can be determined if enough opportunities have been made available to both types of users. Although none of the non-motorized trails listed in this section have been officially designated at Town Meeting as Class A or B non-motorized trails, they are listed because the majority of these trails are readily used by the public for this type of recreational use. Some private trails require permission of the landowner before use. It is also known that there are several private trails within the Town that are not listed in the **NON-MOTORIZED TRAILS** section because landowners have not been contacted, or they have specifically requested that their trails not be listed. Techniques for talking with landowners and establishing trails, both non-motorized and motorized, are listed in the **IMPLEMENTATION MEASURES** chapter.

The trails identified in this section are referenced by a circled 0 number, which correlates to the **Existing Trail System Map** found at the back of this Plan. A summary chart entitled **Summary of Existing Trails and Rights-of-Way** is found at the end of this chapter. This chart is meant to provide, at a glance, the *Public Uses* for each trail and if each landowner has granted permission for using the trail on his or her property.

NON-MOTORIZED TRAILS

Non-motorized trails are those which are designed for pedestrian, cycling, or equestrian use during the warm months as well as cross-country skiing, snowshoeing, and dog-sledding during the winter. Mytown has a group of avid equestrians who readily allow non-motorized public access to their property with permission.

Future editions of this Plan may include additional non-motorized trails. In preparation for this, a *Public Uses* column will note the restrictions of trails by the landowners. Note that some of the trails listed in the non-motorized section may be private trails where landowner permission has not been acquired for public use of these trails. They will be listed in the Plan with the intent to attempt, in the future, to acquire landowner permission for use of these trails.

<u>Non-Motorized Winter Trail Uses:</u> cross-country skiing snowshoeing dog-sledding horse driving (carriage / sled)
<u>Non-Motorized Summer Trail Uses:</u> walking / hiking mountain biking horseback riding roller-blading / skateboarding - (where permitted by municipal ordinance)

[<list each public or private trail here, indicating that they were GPS'd if necessary>](#)

Public Trail –Example Public Trail



<description of trail>

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Public Trail: Example Public Trail	555	11	20	N	N	Town of Mytown	non-motorized use

Private Trail- Example Private Trail



<description of trail>

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Private Trail: Example Private Trail	555	22	15	Y	N	private	none

MOTORIZED TRAILS

Motorized trails are typically considered those suitable for all-terrain vehicle (ATV), four wheel-drive vehicle (4WD), snowmobile, or motorbike usage. Often times, motorized trails are posted to accommodate one or more of the different types of vehicles and not all of the types; also, not all motorized trails are suitable for non-motorized use because of the potential danger of multiple uses or by landowner agreement. The *Public Uses* states the uses of the trail permitted by private landowners; all other uses require explicit permission by the landowners. When discussing existing trails, one or more groups holds the responsibility for maintaining these trails across private (or public) property. This group is identified in the *Maintenance* column.

<p><u>Motorized Winter Trail Uses*:</u> ATV'ing snowmobiling</p> <p><u>Motorized Summer Trail Uses*:</u> motorbiking ATV'ing 4WD'ing</p> <p>*pending landowner permission</p>

Many of the recognized motorized trails within the Town are snowmobile trails organized and maintained by the <local> Snowmobile Club. Permission has been obtained from all landowners for winter snowmobile usage. For identification purposes, these trails are examined in segments between roadways.

<local> Snowmobile Club

Mytown's local trail group has done extensive trails work within the Town. Members contacted landowners about allowing access to their property and obtained the necessary agreements, constructed the trails with volunteer labor, and maintain the trails during the summer and winter months.

Because the Club has created and maintained these trails, noted below, the utmost respect should be given to the *Public Uses* of the trails.

The parcels listed below each trail segment were taken from the tax maps based upon the approximate location of the snowmobile trails. The Snowmobile Club has not verified whether or not these parcels are the exact ones for which they have signed landowners' permissions for winter snowmobile usage. The *Maintenance* column indicates who has taken responsibility for

INVENTORY OF EXISTING TRAILS

the maintenance and signage of the trail. Blank cells usually indicate discrepancies between the tax maps and the assessor's index. Because of their owners' inherent interest in an unmaintained roadway, Class VI abutting parcels have also been listed.

[<list all snowmobile trail segments here>](#)

Snowmobile Trail Segment: Example

14

<description of trail>

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Maintenance	Public Uses
Snowmobile Trail Seg: Example	555	33	14.2	Y	Y	Local Snowmobile Club Name	winter use only

SUMMARY OF EXISTING TRAILS AND RIGHTS-OF-WAY

This graphical summary provides a snapshot of the previous two chapters and can be used as a guide to the **Existing Trail System Map**. The *Management* column indicates who has taken responsibility for the maintenance and/or security of the trail or right-of-way. This summary chart does not endorse the use of any of the listed trails or rights-of-way; instead it is a compilation of the known trails within Town that may be conducive to public use with proper landowner permission (see *Landowner Permission Obtained* column). Careful consideration should be given as to whether or not a landowner has given permission for use of their land before attempting to use a trail.

[<list all existing trails and rights -of-way from previous chapters with appropriate map symbol. The table below contains one Town's existing trails and rights-of-way.>](#)

Existing Trails and Rights-of-Way (ROW)

Name	Map Symbol	Public Uses	Management	Landowner Permission Obtained
Former Railroad ROW: Suncook Valley Railroad	1	none	private	no
Class VI ROW: Beacon Hill Road Segment		general public use	n/a	no
Class VI ROW: Brush Road		general public use	n/a	no
Class VI ROW: Fifth Range Road		general public use	n/a	no
Class VI ROW: Fourth Range Road		general public use	n/a	no
Class VI ROW: Hardy Road		general public use	n/a	no
Class VI ROW: Mytown Hill Road Segment		general public use	n/a	no
Class VI ROW: Seventh Range Road		general public use	n/a	no
Class VI ROW: Sixth Range Road Segments		general public use	n/a	no
Class VI ROW: Third Range Road Segment		general public use	n/a	no
Discontinued Road: Plausawa Hill Road Segment		private	none	no

INVENTORY OF EXISTING TRAILS

PSNH Easement Corridor: Sand Road north to Soucook River	2	none - utility maintenance only	PSNH	no
PSNH Easement Corridor: Sand Road to Allenstown Town Line	3	none - utility maintenance only	PSNH	no
PSNH Easement Corridor: Soucook River east to Sand Road	4	none - utility maintenance only	PSNH	no
PSNH Easement Corridor: Soucook River to Mytown Street	5	none - utility maintenance only	PSNH	no
PSNH Easement Corridor: Whittemore Road along Merrimack River	6	none - utility maintenance only	PSNH	no
Tenneco Gas Line: Soucook River to Suncook River	7	none - utility maintenance only	PSNH	no
Public Trails: Whittemore Town Forest	8	non-motorized uses only	Town of Mytown	contact landowner
Public Trail: Mytown Town Forest- Butterfield Tract	9	non-motorized uses only	Town of Mytown	contact landowner
Public Trail: Bragfield Pond Conservation Area	10	non-motorized uses only	Town of Mytown	contact landowner
Public Trails: White Sands Conservation Area	11	non-motorized uses only	Town of Mytown	contact landowner
Public Trail: Memorial Field Fitness Trail	12	general public use	Town of Mytown	contact landowner
Public Trails: Langmaid Trail	13	non-motorized uses only	Town of Mytown	contact landowner
Private Trail: Off Eley Lane	14	none	private	contact landowner
Private Trails: Third Range Road to Fourth Range Road	15	non-motorized uses only	Town of Mytown	contact landowner
Snowmobile Trail Segment: Along Merrimack River	16	winter use only	NH Trail Dawgs	yes - winter use only
Snowmobile Trail Segment: Epsom Town Line to Third Range Road	17	winter use only	NH Trail Dawgs	yes - winter use only



V. PROPOSED OPEN SPACE TRAIL SYSTEM

<describe Mytown’s existing network and opportunities> Coupled with areas targeted for future protection from development and trail linkages, as recommended in this chapter, an active open space trail system serving to protect and to provide recreational opportunities can become a reality for the residents of the Town.

An examination of the existing trail system has led to a variety of trail types and permitted uses of the trails/rights-of-way. Trails are found on private land and public land; some trails are currently used without permission and some are used with permission; some are maintained and some are overgrown. The Town has an unprecedented opportunity to work with the creator and maintainer of the existing snowmobile trails, the <local> Snowmobile Club, to tie into existing trail networks.

Class VI roads could be considered "pre-existing" trails in a sense and can help form the foundation of an open space trail system. A next step could be to designate an existing trail or right-of-way (such as a Class VI Road) as Class A or B, through a vote of Town Meeting. Although this would officially recognize a trail and gives certain benefits, a designation reduces or eliminates some rights of abutters, and permanently removes the Class VI status of an existing road. See the IMPLEMENTATION MEASURES chapter for more information.

The Proposed Open Space Trail System Map gives a visual representation of where current trails lie as well as proposed linkages to the existing trails. Thirteen specific linkages to trail segments mentioned in the previous section, new trails, or areas to protect from development have been recommended. It is imperative that respect and privacy be given to private landowners and that a cooperative relationship is established between the Town and these landowners. The circled numbers 0 on the following charts and the Proposed Open Space Trail System Map denote existing trails, while the squared letters indicate proposed trail linkages. Cooperative relationships with the landowners of all these parcels should be fostered in order to reach the objectives of this Plan.

- | |
|--|
| <u>This Section:</u> |
| ◆ Railroad Corridor |
| ◆ Powerline Corridor |
| ◆ Conservation and Public Lands |
| ◆ Class VI Roads |
| ◆ Snowmobile Trails |
| ◆ Potential Trails or Trail Linkages on Private Land |
| ◆ Summary of Proposed Open Space Trail System |

The Potential Trail Locations or Connections chart, at the end of this chapter, shows at a glance the new trails recommended in this section. Although specific Recommendations are later identified at the end of the following sections, the General Recommendations are designed to be among the first considered for action by the Town.

General Recommendations of Open Space Trail System Plan

- General Recommendation: Establish a permanent Trails Committee, comprised of various interests within Town, in order to oversee the maintenance of any trails that the Town wants to establish and to begin initiating contact with landowners of existing and proposed trails and easements.
- General Recommendation: Adopt this Open Space Trail System Plan as a sub-element of the Master Plan.
- General Recommendation: Recommend at Town Meeting that a Conservation Land Fund be established to receive 100 percent of the proceeds of the Land Use Change Tax, with no cap.
- General Recommendation: Work with the Trail Dawgs and other area snowmobile clubs to learn how to approach landowners and to enter into a cooperative trail creation and maintenance relationship.
- General Recommendation: Educate the landowners of parcels under current use, particularly owners of those parcels without buildings on them, of the benefits of conservation easements.
- General Recommendation: Pursue appropriate Town-owned parcels as permanent Town Forests or Town Parks through Town Meeting (see **APPENDIX A**).
- General Recommendation: Gain public support by holding a series of public educational sessions about land protection, stewardship, what the Conservation Commission and Trails Committee do, and about this Open Space Trail System Plan. Alternatives include writing a series of news articles, writing and distributing flyers, or holding one-on-one meetings with landowners.
- General Recommendation: Pursue grant funds to help meet the Recommendations of this Plan.
- General Recommendation: Publicize the public trails within Town by publishing a brochure, creating a trail-specific map series, or by holding special events.
- General Recommendation: Amend the Site Plan Review Regulations and Subdivision Regulations (for major subdivisions) to encourage developers to donate easements or land and to require construction of trails on properties near existing or proposed trail networks.
- General Recommendation: Review the Zoning Ordinance and Subdivision and Site Plan Review Regulations on how Recommendations may be implemented by the Town.
- General Recommendation: Designate any trail which the Town wants to promote as a "Town" trail as a Class A or Class B trail (see **IMPLEMENTATION MEASURES**).
- General Recommendation: Recommend to the Board of Selectmen that all Class VI range roads be retained by the Town as public rights-of-way and not returned to abutting landowners.

<these are actual recommendations from several Towns' Open Space Trail System Plans>

FORMER RAILROAD CORRIDOR

The former Suncook Valley Railroad corridor runs parallel to the Merrimack River on the southwest side of Mytown. The corridor has been converted, for the most part, into a 100-foot wide powerline corridor maintained by PSNH, which is used in the winter as a snowmobile trail by the NH Trail Dawgs. The corridor connects the White Sands Conservation Area with Memorial Field.

Recommendations for the Former Railroad Corridor	
1 <numbers/letters correspond with map symbols>	
<u>Recommendation:</u>	Contact PSNH and landowners to acquire permission to use the corridor as a recreational trail which would connect White Sands and Memorial Field in cooperation with the Trail Dawgs snowmobile club.
<u>Recommendation:</u>	Acquire additional riverfront property along the former railroad corridor for public access.

POWERLINE CORRIDORS

The powerline corridor along the Merrimack River is does not contain any powerlines, however, PSNH does have the right to construct powerlines along that corridor if the need arises in the future. Currently, the NH Trail Dawgs snowmobile club uses this right-of-way as part of their trail network in the Town of Mytown. The other powerline corridors are not currently used as recreational trails.

Recommendations for the Powerline Corridors	
2 3 4 5 6	
<u>Recommendation:</u>	Partner with PSNH and the Trail Dawgs for permission to use the powerline corridors as recreational trails.
<u>Recommendation:</u>	Establish a recreational trail connecting to White Sands Conservation Area.
6 	

GAS LINE CORRIDOR

The Tenneco Gas Company has a gas line running from the Soucook River south of Route 3 to the Suncook River south of Memorial Field. Part of this corridor is currently used as a snowmobile trail.

Recommendations for the Tenneco Gas Line Corridor

7

Recommendation: Partner with Tenneco Gas Co. and the Trail Dawgs for permission to use the gas line corridor as a recreational trail.

CONSERVATION AND PUBLIC LANDS

Trails on Conservation and Public Lands

The Town owns several parcels of land, many of which are permanently protected from development. The Town needs to consider what it wants to do with each parcel; some may be more valuable to keep for conservation purposes and others are best suited for resale. In particular, Whittemore Conservation and Recreation Area, Bragfield Pond Conservation Area, White Sands Conservation Area, and the Butterfield Tract could afford the best opportunity for new trails and linkages to existing trails. Memorial Field contains a small, specific trail that will probably not be modified in the coming years and the field's facilities are heavily used by the public.

There are several opportunities to link future trails on land owned by the town to existing private trails for which permission has yet to be obtained for usage (see also **Recommendations of Trails on Private Land**).

Recommendations of Trails on Conservation and Public Lands

8 9 10 11 12

Recommendation: Establish a trail loop connecting the trails in the Bragfield Pond Conservation Area with the trails in the Butterfield Lot.

9 10 I

Recommendation: Establish a recreational trail along the PSNH powerline corridor leading to White Sands Conservation and Recreation Area.

11

Recommendation: Establish a recreational trail connecting White Sands to the snowmobile trail along the gas line corridor.

11 F

Recommendation: Establish a recreational trail beginning at Memorial Field along the Suncook River to Thompson Road.

12 H

US ARMY CORPS OF ENGINEERS LAND

The federal government owns a sizable chunk of contiguous land on the floodplain area of the Contoocook River. Much of this land is available for public use, with pre-existing trails and parks. Some of the land which is accessible by road, such as the gated portions of Bennett Road and Ramsdell Road, suggest a limited public use while gated sections of Old Concord Road encompass vast recreational opportunities. An inventory should be undertaken to determine exactly *where* the public can use the land and *how* the land is to be used.

The Army Corps leases portions of its land to the NH DRED and perhaps to other entities as well. Assuming that many of the public recreation areas fall onto leased land, the lessees should also be contacted to ascertain their willingness to participate in an open space trail system throughout Town. Opportunities exist for several partnerships, where volunteers can be found to monitor and maintain some of the trails on Army Corps land.

Recommendations of US Army Corps of Engineers Land	
	<div style="display: flex; justify-content: center; gap: 10px;"> 1 2 3 5 9 14 15 16 17 18 F </div>
<u>Recommendation:</u>	Work with the Army Corps to raise public awareness of recreational trails and parks, and offer to help maintain some of the existing trails by becoming "trails stewards".
<u>Recommendation:</u>	Obtain a detailed map which depicts all of the viable trails in the Reservoir area and all of the public access points/parks. Obtain permission to detail them in the Plan.
<u>Recommendation:</u>	Determine who the lessees are of the Army Corps land and where the leased land is located. Contact the lessee to get their cooperation with the objectives of this Plan.
<u>Recommendation:</u>	Determine the public restrictions at each of the public access areas and make sure the restrictions are posted accordingly and are so noted in this Plan.

