

Franconia Conservation Commission (FCC)

Meeting: September 11, 2024, 3:30 pm

Members present: Chris Nicodemus, Ginny Jeffryes, Julie Weisman, Michelle Sauque, Jill Brewer; Robin Ross (pending alternate).

Guests: Conor McCourt (Ammonoosuc Conservation Trust's (ACT) trails manager), Bill Whelan (Franconia Area Northeast Mountain Biking Association (FA NEMBA)), Joe Harrison (FA NEMBA)

New member: Robin's FCC membership is pending a vote of the Select Board at their next meeting.

Minutes: Chris moves to approve the July 2, 2024 minutes. Michelle seconds. Unanimous vote in favor.

Lawrence Forest NEMBA Trail Project Proposal update:

Chris: the NEPA review of the NEMBA proposed new trail project is complete.

Bill Whelan updates us. Bill says all the documentation was sent to Chris. NEPA process resulted in approval due to finding no significant environmental impact. They (FA NEMBA) walked the route with Elise Lawson and Conor in May. Elise told them she noticed their NEPA wetlands consultant had marked the wetland areas conservatively – wider wetlands boundaries than she would have delineated herself. The trail route is far enough from wetlands. He says they have designed the trail route so that it considers wildlife impact, and so that it stays far enough from the Meadowbrook river buffer zone. Chris says that he recently distributed to FCC by email Elise's written comments about the planned trail, and also the update that Bill provided.

Ginny couldn't attend the August NEMBA route walk for FCC, so has questions. She thought their recent map and some language in the recent email looked like the finalized route had deviated in a few places from the route she'd seen in the initial proposal last year. She asks if the final route is unchanged from what Elise walked in May with FA NEMBA. Bill says it is the same. The finalized trail went around the [April] delineated wetlands whose boundaries they weren't certain of yet in the original proposal. Ginny is concerned that it's proposed as an adaptive sports trail, but all access points to it are across various private properties. How does FA NEMBA propose that people with adaptive needs will get to the proposed new trail? Bill says that their grant required a new trail, and it doesn't cover expanding existing trails, but that FA NEMBA is currently working with the private landowners, especially with Andrew Schmitt on Old County Road to enable his property's trail accessibility to connect to the new adaptive trail, and Schmitt is on board. Joe says this will enable a circular loop - the proposed new trail and the Pebble Beach 2.0 trail, parts of which are on Schmitt property. It was machine-built a couple years ago so is smooth enough and wide enough for adaptive bikes. So their current plan is people can park on Old County Road to access it by using the Schmitts' trail. Ginny says she didn't know Schmitt's existing trail was adaptive accessible. Bill says that Pebble Beach 2.0 trail is adaptive accessible except for a couple of spots that their NEPA expert said need to be cleaned up - to push a rock out of the way, for example.

Ginny is concerned about the lower end of the proposed trail, because the Lawrence Forest funding grants required 100 foot buffer distance from the brook for any new trails. So, when Pebble Beach (PB) trail was moved to its PB 2.0 location, the lowest end of the trail closest to Meadowbrook had to divert back onto Schmitts' private land to avoid violating those grant conditions. Joe says the low elevation end of the proposed trail hooks left towards the uplands and so won't violate the brook buffer restrictions. He says potentially there are also good access points from Lovett property, and also from Horse and Hound's property on Charlie's Trail, which is an easy bike trail and can lead to the lower end of the new trail. Ginny says that the Lovett property bridge across the brook is still washed out from storm damage. Bill says that they're working on a solution with the landowners.

Julie says she was impressed on the August FCC + NEMBA walk that the trail will not be as wide as what she had anticipated – that it's similar to the width of most of Pebble Beach 2.0.

Robin asks what they mean by "adaptive". Joe says they're using a definition of wide enough to fit adaptive bicycles with two wheels in front – enough width for those, but not necessarily flat due to need for athletic challenges. "Adaptive" is a spectrum, and this trail will not be ADA compliant.

Michelle asks if they are getting an easement for access to the proposed trail in case landowners sell.

Bill thinks there is an MOU (Memorandum of Understanding) in place. Ginny asks whether the MOU specifies getting an easement, so that if they sell, access to new trail is still there. Bill says no: it's a trail MOU but not an easement, and he doesn't recall the MOU details. Ginny asks if that is a concern to them, because if property transfers, a new owner could block access. Bill says this is a challenge throughout this area, and it's why they're looking at having multiple points of access. Joe says the NEMBA board is going through a strategic planning effort with a third party consultant, and easements for trails on private land are coming to the top of the list, and it will be a multi-year effort. They're working to engage with landowners who have trails on their properties. Bill acknowledges that property owners do change, and sometimes rapidly.

Chris thinks the trail design is good, and that the local adaptive sports group which supports young athletes will love to have something besides the [Franconia Notch] bike path. So he thinks it's an appropriate use of the property as long as it's respectful.

Michelle asks what their timeline is for developing their master plan, in light of building a trail before the master plan is done. Bill says it's an evolutionary process, and the NEMBA board has a cohesive vision; it's not unusual to do this. Joe says it's a 6 to 8 month master plan process working with their consultant. This trail is a part of their overall goal to make some easier bicycle trails close to the access points for adaptive sports and beginners - for example, for the Rec kids at summer camp. Their goal is to be able to eventually connect from Fox Hill Park to this new trail. They were close to an agreement with the campground owner – [a former access trail] - but the owner declined due to a pitch point they needed to fix. So they are looking at options with Ronnie's Trail or Tucker's Trail being made adaptive on those properties. Those also require private property access. That's their eventual goal.

Robin asks about the trails on the 96 acre parcel in McKenzie Woods, recently bought again by Presbys. She wonders if FA NEMBA is talking with them about developing adaptive trails there. Bill says they Presbys are open to trails and that Trevor told them to do whatever they want there. Chris mentions that Presbys offered that parcel to FCC years ago, but we bought the Lawrence Forest parcel instead, with grant help. Ginny comments that the Presby parcel offer to us in about 2015 was expensive.

Chris says that the local trail network is mostly legacy trails on private land, and that is a concern that was mentioned in FA NEMBA's obsolete master plan of 10 years ago. He likes that