Suggested Areas to Protect from Development

As a matter of recreational value, aesthetics, and practicality, key areas to consider when contacting landowners for conservation easements will include those large parcels adjacent to water bodies which are also convenient to roadway access. Other areas that hold irreplaceable value are mountains, hills, or scenic viewsheds.

Recommendations of Areas to Protect from Future Development

J K L M N

Recommendation: Approach property owners to encourage them to protect their property from development.

N

Recommendation: Recommend that Class VI Roads be designated as Class A or B trails at Town Meeting.

N

Recommendation: Encourage open space development in order to protect the aquifer.

J K L

CLASS VI ROADS

Class VI roads are still owned by the Town, although many now appear no bigger than footpaths. Because of their limited use and Town ownership, these roads might be utilized by ATVs and motorbikes as well as by pedestrians and equestrians.

Due to the nature of Class VI roads, they present the easiest conversion to trails; the Town owns each of the roads despite their unmaintained status and the roads already follow a course which leads to a destination. However, research needs to be conducted to ascertain if any of the Class VI roads had been voted as permanently discontinued at any past Town Meeting, in which case the road would legally no longer exist. For more information on Class VI roads, please refer to the **IMPLEMENTATION MEASURES** chapter.

Recommendations of Class VI Roads	
<u>Recommendation:</u>	Identify for designation as Class A or Class B trails some of the Class VI roads within Town by working with abutting landowners (see IMPLEMENTATION MEASURES).
<u>Recommendation:</u>	Work with abutting landowners to share maintenance and monitoring duties of the trails or Class VI roads being used as trails.
<u>Recommendation:</u>	Recommend to the Board of Selectmen that Class VI Roads not be opened to development.
<u>Recommendation:</u>	Recommend to the Board of Selectmen that all Class VI roads should be retained by the Town as public rights-of-way and not returned to abutting landowners (see also General Recommendations).

SCENIC, DISCONTINUED, AND ABANDONED ROADS

These assets could be an integral part of Mytown's open space trail network. Scenic roads are either Class V or VI and are readily accessible by the public. Roads noted in this Plan as Discontinued or Abandoned require further research to determine their exact status before specific recommendations are made to incorporate them into such a network.

Recommendation of Scenic, Discontinued, and Abandoned Roads	
<u>Recommendation:</u>	Thoroughly research the status of the discontinued and abandoned roads within Town.
<u>Recommendation:</u>	Where appropriate and after research has been conducted, use select discontinued or abandoned roads within Town as linkages to other trails or public lands.
<u>Recommendation:</u>	Promote the Scenic Roads, which are all full public roads in town as an asset and work to incorporate them into the trails network.

SNOWMOBILE TRAILS

Many local trails follow along Class VI or V roadways. The wide and maintained winter snowmobile trails within Mytown are an essential link to establishing summer pedestrian and equestrian recreational use. Warm weather usage could include hiking, mountain biking and horseback riding, or where appropriate, motorbike or ATV usage.

These trails have been created by the volunteer labor of the <local> Snowmobile Club, who obtained landowner permission for each portion of the trail, constructed the trails, and maintain the trails. Respect for the trail and the landowner should be given when using these trails for winter use; if landowner permission is granted for summer use, the same respect should be given.

Recommendations of Snowmobile Trails

11 12

Recommendation: Partner with the Trail Dawgs and landowners to allow public access to the snowmobile trails in the summer.

POTENTIAL TRAILS OR TRAIL LINKAGES ON PRIVATE LAND

There may be many miles of existing private trails, not active snowmobile trails, in Mytown. Landowners have not been consulted for their permission to allow the public to use these trails, so they have not been incorporated as private trails within this Plan. However, many of them are significant enough to merit pursuit of landowner permission because of their value to an open space network. <List number> private trails have been inventoried in this Plan because of landowner cooperation, and they are indicated by the circled numbers.

Many potential trail linkages from existing or proposed trails on public land cross onto private land, and permission should be sought when undertaking the incorporation of the following proposed private trails into Mytown’s Open Space Trail System network. These trails are indicated by the squared letters.

In addition, many private roads or long, gravel driveways have potential to serve as linkages with appropriate permission of landowners.

Recommendations for Potential Trails or Trail Linkages on Private Land	
	3 4 A B C D E F G H I
<u>Recommendation:</u> A	Research the feasibility of a trail connector beginning on Plausawa Hill Road, continuing along North Mytown Road and branching off to connect with Sixth Range Road and the snowmobile trail network in North Mytown.
<u>Recommendation:</u> B	Research the feasibility of establishing a trail connector along Brush and Sixth Range Roads to connect to the private trails off of Eley Lane and Sixth Range Road.
<u>Recommendation:</u> C E	Contact PSNH to discuss the feasibility of establishing recreational trails along the powerline corridors within Town.
<u>Recommendation:</u> D	Research the feasibility of creating a recreational trail beginning on Route 106, travelling Riverwood Drive to the Soucook River.
<u>Recommendation:</u> F	Contact Tenneco Gas Company to investigate the feasibility of using the gas line corridor as a multi-use recreational trail.
<u>Recommendation:</u> G	Research the feasibility of establishing a recreational trail along the shoreline of the Soucook River from the powerline corridor to the Soucook’s intersection with the Merrimack.
<u>Recommendation:</u> H	Research the feasibility of establishing a recreational trail along the Suncook River from Thompson Road to Memorial Field.
<u>Recommendation:</u> I	Research the feasibility of creating a trail loop linking the Bragfield Pond Conservation Area to the Butterfield Lot.

SUMMARY OF PROPOSED OPEN SPACE TRAIL SYSTEM

A series of detailed Recommendations have been proposed in order to reach the third goal of the Plan, which is to "Provide recommendations on how to obtain the linkages and maintain a trail system". Those Recommendations work toward retaining the trail and land resources that the Town already has as well as summarizing the potential of an open space trail system by linking the existing with the proposed. They can be viewed on **Map 6, Proposed Open Space Trail System**:

[<In the table below, list proposed trails and open space protection areas and their corresponding map symbols. These are actual proposed trails and open space protection areas from one Town's Plan.>](#)

Potential Trail Locations or Connections

Name	Map Symbol	Public Uses	Management	Landowner Permission Obtained
Proposed Trail Linkage on Private Land from Plausawa Hill Road to Sixth and Seventh Range Roads	A	to be determined	to be determined	no
Proposed Trail Linkage on Private Land from Private Trail off of Eley Lane to Private Trail Between Third and Fourth Range Roads	B	to be determined	to be determined	no
Proposed Trail Linkage along PSNH Powerline Corridor From Soucook River	C	to be determined	to be determined	no
Proposed Trail Linkage on Private Land along Riverwood Drive from 106 to Soucook River	D	to be determined	to be determined	no
Proposed Trail Linkage along PSNH Powerline Corridor from Sand Road to Allenstown TL	E	to be determined	to be determined	no
Proposed Trail Linkage along Tenneco Gas Line Corridor from	F	to be determined	to be determined	no
Proposed Trail Linkage on Private Land along Soucook River from PSNH Powerline Corridor to Snowmobile Trail along Merrimack River	G	to be determined	to be determined	no
Proposed Trail Linkage on Private Land along Suncook River from Memorial Field to Snowmobile Trail along Old Bear Brook Road	H	to be determined	to be determined	no
Proposed Trail Linkage along PSNH Powerline Corridors from the Soucook and Merrimack Rivers to Whittemore Rd	I	to be determined	to be determined	no
Proposed Open Space Protection on Unfragmented Land in Concord Wellfield/ Soucook River Area	J	to be determined	to be determined	no
Proposed Open Space Protection on Unfragmented Land in French's Brook/ Soucook River Area	K	to be determined	to be determined	no
Proposed Open Space Protection on Unfragmented Land between Borough and Cross Country Roads and North Mytown and Sixth Range Roads	L	to be determined	to be determined	no
Proposed Open Space Protection on Unfragmented Land in North Mytown Abutting Conservation Land in Chichester	M	to be determined	to be determined	no
Proposed Open Space Protection on	N	to be determined	to be determined	no

PROPOSED OPEN SPACE TRAIL SYSTEM

Unfragmented Land Containing Whittemore Cons. and Rec. Area				
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In order to make the vision a reality, practical methods will need to be employed. Property ownership is an emotional issue; concerns about privacy, liability, and damages are justified. Implementation of the **PROPOSED OPEN SPACE TRAIL SYSTEM** can be accomplished through creating good relations with people, educating landowners, and having a dedicated core of people who believe that Mytown will be a better place to live and raise children if rural character is preserved.



VI. IMPLEMENTATION MEASURES

After the inventorying phase and recommendation phase of a plan follows what is perhaps the most difficult and time-consuming aspect of any plan or study - implementation. All of the good ideas and worthy efforts into producing a plan will be put to the test when attempting to get the public to "buy into" what the plan is "selling".

This Open Space Trail System Plan is no different. However, the ideas presented in the Plan may be even more challenging to implement due to its reliance on the cooperation of private landowners. Each identified trail itself is host to many private property owners; when considering the proposed open space trail system as a whole, the prospect of obtaining permission from all landowners can be daunting. The challenge to remember is that all good things take time to build; creating a trail system will require patience and perseverance.

Many different factors and techniques need to be considered when building an open space trail system. In this section, practical suggestions for implementing the recommendations in the Plan are shared; also, sensitive issues such as landowner liability and trails management are discussed in order to give a holistic view of the Open Space Trail System Plan. The accompanying **APPENDIX A-C** offers sample forms and agreements as well as the specific citations from the NH Revised Statutes Annotated (RSAs) which are pertinent to the success of this Plan. In addition, Resources References are listed to help with the implementation of the Plan and to provide further guidance along the way.

*The authors, producers, editors, and reviewers of this Open Space Trail System Plan stress that although much research has gone into the production of this Plan, it would be highly difficult to cover every detail required for certain situations. Where there are any concerns to the legality of a procedure or explanation listed in the **IMPLEMENTATION MEASURES** chapter, an attorney should be consulted.*

LANDOWNER PARTNERSHIPS

The ultimate key to the success of this Plan will be the communication to, and the cooperation and education of, landowners. Identifying the landowners of the parcel of interest is only a matter of looking up the information in the public records of the Town Hall. After determining the owner of piece of land that would be suitable for a trail or for a conservation easement, he or she should be approached by a representative of an established group, such as a member of a permanent Trails Committee of the Town, who can answer their questions and help them feel comfortable with the issues that will arise. In some cases, a public or non-profit group will own the parcel. Although many of the same principles listed below will pertain to a partnership with a public organization, the explanations of landowner partnerships in this Plan are more geared toward the concerns of private landowners.

IMPLEMENTATION MEASURES

The following sections cover the most frequently addressed items in conservation and recreation.

Landowner Liability

Rightfully, the first question or concern that a landowner usually has deals with the issue of liability. Although many people would be willing to open parts of their land to the public, the liability issue is one of the major stumbling blocks that prevents public use. What if they open their land for public use and an incident occurs? This is a valid question that must be answered to the landowner's satisfaction. If at any time there are concerns that the representative cannot answer satisfactorily, independent counsel can be sought through the municipality's attorney or the NH Municipal Association if the municipality has questions; if the landowner has questions, they can be answered through an examination of the NH Revised Statutes Annotated (RSAs), or by the landowner's own attorney.

The State of New Hampshire has developed incentives for those landowners whose land is already in current use (RSA 79-A:1) - an additional 20% discount in taxes can be taken if the property is opened to full public year-round recreational use (RSA 79-A:4, II).
--

Because New Hampshire is a strong supporter of recreation and recognizes the significant part it plays in our State's economy, there are several mechanisms in place to protect the landowner when he or she opens their land for public recreational use:

1. The State of New Hampshire has adopted several laws that protect a landowner from being held liable from injury. These provisions are called "Duty of Care" (RSA 212:34), where if a landowner opens the land for recreational purposes and *does not charge a fee* for such a use, they "owe no duty of care to keep such premises safe for entry or use by others". The exceptions to this law are if the landowner maliciously causes injury; fails to warn of dangerous conditions (such as the potential for walking off a hidden ledge); requires payment for the use of the property; or is party to the actions of others causing injury to a third party because of lack of warning (a recreational user [hunter] injures a non-recreational user [surveyor]). However, it is always good practice of a landowner to keep their property in relatively safe condition regardless of whether the land is open to public use.

Another statute, RSA 508:14, reinforces this language by again stating that any landowner, including municipalities and the State, "shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage" when that landowner opens up their land for "recreational purposes".

It is important to note that although the statutes are in place to protect a landowner from liability, any individual has the right to sue any other individual; therefore, protection from *being* sued is not covered under law although our current laws inhibit such a plaintiff in such a liability case from *winning* the suit. Direct citations from the NH RSAs concerning landowner liability are contained in **APPENDIX B**.

2. A homeowner's insurance policy typically carries liability insurance that should cover injuries to persons or property. Landowners should check their policy to make sure it includes liability; as open space land does not always have a dwelling unit situated upon it, liability insurance may not be automatic. If a person is injured on a landowner's property and brings suit, the landowner files a claim with his insurance company, which takes care of the matter. For additional peace of mind, umbrella insurance policies could be purchased for any injuries or damages above and beyond the amount of the homeowner's policy limitations.
3. Owners of motorized recreational vehicles pay a registration fee which goes into the Off Highway Recreational Vehicle (OHRV) fund overseen by the NH Department of Resources and Economic Development. Recognized clubs must register their trails on an annual basis and participate in the OHRV Trails Program. Then, the landowners will be covered under the State's \$2 million liability insurance policy. In addition, users of OHRV's recognize the hazards of such operation and under RSA 215-A:34, the liability protection to the landowner is re-enforced through "...each person who drives or rides an OHRV accepts, as a matter of law, the dangers inherent in the sport and shall not maintain an action against..." a landowner "...for any such injuries which result from such inherent risks, hazards, and dangers".

In reality, suits against property owners are few and far between in the context of injury or damages while recreating on private property. However, despite the safeguards to any landowner that opens his or her property up to the public for free recreational use, none of these laws protect a landowner from actually *being* sued. Steps must be undertaken to ensure that the landowners understand the liability implications before they enter into **Landowner Agreements** with or **Easement Donations** to the Town.

Landowner Agreements

This simplest type of agreement, aside from a verbal or "handshake" agreement, basically reads that the public is allowed certain types of access (hiking, skiing, motorbikes, etc) on a certain portion of the landowner's property during certain times of year. The agreement also indicates who has agreed to be responsible for the maintenance/enforcement of the property and/or the creation and maintenance/enforcement of the trail (usually the public Trails Committee, municipality designee, or other organization), and specifies for how long the agreement is valid (one summer, 2 years, 5 years, etc). An agreement such as this allows the landowner to consider the possibilities of a long-term partnership but withholds the commitment.

The decision of a landowner to open their land to the public is not one to be lightly made. There are several ways to make the decision "official", ranging from a temporary arrangement to one that is made in perpetuity. The easiest and most temporary agreement can be referred to as a "Landowner Agreement". A sample can be found in **APPENDIX A.**

Easement Donation and Purchase

If a landowner is keenly sensitive to conservation, they may decide that a conservation easement on their land will be in the best interests of themselves, their heirs, the land, the resources on the land, and their Town, and even their State. Although land is regularly transferred from one owner to another, an easement is a way to permanently place certain restrictions on the current and future use of that land.

Consider how a parcel of land would fit into the framework of Mytown's open space trail system. Would it serve as conservation land, a park, or would a trail cross over it? Should someone from the Trails Committee talk to the landowner about an agreement or an easement?

Conservation easement research, development, negotiation, and acquisition can almost be considered a science by its own right! Many expert non-profit organizations exist to protect land permanently from development; one of the tools they use is a conservation easement. Easements can be donated to a municipality or land trust, or easements can be purchased by the municipality or land trust. They are monitored by the recipient to ensure that the conditions of the easement are being upheld.

Aside from the priceless conservation of open space and natural features, a significant benefit to the landowner can be the federal, state, and local tax savings that may be recognized. One advantage to the Town could result through the potential of opening some or all of the easement for public use; other advantages include less development pressure, and contiguous open space preservation blocks. Although each easement is tailored to the preferences of the landowner and the features of the land, the APPENDIX A contains a sample conservation easement.

An easement responsibility is not one to be taken lightly. Not only will the property, which will remain in private hands, need to be monitored by the Town or their designee (typically the Conservation Commission) on at least a yearly basis, but also the process involved in obtaining an easement donation or purchase is lengthy and can be complicated. Attorneys are frequently involved and are often recommended, particularly to help the property owner with tax implications and to ensure the safeguarding of their clients' interests. Although a landowner can be approached by the representative of the Trails Committee to talk about the advantages of a conservation easement on their property, many municipalities may wish to engage the services of a third party to help guide them through the process. For more information on obtaining conservation easements, please refer to your local land trust, those of which are within New Hampshire are listed in APPENDIX C.

Land Donation and Purchase

This option can be considered one of the easiest if looked at in terms of a municipality's land holdings. Parcels that have been taken for nonpayment of taxes, particularly those of several acres or more, can provide a solid means of recreational land (RSA 80:80, V). An important aspect to keep in mind is that since the Town can sell the property at any time, an easement should be placed on those properties which have special features so that they remain protected or that the trails remain available for public use. In addition, the Town has the right to use its property in the manner it sees fit; therefore if a parcel is more conducive to remaining in its natural state, an easement can be placed on it to ensure it remains that way in the event that it is targeted as a potential site for a town building or ball field. APPENDIX A contains a warrant article that permanently protects Town-owned land.

Private landowners can be approached to ask for a donation of land of particular significance (i.e., it would form a connection to a trail or it would protect a significant resource). Be prepared to explain the advantages and benefits for the donation of an easement as well as the responsibilities that it will entail. Easements can also be purchased and have their own associated benefits. Private land trusts, listed in APPENDIX C, offer guidance and helpful informational bulletins to assist in the acquisition of easements. In addition, municipalities can purchase any such parcel of land as it became available. For both land or easement purchase, the implementation of a municipal land use change tax fund (RSA 79-A:25-a) can ease the burden of an outright expenditure (APPENDIX A). RSA 36-A:5 allows a duly established Conservation Commission to independently purchase land or easements, after having establishing a conservation fund, without consultation with the governing body.

OFFICIAL TRAILS DESIGNATION

Many references have been made throughout the Plan to trails designation, or Class A and B trails. New Hampshire State law allows municipalities to designate paths, rights-of-way, Class VI roads, or trails as "official trails" of the Town. One advantage to doing so is that each trail becomes a legally enforceable route by the local law enforcement if posted properly; if stated restrictions are violated, a simple legal recourse is possible. Also, such trails can be publicized as being sponsored by the Town, and maps and brochures can be created and published (see also **Special Events and Announcements** under **TRAILS MANAGEMENT**). RSA 231-A contains the entire list of rules and caveats, and APPENDIX B lists the primary statutes, but here is a summation of the main points:

<p>Class A/B Trails</p> <p><u>Advantages</u></p> <p>Legally enforceable route subject to postings</p> <p>Publicity</p> <p><u>Disadvantages</u></p> <p>Permanent discontinuance of road (if applicable)</p> <p>Abutters may be entitled to damages as a result</p>
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What are Class A and Class B Trails

A Class A trail is considered a full public trail subject to the restrictions imposed upon it at the time of designation; the Town permanently discontinues the road if it were a road to start with. The owners of abutting lands may use it for vehicular access to their property for existing, non-development uses. A Class B trail is identical to a Class A trail but disallows vehicular access by abutting landowners and would be more appropriate for a constructed trail. (RSA 231-A:1)

How to Designate a Trail

After acquiring permission from a landowner(s) and/or easement holder for use of a trail on their land, as well as agreeing on the specified restrictions, voters at Town Meeting can vote to designate any trail as a Class A or Class B trail. A trail can be so designated until the decision is rescinded or for a length of time as specified by the landowner(s).

Officially designating a trail as Class A or B has not yet caught on as a trend in the Central NH Region.

Few municipalities here have successfully designated trails, although it is assumed that municipalities in northern NH have done so.

In the case of designating a Class B trail on a Class VI road, the abutters need to be consulted and in some cases remunerated for any damages if the designation removes any of their prior access rights. In some cases, damages can also be sought by abutters for designation of a Class A trail. In general however, Class A trails are most appropriate for Class VI roads and former railroad rights-of-way (basically, pre-existing pathways) while Class B trails are most appropriate for constructed trails. (RSA 231-A:5)

Trail Restrictions

The landowner(s), easement holder, the abutters, and Town agree upon what the trail will not be used for; these restrictions will be placed on the warrant article. Common restrictions include the prohibition of motorized vehicles on certain trails, or that a trail be used seasonally instead of year-round. The trail is then posted with the restrictions at the beginning and end of the trail, as well as at any trail junctions where the restrictions change. (RSA 231-A:1, 4, 5)

Enforcement of a Trail

As long as the restrictions to a trail are clearly posted, any violation to the trails can be treated in the same manner as a traffic violation by local law enforcement. As most Police Departments cannot extend their resources to monitor all of the designated trails, often times the trail users, stewards, or abutters will report problems to the local law enforcement, who then would investigate the complaint. Although the rules of the designated trail are enforced by the Town, the trails themselves may or may not be maintained by the Town (see also **TRAILS MANAGEMENT**). (RSA 231-A:4, RSA 265)

Municipal Liability and Private Landowner Liability of Designated Trails

The Statutes provide many protective laws about liability, particularly where recreation is involved. Where users of designated trails are not charged a fee for the use of the trails, which will be the situation in the majority of cases, the liability of both the municipality and the landowner shall be limited, where the municipality/landowner will not be held responsible for personal injuries or property damages except where such damage is intentional. In addition, volunteers who maintain the trail, with prior recognition from the municipality as a volunteer of said trail, incur the same limited liability (see also **TRAILS MANAGEMENT**). The laws are the same for those trails that are not officially designated as Class A or B by the municipality. (RSA 212:34, 231-A:8, and 508:14)

Rescinding the Designation of Class A or B Trails

Once a trail has been designated a Class A or B trail, it can be rescinded back to its original status in the same manner, by a vote at Town Meeting, as other road classifications can be changed. Where designated trails fall onto private property, the landowner(s) can at any time request that the designation be rescinded. The details are available in RSA 231-A:3.

TRAILS MANAGEMENT

A Trails Committee can be established at any time under the umbrella of the Conservation Commission. Although it will have no official "power", it will have the blessing of and be able to make recommendations to the Conservation Commission as its subcommittee. By forming a separate Trails Committee, the specific mission of creating and maintaining a trail system can be accomplished without commandeering the Conservation Commission's limited time. Members of the Conservation Commission can be on the Trails Committee; private landowners, other municipal board members, special interest groups (equestrian, snowmobile, mountain biking), local public volunteer organizations (Scouts, Rotary, Lions), schoolteachers, and representatives of private businesses can be recruited to form the Trails Committee. The more interests that are represented on the Committee, the more diverse and creative the group will be, and the variety of available resources and contacts will be greater.

Volunteer Rallying

After the formation of a Trails Committee, volunteers have their own liability issues that must be adequately addressed. RSA 508:17 provides liability protection to "recognized" volunteers of a municipality; as long as a volunteer does not commit deliberate acts of malice, he or she will not be held liable for damages by the landowner. For example, under normal trail maintenance conditions (and where an agreement has been made with the landowner), a volunteer may need to use a saw to remove a downed tree across a trail on private property; this is not an act of malice. However, if the volunteer cuts down numerous healthy trees not within the area of the trail, this act could be considered spiteful and the volunteer would not be protected under RSA 508:17.

In order to be recognized as a volunteer of a municipality, the governing bodies and the volunteer must sign an agreement, the wording of which is present under the above-mentioned RSA. A copy of the agreement, the *Volunteer Liability Form*, can be found in **APPENDIX C**. Any volunteer who does work for a municipality, regardless of which board or commission the volunteer is working with, should sign a liability form for his or her own protection if private property is involved (for example, a Planning Board site walk could also offer opportunities where protection is warranted). It is also good practice for a municipality to carry insurance specifically for volunteers.

Volunteers should be recognized by the Town for their protection (liability) and for their community service efforts.

On a positive note, a *Certificate of Volunteerism* (**APPENDIX C**) can be easily given which recognizes the individual, family, or group which volunteers to create or maintain a trail. Signed by the Conservation Commission and Trails Committee Chairs, it offers an appreciative thank-you for the activities of the volunteer and could be presented upon the volunteer's agreement to steward or help create a trail.

A trails network is envisioned, the Trails Committee is established, a parcel of land is secured and the volunteers are ready to begin work on the property. Now it is time to build!

Building Trails

Trail building can be simple, but *where* the trail is placed and *how* the trail is to be used can be consequential. There are many good references available for trails building. One was written by a New Hampshire hobbyist who loved trails so much, he wrote a free guide for the public. Ted Bonner's "Building Foot Trails: A Guide for Towns and Landowners" gives brief, no-nonsense instructions and points out obstacles to consider. Town foresters are often an excellent local resource to tap into and to ask for assistance.

As the Trails Committee begins to create trails, consideration should be given to making one or more trails accessible to people with disabilities.

Because of potential terrain obstacles, the NH DRED has published the "Best Management Practices for Erosion Control During Trail Maintenance and Construction" to aid volunteers while protecting the land at the same time. Many different natural factors need to be considered before constructing any trail, including wetlands disturbance, erosion, and practical factors of installing culverts and bridges where necessary. There are also recommended maximum slope grades for various types of uses. All of these issues, and more, are described in detail in the document. Although the Best Management Practices are not required by law, they should be consulted prior to any trail building. In addition, where wetlands are being crossed or filled, a permit or notification needs to be filed with the NH Department of Environmental Services' Wetlands Bureau. Again, a professional Town forester can help with these processes.

Trail building can be done using a set of loppers and a bow saw to clear a four-foot wide by eight-foot high pathway. A good trail must be well-blazed so a user knows exactly where the trail leads and a good trail must be well-signed at the beginning and end, so a trail-user knows if what they want to do on the trail (hike, motorbike, snowmobile, etc) is allowed. Parking areas should be indicated, whether they are on the far shoulder of a road or on a small pull-off beside the trail. Eventually, a good map of the trail should be produced and made available to trail users through the use of an inexpensive map box at the beginning and end of the trail.

By word of mouth, many local trails "experts" can be found who have built and maintained trails in their spare time for many of years. Contacting other local Conservation Commissions or non-profit organizations may lead to the start of a new partnership and to the sharing of time-tested ideas. At some point, any municipality's trail system could benefit from tying into the trails of another Town's. In any case, talking with a neighboring Conservation Commission or their Trails Committee would probably be beneficial to both parties. Trail building references can be found in APPENDIX C.

Unfortunately, there will be some budgetary considerations. Even though the Trails Committee can rely upon many of its volunteers to provide their own tools, they should consider purchasing a few pairs of bow saws and lopping shears. Items that will need to be periodically purchased are trail blazes, appropriate signage, 4x4 pressure treated posts and plastic mailboxes for maps (eventually), and perhaps wood for bridging small wet areas. As the Trails Committee will be generally considered a subcommittee of the Conservation Commission, the expenses will probably come out of the Commission's budget. The use of power equipment is highly discouraged unless appropriate training, waivers, or insurance are available.

Trails Maintenance

After the trail has been built, it should be mapped. This can be effectively done by using a Global Positioning System (GPS) unit borrowed from the NH Office of State Planning (NH OSP). This unit is far different from the popular, hand-held GPS units sold in sporting stores. The smaller GPS functions almost like a navigating "compass" which is quite helpful in the wilderness. The NH OSP unit's primary function is to capture data (map trails, mark locations of cellar holes, etc) which can be processed into Geographic Information System (GIS) data. With the GIS data, accurate mapping can then be done of the trail.

The Trails Committee would probably be responsible for the majority of the designated Class A or Class B trails within Town depending on the arrangements that have been made. The Trail Dawgs Snowmobile Club are still responsible for the snowmobile trails they developed, but perhaps an agreement has been made with a trail steward to maintain a trail during the summer months. Committee members do not have to be the only people who perform maintenance on the trails. Property owners and their families are good candidates for maintaining the trails on their land, as are businesses, Scout groups, teachers and their students, and other civic-minded individuals through an "Adopt-A-Trail" program. As a Town will have many trails that need to be maintained, a Volunteer Maintenance Agreement (APPENDIX C) should be signed by the volunteer and by the Trail Committee. This agreement is a way of keeping track of those

people who volunteer to maintain each trail and to encourage "ownership" of the steward responsibilities of a trail.

People who sign a Volunteer Maintenance Agreement will want to know exactly what they are volunteering for! A "job description" can be a helpful aid to people who want to contribute to the stewardship of a trail but may not know what they are expected to do. A sample can be found in APPENDIX C.

To help volunteers take care of a trail, a Trail Report Form (APPENDIX C) is a tool that encourages the trail stewards to look for problems of and notice exemplary conditions of their trail. Because the report is on paper and has easy check-boxes, it also allows a standardized way for the Trails Committee to track the maintenance of many trails at one time. This type of report also encourages the volunteer to report back to the Trails Committee about the trail on a regular basis.

The municipality's licensed forester can assist with the building and maintenance of trails and can advise if a wetlands permit or notification must be filed with the NHDES when wet areas are crossed.

Special Events and Announcements

Trails have been created, are maintained by volunteers, and have been mapped. A next step is to name the trails and give them their own identities. The Trails Committee may wish to honor the landowner or family that generously donated the use of their land by naming a trail after them. Other ways to "individualize" the trails is to name them after their certain natural characteristics, or what has been spotted along the trail, or after a special person in Town. Trails that have distinct names are easier to promote and attract attention to. Trails dedication ceremonies can attract people to the opening of a new trail and give tremendous pride to the people who working on the trail and to any people who are having a trail named after them.

Promoting your trails can be one of the most rewarding aspects of an open space trail system: the Town, Trails Committee, landowners, and trail stewards get to "show off" the tremendous amount of work they have cooperatively achieved. Tourists can be drawn to the area and residents can take advantage of the unique recreational opportunity offered to them. Informing the public of your accomplishments can take one of many different forms.

Parcel-specific individual maps can be created through the acquisition of GPS data, as noted previously. A municipality may have the capability to produce the maps on its own if it has the proper software and hardware. As an alternative, the Central New Hampshire Regional Planning Commission, like the other eight regional planning commissions in the State, offers low-cost map production services to its member municipalities. After having the maps printed, perhaps through the in-kind donation of the services of a local printing business, they should be placed in the map boxes at the trailheads.

Guidebooks, maps, and brochures are effective "marketing" tools for your trails!

A collection of the maps can be placed into a single trails guidebook and sold without profit to enthusiasts and residents. The guidebook could also contain descriptions about each trail and the interesting finds along the way. Incorporating the trails into maps and into a Trails Guidebook will be one of the best marketing tools to get new people to visit the trails and perhaps even find additional volunteers to steward them.

National Trails Day is a yearly event organized by the American Hiking Society intended to bring awareness of the myriad of trail systems throughout the country. Any Conservation Commission, private group, or public group can "sign on" and use the National Trails Day's publicity to generate additional interest and participation in their own trail system. On the day itself, groups all over United States hold trails-related events. For a local Trails Committee, this could mean that the general public is invited to attend and participate in a trail-clearing event or a maintenance event of a trail in need. A Trails Committee could recommend that these temporary volunteers fill out a *Volunteer Liability Form* in the event that property damage or injury result (see **Volunteer Rallying** for more information). New Hampshire holds its own Trails Day in the summer as well.

Where other trails-related projects are cut-and-dry, public promotional events offer a chance to be creative. Better yet, they provide a different type of fun that appeals to people of all ages. Involving people to plan for and participate in the events will further cement the community's ties to its open space trail system.

OPEN SPACE MANAGEMENT

Conservation lands tie heavily into the equation of people and trails. Not all land that sustains trails will be privately owned. Conservation lands are typically thought of as being permanently protected from development, thus pairing very well with the concept of a trail system built upon them in order to allow people to appreciate nature. But not all open space is permanently protected from development. Through a Master Plan, municipalities are able to identify their conservation goals and objectives and take appropriate actions to help meet those goals.

Mytown is host to a number of town-owned properties as well as to a variety of permanently protected conservation lands. Tying these lands together through the means of a trail system not only encourages recreation, it also helps preserve the spirit of the open space concept. To that end, there are many regulatory and non-regulatory techniques available to help municipalities create and retain an open space network.

Zoning Ordinances and Regulations

Municipal Zoning Ordinances, Subdivision Regulations, and Site Plan Review Regulations offer a variety of ways to help preserve the open space within a Town. The types of zones themselves and the allowed uses within each zone play a part in the overall preservation scheme of a Town. For example, while a Residential zone may require a 2-acre minimum lot size and allows development activity, an Agricultural zone may require a 10-acre minimum lot size and may not permit certain types of activity. Many Central New Hampshire Region towns have Conservation zones which have differing lot size minimums and allowed uses, but this zone is typically more sensitive to the requirements of retaining open space.

Another zoning tool is the use of overlay districts. These special districts encompass one or more underlying zones and imposes additional requirements above that required by the underlying zone. Typical overlay districts include Historic, Floodplain, Aquifer, and Wetland. While not traditionally used in the protection of open space, appropriately placed overlay districts, like Wetland for example, can also serve to protect natural habitat over vast areas.

Instead of retention, consider the creation of open space through the municipal Zoning Ordinance. Commonly referred to open space development or “cluster development” or “incentive zoning”, concentration of new housing on smaller than traditional lots encourages the developer to dedicate a large portion of the entire development to permanent preservation. Developers can benefit from open space development by its inherently less expensive infrastructure and by the added value to the building lots that open space creates. A density bonus could be granted, allowing for more building lots to be created through open space development than through traditional zoning. The municipality also benefits from open space development through a significant land donation from the developer. This innovative zoning control can allow the municipality and developer to work cooperatively and conserve large contiguous tracts of land in the process.

A recreational impact fee can be imposed at the time a certificate of occupancy is granted for newly constructed buildings, again through the Zoning Ordinance. A proportionate formula determines the amount of money that must be paid, which goes into a fund in the Capital Improvements Program. As long as municipalities have a properly adopted Master Plan and Capital Improvements Program, impact fees can be charged, but if they are not used within six years they must be returned to the individual. Recreational impact fees can help with the purchase of land, the building of parks, and the construction of trails for public use.

Within the Subdivision and Site Plan Review Regulations, a requirement for developers to donate easements or land can be imposed. For Subdivision Regulations, the most reasonable requirement would be for major subdivisions (over three lots). For either set of regulations, the donation of easements or land can easily supplement the holdings of the Town and can enhance an existing open space network if planned properly. Typically, a municipality needs to have an adopted Master Plan and Capital Improvements Program in place which actively support the rationale behind the donation requirements in order to be defensible.

Other Municipal Regulatory Techniques

The current use tax law (RSA 79-A) is a widely used tool in which property owners ease their tax burden by placing their land under “current use”. While this status helps them lower their property taxes on the parcel, the right to use their property in certain ways has been rescinded. New house construction, subdivision, or other significant terrain- and use-altering activities are prohibited until the property is removed from its current use status, which would then require property owners to pay a portion of the assessed value of the parcel back to the Town. This penalty not only discourages the removal of the current use status, it also create opportunities for municipalities to use the land use change tax in ways that benefit the community.

Many municipalities in the Central Region have, at Town Meeting, voted to allow a percentage of the land use change tax penalties to be allocated to a land acquisition fund. This fund is used to purchase lands of significant open space, aesthetic, historical, or ecological value. The amount of money in this fund can be substantial, and typically the Conservation Commission is in charge how the money is spent.

The creation of a forestry management reserve fund, again through Town Meeting, can assist with the management responsibilities of Town-owned land use for forestry purposes. Forestry revenues generated by forest management have been used by Central Region municipalities for building trails on the forested lots, for hiring a licensed Town Forester to oversee management and write forestry management plans, and for other incidentals associated with forested lands.

Easements and Acquisitions

The selective purchase of or acceptance of easements can be instrumental in building a contiguous open space network throughout Town. The same can be said for acquisitions either through donation or through purchase. Although all permanently preserved land is valuable in its own right, the management responsibilities of a new easement or acquisition may outweigh the benefit that the parcel has to offer. For example, a small parcel that is not geographically located near other protected lands may need to be heavily considered as to whether it would become an asset or a liability to the holdings of the Town. Is the parcel suitable for forestry management? Does it contain exemplary characteristics (ponds, wetlands, plant or animal species, scenic vistas, historical value) that make it desirable for permanent conservation? Can the parcel be used as a park or as a trail network connector? These and other questions should be considered before a municipality purchases or accepts a parcel of land into its own holdings.

Alternatives to a municipality taking on the responsibility for management of select parcels would be to contact a land trust about their interest in the parcel. They would also be concerned about the characteristics that a parcel has to offer. However, they have extensive experience negotiating with landowners and drafting the necessary legal documents, and may be able to take quicker action on the parcel’s purchase or donation. Working with local land trusts can also help a Town consider the big picture of open space management. By establishing a positive relationship from the start, both the municipality and the land trust can reap mutual benefits and preserve appropriate land from development. Specifics about easements and acquisitions are listed in the prior **LANDOWNER PARTNERSHIPS** section, and **APPENDIX C** has a listing of State and Central Region area land trusts.

GRANTS AND FUNDING PROGRAMS

There are many funding sources available for trails acquisition and construction, which are the primary components of a trail system, or even a singular trail, after landowner concurrence. The primary source of these funds are through federal programs, most of which are passed through the State of New Hampshire. These funds are competitively awarded through State agencies after a rigorous application process. Match requirements for the federal/state programs, as well as the frequency of the grant rounds, are indicated.

Trails maintenance dollars, however, require a different approach as most grant programs do not support maintenance projects on established trails. Local techniques are the most efficient means of obtaining funds for existing trails. When a Trails Committee applies for a grant, it will do so under the umbrella of the Conservation Commission, which will be applying under the umbrella of the Board of Selectmen. Depending on the grant being applied for and on the warrant articles passed at previous Town Meetings, it might be necessary to write and pass a warrant article for acceptance of grant funds before a contract can be signed with the awarding agency (RSA 31:95-b). **APPENDIX A** contains a sample warrant article for this purpose.

Other approaches listed in this section include partnerships with other organizations and solicitation of funding. With regard to holding fundraisers or asking for donations, if a municipality does not allow its boards (a subcommittee of the Conservation Commission would technically be considered a board of the Town) to accept monetary donations, a different tact would be to consider establishing the Trails Committee as a 501:c-3 organization. This non-profit organization would then be able to accept donations, write grants on its own, and hold fundraisers; it would no longer be considered a board of the municipality but a separate entity. This long-term approach may offer both advantages and disadvantages to the mission of the Trails Committee.

NH Land and Community Heritage Investment Program (LCHIP)

In July of 1998, the state legislature recognized the increasing problems facing our natural, cultural, and historic resources and established the NH Land and Community Heritage Commission. The Commission made a visionary recommendation and urged that the state establish and fund a new, permanent, public-private partnership to conserve priority lands and historic structures. The Commission recommended a \$12 million annual funding level. During the 1999 legislative session, Senate Bill 401 the Land and Community Heritage Investment Program (LCHIP) bill was introduced. The legislature passed Senate Bill 401 in May 2000 creating LCHIP.

In September of 2000, the Governor nominated 18 individuals to serve as the LCHIP Authority. Conveying in September 2000 and working through December 2000, the Authority met seven times to establish their by-laws; hire an executive director; hold a series of five public meetings; construct the Procedures, Guidelines and Criteria document that became the nuts and bolts of the program; design and release the LCHIP application materials, and set a very ambitious goal of getting grant monies working on projects by the end of the 2001 legislative session.

On June 26, 2001, the House and Senate both passed the state's biennial budget, including \$12 million for the Land and Community Heritage Investment Program (\$5 million in FY02 and \$7 million in FY03).

Transportation Equity Act for the 21st Century

The most well known source for funds for expansion of trail systems is associated with the Transportation Equity Act for the 21st Century (TEA-21). In the capacity as the replacement legislation for ISTEA, TEA- 21 has expanded federal funds for creation of multi-use trails in order to encourage the development of a stronger intermodal transportation system. Funding associated with TEA-21 is broken into the following separate grant programs which are administered by different State agencies.

Recreational Trails Program - NH DRED

The purpose of this program is to provide funds to develop and maintain recreational trails for both motorized and non-motorized recreational trail users. Each state is provided with a predetermined amount of funding based upon a formula. This program is one exception where trail maintenance funds can be awarded if the project scores competitively higher than other applications. Awards range between \$1,000 and \$20,000. Eligible projects for funding under this program include, but are not limited to:

- Maintenance and restoration of existing recreational trails;
- Development and rehabilitation of trailside and trailhead facilities and trail linkages;
- Purchase and lease of recreational trail construction and maintenance equipment;
- Construction of new trails (with restrictions for trails on federal land);
- Acquisition of easements or property for recreational trails or corridors;
- State administrative costs; and
- Operation of educational programs to promote safety and environmental protection as related to recreational trails.
- Match: 80% federal, 20% local (in-kind or cash)
- Frequency: There is one grant round per year.

Transportation Enhancement Funds - NH DOT

Transportation Enhancements (TE) are transportation-related projects designed to strengthen environmental, cultural, and aesthetic aspects of transportation networks. This source of funding has been created to construct non-traditional projects, which may include trails, bicycle paths, and beautification and preservation projects. All projects must be related to surface transportation:

- Safety and educational activities for pedestrians and bicyclists;
- Bicycle and pedestrian facilities
- Acquisition of scenic lands and easements
- Scenic or historic highway programs;
- Environmental programs to address water pollution from highway runoff; and
- Establish transportation museums.
- Match: 80% federal, 20% local (in-kind or cash)
- Frequency: There is one grant round every two years.

Congestion, Mitigation and Air Quality Improvement Program - NH DOT

The CMAQ program was established to encourage alternative modes of transportation or improvements in order to improve air quality and reduce polluting traffic congestion in urban places. The Central New Hampshire area falls into the attainment category, which means our air quality meets or exceeds federal standards. Trails, bicycle paths, and pedestrian walkways termed as Transportation Control Measures (TCM), are required for areas which exceed National air quality allowances for ozone and carbon monoxide. Although a trails application could be entered for consideration, trails projects are usually funded through the "sister program" of TE. Because the most serious problems are found in areas of non-attainment, only a small amount of funds will be available for projects in attainment areas.

Match: 80% federal, 20% local (in-kind or cash)

Frequency: every two years

Rivers and Trails Conservation Assistance - National Park Service (US NPS)

The NPS provides professional assistance on a competitive, yearly basis to organizations that apply to their River and Trail Conservation Assistance Program. Although funds are not usually granted, they will work with the recipients to work toward a goal (producing a handbook or brochure, holding public meetings, organization of potential partnerships, etc).

Match: local work and support (in-kind)

Frequency: There is one grant round per year.

Land and Water Conservation Fund (LWCF) - NH DRED

This federally established funding opportunity has been severely underfunded for the last several years. The Land and Water Conservation Fund Act of 1965 authorized financial assistance to States and their municipalities for acquiring and developing lands and waters for public outdoor recreation purposes. There have been extensive, popular movements over the last few years to get Congress to refund this important program, but as of yet to no avail.

Match: 60% federal match, 40% local of cash or local work and support (in-kind)

Frequency: There is one grant round per year.

Community Development Block Grants (CDBG) - NH Office of State Planning (NH OSP)

Each year, New Hampshire receives approximately 10 million dollars from the US Department of Housing and Urban Development. Of each annual appropriation, funds are divided between administrative costs, entitlement communities, and previous allocations guaranteed for multi-year grants. Remaining funds are available for grant applications from non-entitlement communities. Administered through the Office of State Planning, non-entitlement communities may submit applications community facilities or economic development grants for a variety of projects, which includes construction of bicycle paths, sidewalks, and trail development. Because of the very competitive scoring and limitation of funds, the likelihood that a trails-related application would be funded at this time is slim.

Match: 50% local for community facilities or economic development grants

Frequency: There are two grant rounds each year.

McCabe Environmental Fund - NH Charitable Foundation

Grants are awarded to assist the establishment of new conservation and education programs, to support significant improvements to the quality and scope of established programs, and for capital projects, including land acquisition, of exceptional importance in the State. Awards range from \$5,000 to \$20,000.

Match: local work and support (in-kind)

Frequency: There is one grant round per year.

New England Grassroots Environmental Fund - NH Charitable Foundation

This small grants program is designed to enhance community participation in local and regional environmental issues. A significant volunteer commitment must be part of any project. Awards typically range from \$500 to \$2,500.

Match: local work and support (in-kind)

Frequency: There are three grant rounds per year.

Local Set-Aside Programs

Funding for trails related projects are not limited to the State or Federal level of government. Municipalities, especially those with a large dependence on tourism, have passed resolutions to transfer various percentages of the Timber Tax received by the Town for conservation and trail building efforts. In communities with a heavy dependence on timber, this may be a significant amount of revenue for trails-related projects. Also, a land use change tax conservation fund (see also **OPEN SPACE MANAGEMENT**) takes the burden off of outright expenditures for easements or key parcel purchases. **APPENDIX A** contains a warrant article for creating a conservation fund.

Sale of Salvage Rights

Commonly used to finance trail improvements associated with abandoned railway beds, the sale of salvage rights of materials found on trails such as rail road ties, rails, and ballasts can be a lucrative way to raise funds for trail development. Revenue generated from the sale of these items can vary widely depending on geographic location of the items, local market conditions, length of the corridor, and quantity and quality of salvageable materials. According to the Rails-to-Trails Conservancy, salvage material can produce revenue up to \$10,000 per mile of rail corridor. In Mytown, all of the railroad ties have been previously removed, rendering this option impractical.

Capital Improvements Programs

Some progressive communities throughout the country have established Capital Reserve funds to match gifts or complement exactions for improvement of municipally owned trail networks. Capital Improvement Programs are excellent for development of trails. First, funds deposited into any capital reserve fund are “ear marked” for expenditure on trail related projects. Secondly, such funds can serve as legal leverage when negotiating exactions from developers, because any capital reserve account for trail improvement shows a local commitment to improvement of trails, important should a developer mount a legal objection to any exaction.

Non-Profit Partnerships

There are a host of non-profit organizations throughout the country that may be able to provide funding, technical assistance, or act as negotiators with landowners for land conservation or trail projects. Organizations include the Trails Conservancy, Trust for Public Lands, the Nature Conservancy, and the Society for the Protection of New Hampshire Forests.

Local Businesses

Businesses within Town, particularly banks or large chain stores, are usually enthusiastic about giving back to their community. Some regularly set aside a certain amount of funds on a yearly basis to give to community organizations that express a genuine need. The business benefits by being publicly known as a sponsor of volunteer community efforts, and the Trails Committee benefits by the funds it would receive.

A word of caution about monetary gifts: municipalities and their boards may or may not have established mechanisms in place to accept or solicit donations. The Board of Selectmen should be consulted prior to approaching businesses in order to determine the legality of the donation.

Fundraisers and Monetary Gifts

A variety of innovative fundraising resources have been developed over the past several years to provide money for trail improvements. These techniques range from traditional bake sales, to raffles, to dinners, to hike-a-thons, to the “selling” of sections of trails for \$10 per foot to outdoor enthusiasts. Other techniques include the sale of benches and trees. Donators are recognized by having their names either inscribed on the bench, or with a plaque under the purchased tree. Naming a scenic view or even a trail for families or organizations making significant donations may be an appropriate way to recognize such gifts. Community organizations like the Rotary Club or Lions Club may be willing to assist or provide information about how to organize such events.

Again, a word of caution about fundraisers and monetary gifts: municipalities and their boards may or may not have established mechanisms in place to accept donations or hold fundraisers. The Board of Selectmen should be consulted before undertaking these types of events to determine the legality of the fundraising. As an alternative, non-monetary donations such as trails maintenance equipment, benches, trees, or the printing of maps or brochures are acceptable as "in-kind" donations.



SAMPLE LANDOWNER AGREEMENT

RIGHT OF WAY TRAIL AGREEMENT

Permission is hereby granted to _____ to create and maintain a public recreational trail across my property at _____ for the purposes of:

- () hiking () four-wheel driving (4WD)
() horseback riding () snowmobiling
() mountain biking () motorbiking
() all-terrain vehicle (ATV) use () dogsledding
() cross-country skiing () snowshoeing
() other _____ () other _____

I understood that the use of this right of way for said purpose in no way holds me liable or responsible for accidents that may occur as a result of others using my property as provided in Chapter 212, Section 34, Laws of the State of New Hampshire. There shall be no fee for this easement, and the above-named organization will charge no fee for use of the trail on my property. The above named organization further agrees to mark and maintain this right of way in a proper and safe manner, post the allowed uses at the beginning and end of the trail on my property, and notify me of any known unusual circumstances or conditions.

This agreement shall have a term of:

- () Indefinite () 1 year from date of signing () 5 years from date of signing

This agreement may be terminated for any cause by either party upon 30-day written notification.

Dated this _____ day of _____, 20_____.

Landowner Date

Address

Organization Officer Date

Address

SAMPLE CONSERVATION EASEMENT DEED

[THIS IS A NON-CONTRACTUAL CONVEYANCE PURSUANT TO NEW HAMPSHIRE RSA 78-B:2 AND IS EXEMPT FROM THE NEW HAMPSHIRE REAL ESTATE TRANSFER TAX.] [If tax stamp required, allow 3" margin from top of page to title of deed]

(provided by the Society for the Protection of NH Forests 1999)

CONSERVATION EASEMENT DEED

[**NAME OF GRANTOR(S)**], single/husband and wife, of/with a principal place of business at [street name and number], Town/City of _____, County of _____, State of New Hampshire, (hereinafter referred to as the "Grantor", which word where the context requires includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor's executors, administrators, legal representatives, devisees, heirs, successors and assigns),

for consideration paid, with WARRANTY covenants, grant[s] in perpetuity to

the **SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS**, a corporation duly organized and existing under the laws of the State of New Hampshire, with a principal place of business at 54 Portsmouth Street, City of Concord, County of Merrimack, State of New Hampshire, 03301-5400, having been determined by the Internal Revenue Service to be an income tax exempt, publicly supported corporation, contributions to which are deductible for federal income tax purposes pursuant to the United States Internal Revenue Code, [Town or City of _____, situated in the County of _____, State of New Hampshire, acting through its Conservation Commission pursuant to NH RSA 36-A:4] (hereinafter referred to as the "Grantee" which shall, unless the context clearly indicates otherwise, include the Grantee's successors and assigns),

the Conservation Easement (herein referred to as the "Easement") hereinafter described with respect to that certain parcel/area of land (herein referred to as the "Property") with any and all buildings, structures, and improvements thereon/being unimproved land situated on [street name] in the Town/City of _____, County of _____, State of New Hampshire, more particularly bounded and described in Appendix "A" attached hereto and made a part hereof.

1. PURPOSES

The Easement hereby granted is pursuant to NH RSA 477:45-47, exclusively for the following conservation purposes:

[choose appropriate section(s) among the following:]

- A. The preservation of the land [and the water body of (name of water body) to which it provides access and on which it fronts] subject to the Easement granted hereby for outdoor recreation by and/or the education of the general public, through the auspices of the Grantee; and
- B. The protection of the unusual natural habitat of _____; and
- C. The preservation and conservation of open spaces, particularly the conservation of the ___ acres of productive farm and/or forest land of which the land area subject to the Easement granted hereby consists [, the protection of the undeveloped water frontage along the (name of water body), to which the land area subject to the Easement granted hereby provides access and upon which it fronts], the preservation and conservation of the wildlife habitat on the property, and the scenic enjoyment of the general public; and
- [D. The preservation of that historically important land area which is _____ and/or the historic structure which is _____; and]
- [E. insert additional purposes, as appropriate]

The above purposes are consistent with the clearly delineated open space conservation goals and/or objectives as stated in the [date] Master Plan of the Town/City of _____, which states " and with New Hampshire RSA Chapter 79-A which states: "It is hereby declared to be in the public interest to encourage the preservation of open space, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, maintaining the character of the state's landscape, and conserving the land, water, forest, agricultural and wildlife resources."

All of these purposes [this purpose] are [is] consistent and in accordance with the U.S. Internal Revenue Code, Section 170(h).

The Easement hereby granted with respect to the Property is as follows:

2. USE LIMITATIONS [(Subject to the reserved rights specified in Section 3 below)]
- A. The Property shall be maintained in perpetuity as open space without there being conducted thereon any industrial or commercial activities, except agriculture and forestry as described below, and provided that the productive capacity of the Property to produce forest and/or agricultural crops shall not be degraded by on-site activities.
- i. For the purposes hereof, "agriculture" and "forestry" shall include animal husbandry, floriculture, and horticulture activities; the production of plant and animal products for domestic or commercial purposes; the growing, stocking, cutting, and sale of Christmas trees or forest trees of any size capable of producing timber or other forest products; and the processing and sale of products produced on the Property (such as pick-your-own fruits and vegetables and maple syrup), all as not detrimental to the purposes of this Easement.

ii. Agriculture and forestry on the Property shall be performed, to the extent reasonably practicable, in accordance with a coordinated management plan for the sites and soils of the Property. Forestry and agricultural management activities shall be in accordance with the then current scientifically based practices recommended by the University of New Hampshire Cooperative Extension, U.S. Natural Resources Conservation Service, or other government or private, nonprofit natural resource conservation and management agencies then active. [Management activities shall not materially impair the scenic quality of the Property as viewed from public waterways, great ponds, public roads, or public trails.]

B. The Property shall not be subdivided [or otherwise divided in ownership] [and none of the individual tracts which together comprise the Property shall be conveyed separately from one another].

C. No structure or improvement, including, but not limited to, a dwelling, any portion of a septic system, tennis court, swimming pool, dock, aircraft landing strip, tower or mobile home, shall be constructed, placed, or introduced onto the Property. However, ancillary structures and improvements including, but not limited to, a road, dam, fence, bridge, culvert, barn, maple sugar house, or shed may be constructed, placed, or introduced onto the Property only as necessary in the accomplishment of the agricultural, forestry, conservation, habitat management, or noncommercial outdoor recreational uses of the Property, and provided that they are not detrimental to the purposes of this Easement.

D. No removal, filling, or other disturbances of soil surface, nor any changes in topography, surface or subsurface water systems, wetlands, or natural habitat shall be allowed unless such activities:

i. are commonly necessary in the accomplishment of the agricultural, forestry, conservation, habitat management, or noncommercial outdoor recreational uses of the Property; and

ii. do not harm state or federally recognized rare, threatened, or endangered species, such determination of harm to be based upon information from the New Hampshire Natural Heritage Inventory or the agency then recognized by the State of New Hampshire as having responsibility for identification and/or conservation of such species; and

iii. are not detrimental to the purposes of this Easement.

Prior to commencement of any such activities, all necessary federal, state, local, and other governmental permits and approvals shall be secured.

E. No outdoor advertising structures such as signs and billboards shall be displayed on the Property except as desirable or necessary in the accomplishment of the agricultural, forestry, conservation, or noncommercial outdoor recreational uses of the Property, and provided such signs are not detrimental to the purposes of this Easement. [No sign shall exceed ___ square feet in size and no sign shall be artificially illuminated.]

F. There shall be no mining, quarrying, excavation, or removal of rocks, minerals, gravel, sand, topsoil, or other similar materials on the Property, except in connection with any improvements made

pursuant to the provisions of sections 2.A., C., D., or E., above. No such rocks, minerals, gravel, sand, topsoil, or other similar materials shall be removed from the Property.

G. There shall be no dumping, injection, burning, or burial of man-made materials or materials then known to be environmentally hazardous.

3. RESERVED RIGHTS

A. This provision is an exception to 2. ___ above.

B. The Grantor must notify the Grantee in writing at least thirty (30) days before any exercise of the aforesaid reserved rights.

4. NOTIFICATION OF TRANSFER, TAXES, MAINTENANCE

A. The Grantor agrees to notify the Grantee in writing 10 days before the transfer of title to the Property [or any division of ownership thereof permitted hereby].

B. The Grantee shall be under no obligation to maintain the Property or pay any taxes or assessments thereon.

5. BENEFITS, BURDENS, AND ACCESS

A. The burden of the Easement conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity; the benefits of this Easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable only to the State of New Hampshire, the U.S. Government, or any subdivision of either of them, consistent with Section 170(c)(1) of the U.S. Internal Revenue Code of 1986, as amended, or to any qualified organization within the meaning of Section 170(h)(3) of said Code, which organization has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation purposes of this Easement. Any such assignee or transferee shall have like power of assignment or transfer.

B. The Grantee shall have reasonable access to the Property and all of its parts for such inspection as is necessary to determine compliance with and to enforce this Easement and exercise the rights conveyed hereby and fulfill the responsibilities and carry out the duties assumed by the acceptance of this Easement.

6. BREACH OF EASEMENT

A. When a breach of this Easement, or conduct by anyone inconsistent with this Easement, comes to the attention of the Grantee, it shall notify the Grantor in writing of such breach or conduct, delivered in hand or by certified mail, return receipt requested.

B. The Grantor shall, within thirty (30) days after receipt of such notice or after otherwise learning of such breach or conduct, undertake those actions, including restoration, which are reasonably

APPENDIX A: SAMPLE LEGAL DOCUMENTS

calculated to cure swiftly said breach, or to terminate said conduct, and to repair any damage. The Grantor shall promptly notify the Grantee of its actions taken under this section.

C. If the Grantor fails to take such proper action under the preceding paragraph, the Grantee shall, as appropriate to the purposes of this deed, undertake any actions that are reasonably necessary to cure such breach or to repair any damage in the Grantor's name or to terminate such conduct. The cost thereof, including the Grantee's expenses, court costs, and legal fees shall be paid by the Grantor, provided that the Grantor is directly or primarily responsible for the breach.

D. Nothing contained in this Easement shall be construed to entitle the Grantee to bring any action against the Grantor for any injury to or change in the Property resulting from causes beyond the Grantor's control, including, but not limited to, unauthorized actions by third parties, natural disasters such as fire, flood, storm, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

E. The Grantee and the Grantor reserve the right, separately or collectively, to pursue all legal remedies against any third party responsible for any actions detrimental to the conservation purposes of this Easement.

[7. POWER OF TERMINATION

A. If the Grantee ceases to enforce the Easement conveyed hereby or fails to enforce it within thirty (30) days after receipt of written notice from the Society for the Protection of New Hampshire Forests requesting such enforcement delivered in hand or by certified mail, return receipt requested, then said Society shall have the right to enforce this Easement. All reasonable costs of such enforcement shall be paid by the Grantee. In such circumstance, the Society for the Protection of New Hampshire Forests shall then also have the right to terminate the interest of the Grantee in the Property by recording a notice to that effect in the Registry of Deeds referring hereto and shall then assume all interests and responsibilities granted to the Grantee in this deed.

B. The interests held by the Society for the Protection of New Hampshire Forests are assignable or transferable to any party qualified to become the Grantee's assignee or transferee as specified in Section 5.A. above. Any such assignee or transferee shall have like power of assignment or transfer.]

8. NOTICES

All notices, requests and other communications, required or permitted to be given under this Easement shall be in writing, except as otherwise provided herein, and shall be delivered in hand or sent by certified mail, postage prepaid, return receipt requested to the appropriate address set forth above or at such other address as the Grantor or the Grantee may hereafter designate by notice given in accordance herewith. Notice shall be deemed to have been given when so delivered or so mailed.

9. SEVERABILITY

If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid by a court of competent jurisdiction, by confirmation of an arbitration award or otherwise, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

10. CONDEMNATION

A. Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate in whole or in part the Easement conveyed hereby, the Grantor and the Grantee shall thereupon act jointly to recover the full damages resulting from such taking with all incidental or direct damages and expenses incurred by them thereby to be paid out of the damages recovered.

B. [The balance of the land damages recovered (including, for purposes of this subsection, proceeds from any lawful sale, in lieu of condemnation, of the Property unencumbered by the restrictions hereunder) shall be divided between the Grantor and the Grantee in proportion to the fair market value of their respective interests in the Property on the date of execution of this Easement. For this purpose, the Grantee's interest shall be the amount by which the fair market value of the Property immediately prior to the execution of this Easement is reduced by the use limitations imposed hereby. The value of the Grantee's interest shall be determined by an appraisal prepared [for federal income tax purposes] by a qualified appraiser within one year of the date of this Easement, and submitted to the Grantee.] or

[The balance of the land damages recovered (including, for purposes of this subsection, proceeds from any lawful sale, in lieu of condemnation, of the Property unencumbered by the restrictions hereunder) shall be divided between the Grantor and the Grantee in proportion to the fair market value, at the time of condemnation, of their respective interests in that part of the Property condemned. The values of the Grantor's and Grantee's interests shall be determined by an appraisal prepared by a qualified appraiser at the time of condemnation.]

C. The Grantee shall use its share of the proceeds in a manner consistent with and in furtherance of one or more of the conservation purposes set forth herein.

11. ADDITIONAL EASEMENT

Should the Grantor determine that the expressed purposes of this Easement could better be effectuated by the conveyance of an additional easement, the Grantor may execute an additional instrument to that effect, provided that the conservation purposes of this Easement are not diminished thereby and that a public agency or qualified organization described in Section 5.A., above, accepts and records the additional easement.

12. ARBITRATION OF DISPUTES

A. Any dispute arising under this Easement shall be submitted to arbitration in accordance with New Hampshire RSA 542.

B. The Grantor and the Grantee shall each choose an arbitrator within 30 days of written notice from either party. The arbitrators so chosen shall in turn choose a third arbitrator within 30 days of the selection of the second arbitrator.

C. The arbitrators so chosen shall forthwith set as early a hearing date as is practicable which they may postpone only for good cause shown.

D. A decision by two of the three arbitrators, made as soon as practicable after submission of the dispute, shall be binding upon the parties and shall be enforceable as part of this Easement.

The Grantee, by accepting and recording this Easement, agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein granted to and incumbent upon the Grantee, all in the furtherance of the conservation purposes for which this Easement is delivered.

IN WITNESS WHEREOF, I (We) have hereunto set my (our) hand(s) this _____ day of _____, 20__.

Name of Grantor

Name of Grantor

The State of _____
County of _____

Personally appeared _____ and
_____ this _____ day of _____, 20__ and

acknowledged the foregoing to be his/her/their voluntary act and deed.

Before me,

Justice of the Peace/Notary Public

My commission expires:

ACCEPTED: SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS

By:

Title:

Duly Authorized

Date:

The State of New Hampshire
County of

Personally appeared

Title

of the Society for the Protection of New Hampshire Forests, this _____ day of
_____, 20__ and acknowledged the foregoing on behalf of the
Society for the Protection of New Hampshire Forests.

Before me,

Justice of the Peace/Notary Public

My commission expires:

ACCEPTED: TOWN OF _____ CONSERVATION COMMISSION

By:

Title:

Duly Authorized

Date:

The State of New Hampshire

County of _____

Personally appeared _____

Name & Title

of the Town of _____ Conservation Commission, this _____ day of

_____, 20__ and

acknowledged the foregoing on behalf of the Town of _____
Conservation Commission.

Before me,

Justice of the Peace/Notary Public

My commission expires:

ACCEPTED: TOWN OF _____ BOARD OF SELECTMEN

By:

Title:

Duly Authorized

Date:

The State of New Hampshire
County of _____

Personally appeared

Name & Title

of the Town of _____ Board of Selectmen, this _____ day of
_____, 20__ and acknowledged the foregoing on behalf of the Town of
_____ Board of Selectmen.

Before me,

Justice of the Peace/Notary Public

My commission expires:

THE FOLLOWING ADDITIONAL OPTIONAL CLAUSES ARE TO BE INSERTED WITHIN THE CE DEED WHEN THEY ARE APPLICABLE:

SEPARATE PARCEL (Add as new paragraph #11)

The Grantor agrees that for the purpose of determining compliance with any present or future bylaw, order, ordinance, or regulation (within this section referred to as "legal requirements") of the Town/City of [name], the State of New Hampshire or any other governmental unit, the Property shall be deemed a separate parcel of land and shall not be taken into account in determining whether any land of the Grantor, other than the Property, complies with any said legal requirements. The Property shall not be taken into account to satisfy in whole or in part any of said legal requirements or any area, density, setback or other dimensional standard applicable to such land.

MERGER (Add as new paragraph #11)

The Grantor and Grantee explicitly agree that it is their express intent, forming a part of the consideration hereunder, that the provisions of the Easement set forth herein are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Property by or to the Grantee or any successor or assign shall be deemed to eliminate the Easement, or any portion thereof, granted hereunder under the doctrine of "merger" or any other legal doctrine.

ARCHAEOLOGICAL INVESTIGATIONS (Add to "Reserved Rights")

Grantor reserves the right to permit archaeological investigations on the Property after receiving written approval from the Grantee. Prior to permitting any such investigations, Grantor shall send written notice to the New Hampshire State Archaeologist (or other person or agency then recognized by the State as having responsibility for archaeological resources) for review and comment, and to the Grantee, such notice describing the nature, scope, location, timetable, qualifications of investigators, site restoration, research proposal, and any other material aspect of the proposed activity. The Grantor and Grantee shall request the State Archaeologist (or other person or agency, as above) to consider the proposal, to apply the standards as specified in rules implementing RSA 227-C:7 (Permits Issued for State Lands and Waters), and to provide written comments to the Grantor and Grantee. The Grantee may, in its sole discretion, approve the proposed investigations only if it finds that all of the following conditions are met:

- i. The archaeological investigations shall be conducted by qualified individuals and according to a specific research proposal;
- ii. The proposed activities will not harm state or federally recognized rare, endangered, or threatened species; and
- iii. The proposed activities will not be materially detrimental to the purposes of this Easement.

APPENDIX A: SAMPLE LEGAL DOCUMENTS

TRUSTEE CERTIFICATION, (IF NOT ALREADY SEPARATELY RECORDED): (INSERT AS FIRST PARAGRAPH OF DEED)

I/WE (name) as Trustee(s) of the (name of trust) dated (date), as amended, with a mailing address of (address), hereby certify that as such Trustee(s) I/we have full and absolute power thereunder to convey any interest in real estate and the improvements thereon held therein and no purchaser or third party shall be bound to inquire whether as such Trustee(s) I/we have said power or am/are properly exercising said power or to see to the application of any trust asset paid to me/us as such Trustee(s) for a conveyance thereof, and I/we (hereinafter referred to as the “Grantor”, which word where the context requires includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor’s successors and assigns), [by the power conferred by said Trust, RSA 564-A, and every other power,] [add text in prior brackets only if fiduciary or quitclaim deed; not needed if warranty deed]

for consideration paid, with WARRANTY [QUITCLAIM/FIDUCIARY] covenants, grant in perpetuity to

PUBLIC ACCESS (Insert as new par. under “Use Limitations”)

There shall be no posting to prohibit the public, through the auspices of the Grantee, from accessing and using the Property [or specified portions thereof] for [low-impact, non-motorized, non-wheeled] non-commercial, outdoor recreational purposes, which the Grantee shall be under no duty to supervise.

CONFIRMATION OF NO PUBLIC ACCESS (Add as new par. to “Benefits, Burdens, and Access”)

WATER QUALITY PROTECTION (Add to “Purposes” section)

The preservation of the quality of ground water and surface water resources on and under the Property.

CONFIRMATION OF NO PUBLIC ACCESS (Add as new par. To “Benefits, Burdens, and Access”)

This Easement shall in no way be interpreted to permit physical access by the public to or across the Property for any purpose.

AGRICULTURAL BEST MANAGEMENT PRACTICES (At Sect. 2.A.ii, delete “Agriculture and” and “and agricultural” in lines 1 and 3, respectively. Then, create new paragraph 2.A.iii with the following text.)

Agriculture shall be performed, to the extent reasonably practicable, in accordance with a coordinated management plan for the sites and soils of the Property. Agricultural management activities shall not be detrimental to the purposes of this Easement, as described in Section 1 above, nor materially impair the scenic quality of the Property as viewed from public roads or public trails. Said management activities shall be in accordance with the then-current scientifically based practices recommended by the UNH Cooperative Extension, U.S. Natural Resources Conservation Service, or other government or private, nonprofit natural resource conservation and management agencies then active, and shall be in accordance with “best management practices” as set forth in the following publications or as these publications may be specifically updated or superseded:

- a. “Manual of Best Management Practices for Agriculture in New Hampshire,” New Hampshire Department of Agriculture, June 1993; and
- b. “Pesticide Management Guidelines for Groundwater Protection,” University of New Hampshire Cooperative Extension, November 1992; and
- c. “Buffers for Wetlands and Surface Waters: A Guidebook for New Hampshire Municipalities,” Audubon Society of New Hampshire, New Hampshire Office of State Planning, University of New Hampshire Cooperative Extension, U.S. Natural Resources Conservation Service, November 1995; and
- d. “Best Management Practices: Biosolids,” University of New Hampshire Cooperative Extension, 1995; and
- e. “Best Management Practices to Control Nonpoint Source Pollution: A Guide for Citizens and Town Officials,” New Hampshire Department of Environmental Services, May 1994.

SAMPLE WARRANT ARTICLES

Warrant Article for Creating a Capital Improvements Program

To see if the Town will authorize the Planning Board to prepare and amend a recommended program of capital improvement projects projected over minimum periods of six years, in accordance with RSA 674:5-8.

- Town of Canterbury, 1996

Warrant Article for Establishing a Land Use Change Tax Conservation Fund

To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purposes of the Conservation Commission and to raise and appropriate the sum of One Thousand Dollars (\$1000) to be placed in this fund and to authorize the Selectmen to act as agents to expend.

- Town of Allenstown, 1999

Warrant Article for Amending the Land Use Change Tax Percentage

To see if the Town will vote to change to 35% the percentage of all revenues from all future payments collected under the land use change tax set forth in RSA Chapter 79-A which are placed in the conservation fund in accordance with RSA 36-A:5,III. The current percentage is 20% as established by the 1993 Town Meeting.

- Town of Hopkinton, 1996

Warrant Article for Raising Money for Open Space Acquisition

To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000) for open space acquisition by the Conservation Commission in order to preserve the character of our community, maintain open space, and control growth.

- Town of Bow, 1997

Warrant Article for Acceptance of Grant Funds

To see if the Town will vote to authorize the Board of Selectmen to apply for, accept and expend, without further action by the Town Meeting, unanticipated money from a state, federal, or other governmental unit or private source which may become available during the fiscal year, in accordance with the provisions of RSA 31:95-b, provided that said authority is granted indefinitely until such time as rescinded by a vote of the Town Meeting.

- Town of Alton, 1994

Warrant Article for Retaining Town-Owned Land for Conservation Purposes

To see if the Town will vote to retain ownership of lots 11-67,100 and 11-400,210 and 11-376,213 comprising a total of eight (8) acres located in the former Penhallow development off the East Washington Road as per RSA 80:80, V and place these lots under the supervision of the Bradford Conservation Commission in order to further the development of a trail system linking Town held conservation lands.

- Town of Bradford, 1999

Warrant Article for Acceptance of Land Donation as Town Forest

To see if the Town will accept a 41.69 acre gift of land from Forrest and Vera Fogg, being tract #C3-1-2 that lies North of Gorham Pond Road adjacent to the Kuncanowet Town Forest and Conservation Area, upon mutual satisfaction of the conditions agreed upon by Forrest and Vera Fogg and the KTFCA committee. When the transfer is completed, this tract is to be dedicated as part of the Kuncanowet Town Forest and Conservation Area designated by Articles Z and XI at the 1989 Town Meeting.

- Town of Dunbarton, 1994

Warrant Article for Permanent Discontinuance of Road

To see if the Town will vote to discontinue and relinquish all interests of the Town therein a portion of Sand Road beginning at a point nine hundred fifty feet (950') from Mytown Street/Route 3 and terminating at Sheep Davis Road/Route 106, pursuant to RSA 231:43, provided that the Town incurs no expense resulting from the discontinuance.

- Town of Mytown, 1997

Warrant Article for Reclassifying a Class VI Highway to a Class A Trail

To see if the Town will vote to reclassify Smith Road, a Class VI highway, and the Class VI portion of Dunfield as Class A Trails in accordance with RSA 231-A. A Class A trail is a full public right of way subject to public trail use restrictions. It may not be used for vehicular access to any new building, but it may be used by abutting landowners to provide access for agriculture and forestry and to any building existing prior to its designation as a Class A trail. The municipality shall bear no responsibility for maintaining the trail for such uses.

- Town of Bradford, 1997

Warrant Article for Designating a Scenic Road

To see if the Town of Sutton, NH will vote to designate Cotton Road, commencing at Baker Road, a scenic road in accordance with RSA 231:157 and 158, for the purpose of protecting and enhancing the rural and scenic character and beauty of Sutton.

- Town of Sutton, 1996



TITLE 3

Towns, Cities, Village Districts, and Unincorporated Places

CHAPTER 31

Powers and Duties of Towns

Miscellaneous

SECTION 31:95-b

§ 31:95-b Appropriation for Funds Made Available During Year. – I. Notwithstanding any other provision of law, any town or village district at an annual meeting may adopt an article authorizing, indefinitely until specific rescission of such authority, the board of selectmen or board of commissioners to apply for, accept and expend, without further action by the town or village district meeting, unanticipated money from the state, federal or other governmental unit or a private source which becomes available during the fiscal year. The following shall apply:

(a) Such warrant article to be voted on shall read: "Shall the town (or village district) accept the provisions of RSA 31:95-b providing that any town (or village district) at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the selectmen (or commissioners) to apply for, accept and expend, without further action by the town (or village district) meeting, unanticipated money from a state, federal, or other governmental unit or a private source which becomes available during the fiscal year?"

(b) If a majority of voters voting on the question vote in the affirmative, the proposed warrant article shall be in effect in accordance with the terms of the article until such time as the town or village district meeting votes to rescind its vote.

II. Such money shall be used only for legal purposes for which a town or village district may appropriate money.

III. The selectmen or board of commissioners shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held.

IV. Action to be taken under this section shall:

(a) Not require the expenditure of other town or village district funds except those funds lawfully appropriated for the same purpose; and

(b) Be exempt from all provisions of RSA 32 relative to limitation and expenditure of town or village district moneys.

Source. 1979, 42:1. 1991, 25:1. 1993, 176:3, eff. Aug. 8, 1993. 1997, 105:1, eff. Aug. 8, 1997.

TITLE 3

Towns, Cities, Village Districts, and Unincorporated Places

CHAPTER 36A

Conservation Commissions

SECTION 36-A:5

§ 36-A:5 Appropriations Authorized. – I. A town or city, having established a conservation commission as authorized by RSA 36-A:2, may appropriate money as deemed necessary for the purpose of this chapter. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 36-A:4 may be placed in a conservation fund and allowed to accumulate from year to year. Money may be expended from said fund by the conservation commission for the purposes of this chapter without further approval of the town meeting.

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the conservation fund and shall pay out the same only upon order of the conservation commission. The disbursement of conservation funds shall be authorized by a majority of the conservation commission. Prior to the use of such funds for the purchase of any interest in real property, the conservation commission shall hold a public hearing with notice in accordance with RSA 675:7.

III. In the municipality that has adopted the provisions of RSA 79-A:25, II, the specified percentage of the revenues received pursuant to RSA 79-A shall be placed in the conservation fund.

Source. 1963, 168:1. 1973, 550:4. 1987, 318:2. 1988, 120:1, eff. June 18, 1988.

TITLE 5

Taxation

CHAPTER 79A

Current Use Taxation

SECTION 79-A:1

§ 79-A:1 Declaration of Public Interest. – It is hereby declared to be in the public interest to encourage the preservation of open space, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, maintaining the character of the state's landscape, and conserving the land, water, forest, agricultural and wildlife resources. It is further declared to be in the public interest to prevent the loss of open space due to property taxation at values incompatible with open space usage. Open space land imposes few if any costs on local government and is therefore an economic benefit to its citizens. The means for encouraging preservation of open space authorized by this chapter is the assessment of land value for property taxation on the basis of current use. It is the intent of this chapter to encourage but not to require management practices on open space lands under current use assessment.

Source. 1973, 372:1. 1991, 281:2, eff. Aug. 17, 1991. 1996, 176:2, eff. Aug. 2, 1996.

TITLE 5

Taxation

CHAPTER 79A

Current Use Taxation

SECTION 79-A:4

§ 79-A:4 Powers and Duties of Board; Rulemaking. – The board shall have the following powers and duties:

I. It shall meet at least annually, after July 1, to establish a schedule of criteria and current use values to be used for the succeeding year. It shall have the power to establish minimum acreage requirements of 10 acres or less. It shall also review all past current use values and criteria for open space land established by past boards. The board shall make such changes and improvements in the administration of this chapter as experience and public reaction may recommend.

II. The board shall reduce by 20 percent the current use value of land which is open 12 months a year to public recreational use, without entrance fee, and which also qualifies for current use assessment under an open space category. There shall be no prohibition of skiing, snowshoeing, fishing, hunting, hiking or nature observation on such open space land, unless these activities would be detrimental to a specific agricultural or forest crop or activity. The owner of land who opens his land to public recreational use as provided in this paragraph shall not be liable for personal injury or property damage to any person, and shall be subject to the same duty of care as provided in RSA 212:34.

III. The board shall annually determine, vote upon and recommend to the chairman of the board the schedule of criteria and current use values for use in the forthcoming tax year. The board shall hold a series of at least 3 public forums throughout the state to receive general comment through verbal and written testimony on the current use law. After the public forums are concluded and the board has made its recommended changes, the chairman shall proceed to adopt any proposed rules, in accordance with paragraph IV.

IV. The chairman of the board shall adopt rules, pursuant to RSA 541-A, for the schedule of criteria and current use values as recommended by the board, and for other forms and procedures as are needed to implement this chapter consistent with board recommendations and to assure a fair opportunity for owners to qualify under this chapter and to assure compliance of land uses on classified lands.

Source. 1973, 372:1. 1974, 7:4. 1977, 326:3. 1982, 33:2. 1986, 62:1. 1988, 5:3. 1991, 281:7. 1993, 205:1. 1995, 137:3, eff. May 24, 1995.

TITLE 5

Taxation

CHAPTER 79A

Current Use Taxation

Miscellaneous

SECTION 79-A:25

§ 79-A:25 Disposition of Revenues. – I. Except as provided in paragraph II, all money received by the tax collector pursuant to the provisions of this chapter shall be for the use of the town or city.

II. The legislative body of the town or city may, by majority vote, elect to place the whole or a specified percentage, amount, or any combination of percentage and amount, of the revenues of all future payments collected pursuant to this chapter in a conservation fund in accordance with RSA 36-A:5, III. The whole or specified percentage or amount, or percentage and amount, of such revenues shall be deposited in the conservation fund at the time of collection.

III. If adopted by a town or city, the provisions of RSA 79-A:25, II shall take effect in the tax year beginning on April 1 following the vote and shall remain in effect until altered or rescinded pursuant to RSA 79-A:25, IV.

IV. In any town or city that has adopted the provisions of paragraph II, the legislative body may vote to rescind its action or change the percentage or amount, or percentage and amount, of revenues to be placed in the conservation fund. Any such action to rescind or change the percentage or amount, or percentage and amount, shall not take effect before the tax year beginning April 1 following the vote.

Source. 1973, 372:1. 1988, 120:2. 1991, 281:19, 20, eff. Aug. 17, 1991.

TITLE 5 Taxation

CHAPTER 79A Current Use Taxation

Miscellaneous

SECTION 79-A:25-a

§ 79-A:25-a Land Use Change Tax Fund. – I. Towns and cities may, pursuant to RSA 79-A:25-b, vote to account for all revenues collected pursuant to this chapter in a land use change tax fund separate from the general fund. After a vote pursuant to RSA 79-A:25-b, no land use change tax revenue collected under this chapter shall be recognized as general fund revenue for the fiscal year in which it is received, except to the extent that such revenue is appropriated pursuant to paragraph II of this section. Any land use change tax revenue collected pursuant to this chapter which is to be placed in a conservation fund in accordance with RSA 79-A:25, II, shall first be accounted for as revenue to the land use change tax fund before being transferred to the conservation fund at the time of collection.

II. After any transfer to the conservation fund required under the provisions of RSA 79-A:25, II, the surplus remaining in the land use change tax fund shall not be deemed part of the general fund nor shall any surplus be expended for any purpose or transferred to any appropriation until such time as the legislative body shall have had the opportunity at an annual meeting to appropriate a specific amount from said fund for any purpose not prohibited by the laws or by the constitution of this state. At the end of an annual meeting, any unappropriated balance of land use change tax revenue received during the prior fiscal year shall be recognized as general fund revenue for the current fiscal year.

Source. 1991, 156:1. 1992, 122:1, eff. June 30, 1992.

TITLE 5

Taxation

CHAPTER 80

Collection Of Taxes - Real Estate Tax Liens

SECTION 80:80

§ 80:80 Transfer of Tax Lien. – I. No transfer of any tax lien upon real estate acquired by a town or city as a result of the execution of the real estate tax lien by the tax collector for nonpayment of taxes thereon shall be made to any person by the municipality during the 2-year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption be conveyed to any person, unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

II. If the selectmen or mayor are so authorized to convey such property by deed, either a public auction shall be held, or the property may be sold by advertised sealed bids. The selectmen or mayor shall have the power to establish a minimum amount for which the property is to be sold and the terms and conditions of the sale.

II-a. If the selectmen or mayor are authorized to transfer such liens during the 2-year redemption period, either a public auction shall be held, or the liens may be sold by advertised sealed bids. The selectmen or mayor may establish minimum bids, and may set the terms and conditions of the sale. Such liens may be sold singly or in combination, but no fractional interest in any lien shall be sold. Such transfer shall not affect the right of the owner or others with a legal interest in the land to redeem the tax lien pursuant to RSA 80:69, or make partial payments in redemption pursuant to RSA 80:71, but the transferee shall become the lienholder for purposes of RSA 80:72 and 80:76.

III. The selectmen may, by a specific article in the town warrant, or the mayor, by ordinance, may be authorized to dispose of a lien or tax deeded property in a manner than otherwise provided in this section, as justice may require.

IV. Such authority to transfer or to sell shall continue in effect for one year from the date of the town meeting or action by the city or town council provided, however, that the authority to transfer tax liens, or to sell real estate acquired in default of redemption, or to vary the manner of such sale or transfer as justice may require, may be granted for an indefinite period, in which case the warrant article or vote granting such authority shall use the words "indefinitely, until rescinded" or similar language.

V. Towns and cities may retain and hold for public uses real property the title to which has been acquired by them by tax collector's deed, upon vote of the town meeting or city council approving the same.

VI. For purposes of this section, the authority to dispose of the property "as justice may require" shall include the power of the selectmen or mayor to convey the property to a former owner, or to a third party for benefit of a former owner, upon such reasonable terms as may be agreed to in writing, including the authority of the municipality to retain a mortgage interest in the property, or to reimpose its tax lien, contingent upon an agreed payment schedule, which need not necessarily reflect any prior redemption amount. Any such agreement shall be recorded in the registry of deeds. This paragraph shall not be construed to obligate any municipality to make any such conveyance or agreement.

Source. 1987, 322:1. 1992, 173:3, 4. 1993, 176:10, eff. Aug. 8, 1993. 1997, 266:4, eff. Jan. 1, 1998.

TITLE 18

Fish And Game

CHAPTER 212

Propagation Of Fish And Game

Liability of Landowners

SECTION 212:34

§ 212:34 Duty of Care. – I. An owner, lessee or occupant of premises owes no duty of care to keep such premises safe for entry or use by others for hunting, fishing, trapping, camping, water sports, winter sports or OHRVs as defined in RSA 215-A, hiking, sightseeing, or removal of fuelwood, or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph III hereof.

II. An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, hike, use OHRVs as defined in RSA 215-A, sightsee upon, or remove fuelwood from, such premises, or use said premises for water sports, or winter sports does not thereby:

(a) Extend any assurance that the premises are safe for such purpose, or

(b) Constitute the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed, or

(c) Assume responsibility for or incur liability for an injury to person or property caused by any act of such person to whom permission has been granted except as provided in paragraph III hereof.

III. This section does not limit the liability which otherwise exists:

(a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or

(b) For injury suffered in any case where permission to hunt, fish, trap, camp, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuelwood was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or

(c) The injury caused by acts of persons to whom permission to hunt, fish, trap, camp, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuelwood was granted, to third persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

Source. 1961, 201:1. 1969, 77:1-3. 1973, 560:4. 1977, 208:1. 1981, 146:5, VI, eff. Jan. 1, 1982; 538:7, 13, eff. June 30, 1981.

TITLE 18

Fish And Game

CHAPTER 215A

Off Highway Recreational Vehicles And Trails

SECTION 215-A:1

§ 215-A:1 Definitions. – As used in this chapter unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

I. "Accompanied by" means when a person is within sight and when actual physical direction and control can be effected.

I-a. "Antique snow traveling vehicle" means any snow traveling vehicle manufactured prior to the year 1969 or 20 or more years old owned by a resident of the state. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

I-b. "All terrain vehicle (ATV)" means any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more tires designed to hold not more than 10 pounds per square inch of air pressure, having capacity for passengers or other payloads, not to exceed 1,000 pounds net vehicle weight, and not to exceed 50 inches in width. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

II. "Bureau" means the bureau of trails in the department of resources and economic development.

III. "Cowl" means the forward portion of a snow traveling vehicle surrounding the motor.

IV. "Executive director" means the executive director of the fish and game department.

V. "OHRV" means off highway recreational vehicle.

VI. "Off highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. For purposes of this chapter "off highway recreational vehicle" shall be abbreviated as OHRV.

VII. "Operate", in all its moods and tenses, when it refers to an OHRV, means to use that vehicle in any manner for transportation.

VIII. "Operator" means a person riding on or in, and who is in actual physical control of, an OHRV.

IX. "Owner" means any person, other than a lienholder, having title to an OHRV.

X. "Public way" means any public highway, street, sidewalk, avenue, alley, park or parkway, or any way that is funded by state, city, town, county, or the federal government, or laid out by statute, or any parking lots open for use by the public or vehicular traffic, or any frozen surface of a public body of water; provided, however, the off highway portion of any trail established specifically for OHRVs shall not be a public way.

XI. "Public water" means any public body of water as defined by RSA 271:20 which has been frozen over and is sufficient to hold any person or vehicle, whatsoever. Such public waters shall be deemed a public way and any violation shall be treated as if it took place on land.

XII. "Resident" means a citizen of the United States who has lived and made his home continuously within the state not less than 6 months next and has paid his current resident tax prior to his application

for registration of an OHRV and has not during that period claimed a residence in any other state for any purpose.

XIII. "Snow traveling vehicle" means any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, belts or cleats. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

XIV. "Trail bike" means any motor-driven wheeled vehicle on which there is a saddle or seat for the operator or passenger or both and which is designed or adapted for travel over surfaces other than maintained roads, whether covered by ice or snow or not. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

XV. "Registered for Highway Use" means any OHRV as defined in RSA 215-A:1, VI or trail bike as defined in RSA 215-A:1, XIV which is registered for use on the highways of the state under the provisions of RSA 261. Said registered vehicles shall comply with the provisions of RSA 215-A:35-39.

XVI. "Traveled portion" means all areas of a public highway between the plowed snowbanks.

XVII. "Trail connector" means that specific portion of an OHRV trail authorized within a state highway right-of-way by the department of transportation.

Source. 1981, 538:3. 1983, 449:1. 1985, 137:1; 261:1, 2. 1986, 152:2-6. 1989, 179:1. 1993, 53:3, eff. June 15, 1993. 1997, 268:2, eff. July 1, 1997.

TITLE 18

Fish And Game

CHAPTER 215A

Off Highway Recreational Vehicles And Trails

SECTION 215-A:34

§ 215-A:34 Posted Land. – I. An owner may post all or any portion of his land against use by an OHRV. Such notices may read "SNOW TRAVELING VEHICLES PROHIBITED" or "OHRVs PROHIBITED" or may have in lieu of these words an appropriate sign with the designated symbol of sufficient size to be readable at a distance of 50 feet indicating that use of this land is prohibited for the purpose so specified. Whoever without right enters such land that has been so posted shall be guilty of a violation. Provided, however, that failure of an owner to post his land as provided in this section shall not be construed as granting any license to users of OHRVs to enter said premises, nor shall said failure be construed as implying any duty of care to the user of an OHRV by the owner.

II. It is recognized that OHRV operation may be hazardous. Therefore, each person who drives or rides an OHRV accepts, as a matter of law, the dangers inherent in the sport, and shall not maintain an action against an owner, occupant, or lessee of land for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards, or dangers which the OHRV user assumes as a matter of law include, but are not limited to, the following: variations in terrain, trails, paths or roads, surface or subsurface snow or ice conditions, bare spots, rocks, trees, stumps, and other forms of forest growth or debris, structures on the land, equipment not in use, pole lines, fences, and collisions with other operators or persons.

Source. 1981, 538:3. 1983, 449:16. 1985, 193:1, eff. July 30, 1985.

TITLE 20
Transportation
CHAPTER 228
Administration of Transportation Laws
Railroads and Other Common Carriers
SECTION 228:67

§ 228:67 Disposition of Acquired or Abandoned Rail Properties. – Whenever the commissioner determines that certain acquired or abandoned rail properties owned by the state pursuant to RSA 228:60-a, II; 228:60-a, VI; 228:60-b; or any other means are no longer needed, he may transfer or sell such rail properties, excluding the railroad bed and right-of-way lying within a corridor, to any other state department or agency, or political subdivision of the state, which will utilize such properties for public purposes and, if no state department or agency, or political subdivision, wants such properties, the commissioner may sell them, with the proceeds from the sale distributed to the Federal Railroad Administrator, Department of Transportation, in accordance with the grant agreement for the federal share of the participation in the original purchase of the rail properties. The balance shall be deposited into the special fund established in RSA 228:68. Such transfer or sale shall require approval of the long range capital planning and utilization committee and the governor and council. For the purpose of this section, "corridor" shall mean from the point of origin of railroad tracks or bed and right-of-way to the point of terminus within the state, excluding spur lines and sidings which are incidental to the main line.
Source. 1981, 568:55. 1986, 217:4. 1990, 94:1, eff. June 12, 1990.

TITLE 20

Transportation

CHAPTER 231A

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.

TITLE 20

Transportation

CHAPTER 231A

Municipal Trails

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.

TITLE 20

Transportation

CHAPTER 231A

Municipal Trails

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.

TITLE 20

Transportation

CHAPTER 231A

Municipal Trails

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.

TITLE 20

Transportation

CHAPTER 231A

Municipal Trails

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.

TITLE 20
Transportation
CHAPTER 231
Cities, Towns and Village District Highways
Liability of Municipalities
SECTION 231:93

§ 231:93 When Municipalities Not Liable. – Municipalities shall not be deemed to have any duty of care whatsoever with respect to the construction, maintenance or repair of class I, III, III-a or VI highways, or state maintained portions of class II highways. Upon any highway or other way with respect to which a municipality is found to have a duty of care of any kind, its liability shall be limited as set forth in this subdivision.

Source. RS 105:4. 1945, 188:1, part 18:18. RSA 247:18. 1981, 87:1. 1991, 385:7. 1992, 265:14, eff. July 1, 1992.

TITLE 21
Motor Vehicles
CHAPTER 260
Administration Of Motor Vehicle Laws
Road Tolls
SECTION 260:61

§ 260:61 Credit Provided; Liability Insurance. – I. Annually on or before June 30 the state treasurer shall transfer, from road tolls collected, an amount equal to the number of licensed OHRVs for the previous year times the average number of gallons consumed per year per OHRV times the gasoline road toll imposed under RSA 260:32, less any amount refunded for OHRV use for the previous year, to the OHRV bureau. For the purposes of this section, "the average number of gallons consumed per year per OHRV" is 50. The OHRV bureau shall use 66-2/3 percent of the amount credited for grants under its grant-in-aid program, and 33-1/3 percent for general operating expenses and expenses incurred in administering and supervising the grant-in-aid program. Any balances in the funds hereby transferred shall not lapse at the end of the fiscal year but shall remain in the OHRV fund.

II. The OHRV bureau's grant-in-aid program shall bear the expenses of the following:

- (a) A liability insurance policy for the benefit of landowners who allow snowmobilers to use their property, and
- (b) A liability insurance policy for the benefit of landowners who lease their land to the state of New Hampshire for use by snowmobilers.

Source. RSA 265:29-a. 1979, 298:1. 1981, 146:1. 1983, 449:29. 1993, 320:1, eff. June 23, 1993.

TITLE 52
Actions, Process, And Service Of Process

CHAPTER 508
Limitation of Actions

SECTION 508:14

§ 508:14 Landowner Liability Limited. – I. An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.

II. An owner of land who permits another person to gather the produce of the land under pick-your-own or cut-your-own arrangements, provided said person is not an employee of the landowner and notwithstanding that the person picking or cutting the produce may make remuneration for the produce to the landowner, shall not be liable for personal injury or property damage to any person in the absence of willful, wanton, or reckless conduct by such owner.

Source. 1975, 231:1. 1979, 439:1. 1981, 293:2. 1985, 193:2, eff. July 30, 1985.

TITLE 52

Actions, Process, And Service Of Process

CHAPTER 508

Limitation of Actions

SECTION 508:17

§ 508:17 Volunteers; Nonprofit Organizations; Liability Limited. – I. Any volunteer of a nonprofit organization or government entity shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury to any person if:

- (a) The volunteer had prior written approval from the organization to act on behalf of the organization; and
- (b) The volunteer was acting in good faith and within the scope of his official functions and duties with the organization; and
- (c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.

I. Any person who is a volunteer of a nonprofit organization or government entity shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury to any person if:

- (a) The nonprofit organization or government entity has a record indicating that the person claiming to be a volunteer is a volunteer for such organization or entity; and
- (b) The volunteer was acting in good faith and within the scope of his official functions and duties with the organization; and
- (c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.

I-a. The following form shall be sufficient as a writing required under this section and shall serve as prima facie evidence of the approval required under paragraph I:

Dear _____:

You are hereby recognized as a volunteer of the (name of organization) which exists for the following purposes (list purposes). Your tenure as a volunteer will continue until your resignation or until your termination by the organization. The purpose of this letter is to comply with the provisions of RSA 508:17, the volunteer immunity law, as that law may be amended from time to time.

Thank you for your service.

_____, &# 95; _____

Authorized Officer Officer

I-a. [Repealed.]

II. Liability of a nonprofit organization for damage or injury sustained by any one person in actions brought against the organization alleging negligence on the part of an organization volunteer is limited to \$250,000. Such limit applies in the aggregate to any and all actions to recover for damage or injury sustained by one person in a single incident or occurrence. Liability of a nonprofit organization for damage or injury sustained by any number of persons in a single incident or occurrence involving negligence on the part of an organization volunteer is limited to \$1,000,000.

III. Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization against any volunteer of such organization.

APPENDIX B: REFERENCED NH STATUTES

IV. Volunteer activity related to transportation or to care of the organization's premises shall be excepted from the provisions of paragraph I of this section.

V. In this section:

(a) "Damage or injury" includes physical, nonphysical, economic and noneconomic damage and property damage.

(b) "Nonprofit organization" shall include, but not be limited to, a not for profit organization, corporation, community chest, fund or foundation organized and operated exclusively for religious, cultural, charitable, scientific, recreational, literary, agricultural, or educational purposes, or to foster amateur competition in a sport formally recognized by the National Collegiate Athletic Association, and an organization exempt from taxation under section 501(c) of the Internal Revenue Code of 1986 organized or incorporated in this state or having a principal place of business in this state.

(c) "Volunteer" means an individual performing services for a nonprofit organization or government entity who does not receive compensation, other than reimbursement for expenses actually incurred for such services. In the case of volunteer athletic coaches or sports officials, such volunteers shall possess proper certification or validation of competence in the rules, procedures, practices, and programs of the athletic activity.

Source. 1988, 280:1. 1990, 116:1-3, eff. Jan. 1, 1991. 1998, 255:1, 2, eff. Jan. 1, 1999.

TITLE 64

Planning And Zoning

CHAPTER 674

Local Land Use Planning And Regulatory Powers

Master Plan

SECTION 674:2

§ 674:2 Master Plan Purpose and Description. – The master plan shall generally be comprised of a report or set of statements and land use and development proposals with accompanying maps, diagrams, charts and descriptive matter designed to show as fully as is possible and practical the planning board's recommendations for the desirable development of the territory legally and logically within its planning jurisdiction. The master plan shall be a public record subject to the provisions of RSA 91-A, the sole purpose and effect of which shall be to aid the planning board in the performance of its duties. The master plan shall include, if it is appropriate or if it is specifically required as a prerequisite for the adoption of implementation measures, the following specific sections, to be adapted by the planning board to the special requirements of the municipality:

- I. A general statement which shall include such topics as the objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical and socioeconomic development of the municipality are based.
- II. A land use section which takes into account natural conditions and which shows the existing conditions and the proposed location, extent, and intensity of future land usage.
- III. A housing section which analyzes existing housing resources and addresses current and future housing needs of residents of all levels of income of the municipality and of the region in which it is located, as identified in the regional housing needs assessment performed by the regional planning commission pursuant to RSA 36:47, II.
- IV. A transportation section showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality.
- V. A utility and public service section analyzing the need for and showing the present and future general location of existing and anticipated public and private utilities, their supplies and distribution and storage facilities.
- VI. A community facilities section showing the location of, type, and need for educational or cultural facilities, historic sites, libraries, hospitals, fire houses, police stations and other related facilities, including their relation to the surrounding areas.
- VII. A recreation section which shows existing recreation facilities and which addresses future recreation needs.
- VIII. A conservation and preservation section which may provide for the preservation, conservation, and use of natural and man-made resources. The conservation and preservation section of the master plan should include a local water resources management and protection plan as specified in RSA 4-C:22. This plan should be reviewed and revised as necessary at intervals not to exceed 5 years.
- VIII-a. A construction materials section which summarizes known sources of construction materials which are available for future construction materials needs, including, at a minimum, the location and

APPENDIX B: REFERENCED NH STATUTES

estimated extent of excavations which have been granted permits under RSA 155-E, as well as reports filed pursuant to RSA 155-E:2, I(d) with respect to non-permitted excavations.

IX. Appendices or separate reports, where appropriate, which contain the underlying scientific and statistical data for the master plan and its constituent elements.

Source. 1983, 447:1. 1986, 167:2. 1988, 270:1. 1989, 339:28, eff. Jan. 1, 1990; 363:15, eff. Aug. 4, 1989.

TITLE 64

Planning And Zoning

CHAPTER 674

Local Land Use Planning And Regulatory Powers

Master Plan

SECTION 674:3

§ 674:3 Master Plan Preparation. – I. The planning board in the course of preparing and amending or revising the master plan may make surveys and studies and may review data and information relative to the existing conditions and probable future growth of the municipality and its environs. The master plan shall be made with the general purpose of guiding and accomplishing coordinated and harmonious development which will, in accordance with existing and probable future needs, promote health, safety, order, convenience, prosperity, or the general welfare as well as efficiency and economy in the process of development.

II. The master plan shall include, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

III. During the preparation of the various sections of the master plan, the board shall inform the general public and solicit public comments regarding the future growth of the municipality in order to involve citizens in the preparation of the master plan in a way which is most appropriate for the municipality.

Source. 1983, 447:1, eff. Jan. 1, 1984.

TITLE 64
Planning And Zoning

CHAPTER 674
Local Land Use Planning And Regulatory Powers

Master Plan

SECTION 674:4

§ 674:4 Master Plan Adoption and Amendment. – The planning board may, according to the procedures required under RSA 675:6, adopt the master plan as a whole, or may adopt successive sections or parts of the plan. Sections or parts of the plan shall correspond with major geographical sections or divisions of the municipality, or with the functional elements of the plan, and may incorporate any amendment, extension, or addition to the plan.

Source. 1983, 447:1, eff. Jan. 1, 1984.

RESOURCE REFERENCES

Publications

A Hard Road to Travel, H. Bernie Waugh Jr. of the New Hampshire Municipal Association 1997

New Hampshire Non-Motorized Multi-Use Trails Manual, Merrimack River Watershed Council 1996

Building Foot Trails: A Guide for Towns and Landowners, Ted Bonner circa 1996

Best Management Practices for Erosion Control During Trail Maintenance and Construction, NH Department of Resources and Economic Development 1996

Handbook for Municipal Conservation Commissions in New Hampshire, NH Association of Conservation Commissions, 1988 with revisions through 1997

At What Cost? Shaping the Land We Call New Hampshire, edited by Richard Ober, Society for the Protection of NH Forests 1992

Trails for the 21st Century: A Planning, Design, and Management Manual for Multi-Use Trails, Rails-to-Trails Conservancy 1993

Secrets of Successful Rail-Trails: An Acquisition and Organizing Manual for Converting Rails into Trails, Rails-to-Trails Conservancy 1993

Concord Trail System, Concord Conservation Commission 2001

NH / Central Region Public Land Trusts

Audubon Society of NH
Silk Farm Road, PO Box 8200
Concord, NH 03301 ☎ 224-9909

Ausbon Sargent Land Preservation Trust
Deborah Stanley, Executive Director
PO Box 2040
New London, NH 03257 ☎ 526-6555

Bearpaw Regional Greenways
Frank Mitchell, President
PO Box 19
Deerfield, NH 03037 ☎ 463-7562

APPENDIX C: VOLUNTEER RESOURCES

Bow Open Spaces
Bob Dawkins, Treasurer
41 South Bow Road
Bow, NH 03304 ☎ 225-3678

Concord Conservation Trust
Douglas Woodward, Chair
54 Portsmouth Street
Concord, NH 03303 ☎ 224-9945

Gilmanton Land Trust
c/o Tom Howe and Sarah Thorne
RFD 1 Box 429
Gilmanton IW, NH 03837 ☎ 364-6131

Harris Center for Conservation Education
Meade Cadot, Director
341 Kings Highway
Hancock, NH 03449 ☎ 525-3394

Highland Lake Association
James Lane, President
PO Box 103
Washington, NH 03280

Lakes Region Conservation Trust
Tom Curren, Executive Director
PO Box 1097
Meredith, NH 03253 ☎ 279-3246

The Nature Conservancy
2 1/2 Beacon Street, Suite 6
Concord, NH 03301 ☎ 224-5853

Society for the Protection of NH Forests
54 Portsmouth Street
Concord, NH 03301 ☎ 224-9945

Trust for Public Lands
Peter Forbes, Regional Director
33 Union Street
Boston, MA 02108 ☎ (617) 367-6200

Turkey River Basin Trust
Mary Louise Hancock, Chair
33 Washington Street
Concord, NH 03301 ▲ 225-9721

State / Other Agencies

Appalachian Mountain Club (AMC)
Business Office
PO Box 298
Gorham, NH 03581 ▲ 466-2721

Army Corps of Engineers (ACE)
424 Trapelo Road
Waltham, MA ▲ (617) 647-8111

Central NH Regional Planning Commission (CNHRPC)
12 Cross Street
Penacook, NH 03303 ▲ 753-9374

Trails Bureau
NH Department of Resources and Economic Development (NH DRED)
172 Mytown Road, PO Box 1856
Concord, NH 03302-1856 ▲ 271-3254

NH Department of Revenue Administration (NH DRA)
45 Chennell Drive, PO Box 457
Concord, NH 03302-0457 ▲ 271-2191

NH Municipal Association (NHMA)
Triangle Park Drive, PO Box 617
Concord, NH 03302 ▲ (800) 852-3358

Rivers and Trails
National Park Service (NPS)
5 Thomas Hill
Woodstock, VT 05091 ▲ (802) 457-4323

NH Association of Conservation Commissions (NHACC)
54 Portsmouth Street
Concord, NH 03301 ▲ 224-9945

NH Department of Environmental Services (NH DES)
6 Hazen Drive, PO Box 95
Concord, NH 03305 ▲ 271-3503

APPENDIX C: VOLUNTEER RESOURCES

NH Department of Transportation (NH DOT)
1 Hazen Drive, PO Box 483
Concord, NH 03305 ▲ 271-6495

Merrimack County Conservation District
10 Ferry Street, Box 312
Concord, NH 03301 ▲ 223-6023

Hillsborough County Conservation District
468 Route 13 South
Milford, NH 03055 ▲ 673-2409

Merrimack County (UNH) Cooperative Extension
315 Daniel Webster Highway
Boscawen, NH 03303 ▲ 225-5505

Hillsborough County (UNH) Cooperative Extension
Route 114
Goffstown, NH 03045 ▲ 624-9481

Rails-to-Trails Conservancy
1100 Seventeenth Street NW
Washington, DC 20036 ▲ (202) 331-9696

NH Office of State Planning
2 1/2 Beacon Street
Concord, NH 03301 ▲ 271-2155

NH Fish and Game
2 Hazen Drive, PO Box 6500
Concord, NH 03305 ▲ 271-3421

Citizens for NH Land and Community Heritage
54 Portsmouth Street
Concord, NH 03301 ▲ 224-9945

US Army Corps of Engineers
New England District
424 Trapelo Road
Waltham, MA 02254 ▲ (617) 647-8220

Central Region Conservation Commissions

Allenstown Conservation Commission
Town Hall
16 School Street
Allenstown, NH 03275 ☎ 485-4276

Boscawen Conservation Commission
Town Hall
17 High Street
Boscawen, NH 03303 ☎ 796-2426

Bow Conservation Commission
Town Hall
10 Grandview Road
Bow, NH 03304 ☎ 225-3008

Bradford Conservation Commission
Town Hall
75 West Main Street
Bradford, NH 03221 ☎ 938-5900

Canterbury Conservation Commission
Town Hall
Hackleboro Road, PO Box 500
Canterbury, NH 03224 ☎ 783-9955

Chichester Conservation Commission
Town Hall
54 Main Street
Chichester, NH 03234 ☎ 798-5350

Concord Conservation Commission
City Hall
41 Green Street
Concord, NH 03301 ☎ 225-8515

Deering Conservation Commission
Town Hall
RR 1, Box 166
Hillsboro, NH 03244 ☎ 464-3248

Dunbarton Conservation Commission
Town Hall
1011 School Street
Dunbarton, NH 03045 ☎ 774-3541

APPENDIX C: VOLUNTEER RESOURCES

Epsom Conservation Commission
Town Hall
Suncook Valley Highway, PO Box 10
Epsom, NH 03234 ☎ 736-9002

Henniker Conservation Commission
Town Hall
2 Depot Hill Road
Henniker, NH 03242 ☎ 428-3221

Hillsboro Conservation Commission
Town Hall
29 School Street, PO Box 7
Hillsboro, NH 03244 ☎ 464-3877

Hopkinton Conservation Commission
Town Hall
330 Main Street
Hopkinton, NH 03229 ☎ 746-3170

Loudon Conservation Commission
Town Hall
29 South Village Road, PO Box 7837
Loudon, NH 03301 ☎ 798-4541

Pembroke Conservation Commission
Town Hall
311 Pembroke Street
Pembroke, NH 03275 ☎ 485-4747

Pittsfield Conservation Commission
Town Hall
85 Main Street, PO Box 98
Pittsfield, NH 03263 ☎ 435-6773

Salisbury Conservation Commission
Town Hall
9 Old Church Road, PO Box 214
Salisbury, NH 03268 ☎ 648-2473

Sutton Conservation Commission
Town Hall
93 Main Street, PO Box 85
North Sutton, NH 03260 ☎ 927-4416

Warner Conservation Commission
Town Hall
5 East Main Street, PO Box 265
Warner, NH 03278 ☎ 456-2298

Webster Conservation Commission
Town Hall
945 Battle Street
Webster, NH 03303 ☎ 648-2272

STEPS TO CREATING A MUNICIPAL TRAIL SYSTEM

Steps to Creating a Municipal Trail System

1. Gather an Interested Group of People - Sponsored by Your Conservation Commission

- local officials (Conservation Commission, Planning Board, Selectmen, Historic District Commission, Recreation Department)
- landowners, enthusiasts and retired folks
- snowmobile, biking, and equestrian clubs
- teachers and school children, Boy and Girl Scouts

2. Produce a Plan for Your Town - the Open Space Trail System Plan!

A. Inventory Conservation and Public Lands

- produce a detailed description of each of the permanently conserved lands in Town and other Town or State-owned lands
- include parcel information relevant to an Open Space Trail System Plan
- map the locations of existing conservation and public lands

B. Inventory Existing Trails, Rights-of-Way, Class VI Roads, and Utility Corridors

- produce a detailed listing of the information about each right-of-way or trail
- include parcel information relevant to an Open Space Trail System Plan
- record the actual location of select trails by using Global Positioning System (GPS) technology
- map the locations of trails, rights-of-way, Class VI roads and utility corridors

C. Determine Where to Link Trails or Create New Trails & Land to Protect from Future Development

- determine users of the trails and choose locations where trail connections would be most advantageous, making sure to focus on those parcels which reflect findings of the Master Plan
- map the future potential trails and conservation land based upon inventory analysis
- include appendices of maps, sample landowner agreements, sample conservation easement deeds, trail checklists, volunteer liability forms, statutes, sample warrant articles

3. Implement the Plan - Now Here's the Hard and Rewarding Part!

- The Conservation Commission should take the lead on the following:
 - adoption of the Plan by the Planning Board as a component of the Master Plan
 - Town designation of select trails as official (enforceable) Class A & B trails
 - contact landowners of identified parcels and initiate the process of seeking permission
 - pursue grants, volunteer labor, local donations, technical expertise
 - trail construction and maintenance

4. Promote the Trails and Conservation Lands - Create a Trails Committee

- meet on a regular basis to coordinate trails happenings
- decide what uses of each trail are most appropriate
- produce a brochure or small guidebook of the trails with descriptions
- ask for volunteer "trailmeisters" to maintain trails and report problems
- partner with other public/private groups in Town or local schools
- hold trail maintenance events, tours along trails, or trails naming contests
- produce signage



VOLUNTEER LIABILITY FORM

(on Conservation Commission letterhead)

**Volunteer Liability Form
NH Revised Statutes Annotated 508:17**

MYTOWN CONSERVATION COMMISSION

What is RSA 508:17?

It states that volunteers working for nonprofit organizations are not held liable for damages or accidents that may occur while acting with good faith during their volunteer tenure with the organization. In the case of the duly organized Mytown Conservation Commission, of which the Trails Committee is a subcommittee of, such volunteer work includes trail-related activities, equipment handling, site investigation, and other duties associated with being a volunteer for this organization. RSA 508:17 protects you from civil liability.

Dear _____,

You are hereby recognized as a volunteer of the Mytown Conservation Commission, which exists for the following purposes:

- to regularly inventory natural resources and open space;
- to acquire and manage conservation land in an effective manner;
- to create and maintain recreational trails for the benefit of the public;
- to monitor the proper adherence of protective ordinances and legislation; and
- to provide guidance to the Planning Board and Board of Selectmen on conservation-related matters.

Your tenure as a volunteer will continue until your resignation or until your termination by the organization.

Thank you for your service.

Chair, Mytown Conservation Commission

Date

Selectman, Mytown Board of Selectmen

Date

VOLUNTEER TRAIL MAINTENANCE AGREEMENT "ADOPT-A-TRAIL"

(on Conservation Commission letterhead)

**Volunteer Trail Maintenance Agreement
"Adopt-A-Trail"**

MYTOWN CONSERVATION COMMISSION

I/We, _____ of _____,
Mytown, (herein after referred to as "Trailmeister") hereby volunteer to periodically monitor and maintain the

_____ Trail (herein after referred to as the "Trail") of the
Town of Mytown in accordance with the attached Trail Maintenance Job Description.

I/We also agree to coordinate with the Trails Committee of the Mytown Conservation Commission on a regular basis to report on activities related to the Trail, using the attached Trail Report Form as a guide.

If I/We cannot to fulfill the duties as a Trailmeister as noted in the attached Trail Maintenance Job Description, I/We agree to inform the Chair of the Trails Committee who may offer another person/family the opportunity to "Adopt" this Trail.

I/We may, with written notice to the Chair of the Trails Subcommittee, resign from my/our volunteer Trailmeister duties at any time.

Trailmeister

Date

Trailmeister

Date

Chair, Mytown Trails Committee

Date

Chair, Mytown Conservation Commission

Date

TRAIL MAINTENANCE GUIDELINES "JOB DESCRIPTION"

(on Conservation Commission letterhead)

Trail Maintenance Guidelines:
a "Job Description"
for the Volunteer Trailmeister

MYTOWN CONSERVATION COMMISSION

Welcome, Trailmeister! Thank you for volunteering your time and energy to the recreational trails within the Town. We are very proud of what we have accomplished and look forward to more ways to share our trails with the public. Volunteer efforts are the foundation of our success. We believe you will find your experience rewarding and satisfying. In order to help you with your efforts, this "Job Description" outlines what is asked of you as a Trailmeister:

Periodic Services of the Trailmeister

Guideline 1Trail Reporting

- Walk your Trail and report problems or interesting finds you encounter on a Trail Report Form.
- Coordinate with the Trails Committee on a regular basis:
- Orally report on your Trail
- Provide a copy of the Report Form to the Chair of the Trails Committee for permanent recordkeeping.

Guideline 2Trail Maintenance

- Perform light trail maintenance on a periodic basis such as picking up trash, removing fallen limbs, filling map boxes with maps, and trimming overgrown branches.
- We do not expect you to perform hard labor on your own! If you are interested, tools and expertise are available to you for larger projects such as removing fallen trees, installing map boxes, or blazing the trail. If not, a team of Trails Overseers will gladly do harder tasks.

In addition to **Trail Reporting** and **Trail Maintenance**, we also hold other events, activities, and gatherings such as monthly Trails Committee meetings, National Trails Day, trail blazing, or new trail construction. A Trails Guidebook, a document intended to provide the public with maps and narratives about every maintained trail within the Town, will be created. We can find something for every interest - just ask!

If at any time you have questions or encounter any problems, please call the Mytown Town Office at 485-4747 during business hours or call a Trails Overseer during the evenings and weekends.

TRAIL REPORT FORM

Trail Report Form
MYTOWN TRAILS COMMITTEE

Trail: _____ Date: _____

Performed by: _____

At the Trailhead (s):

Please fill the map boxes with maps.

Are cars parked where they should be? no yes How many are present? _____

Is there any vandalism apparent to map boxes, trees, or surroundings?

no yes _____

Are the trail signs clearly visible at both ends of the trail? yes no _____

On the Trail:

Please pick up litter and move fallen limbs to the side. Please trim overgrown branches.

Are the blazes clearly visible? yes no _____

How many people did you encounter? _____ What age groups? _____

What were they doing? (hiking, biking, skiing, jogging, picnicking, etc) _____

Do you see evidence of restricted uses of the trail? no yes _____

Are there sections of the trail that appear dangerous? no yes _____

Did you see any wild animals or interesting sights? no yes _____

Did you notice any erosion, washouts, or wet spots that were hard to cross? no yes _____

Is additional work required?

- large item removal (tree, appliance, boulder) no yes _____

- repair of vandalism no yes _____

- re-blazing of trees no yes _____

Other Comments:

CERTIFICATE OF VOLUNTEERISM

Certificate of Volunteerism

This is to certify that

is appreciatively recognized on August 1, 2001 as
a volunteer steward

of the

Trail

of the Town of Mytown, New Hampshire.

, Conservation Commission Chair

, Trails Committee Chair



This Section

- γ Map 1 - Base Map
- γ Map 2 - Topographic Map
- γ Map 3 - Unfragmented Lands Map
- γ Map 4 - Public Lands, Easements, and Rights-of-Way Map
- γ Map 5 - Existing Trail System Map
- γ Map 6 - Proposed Open Space Trail System Map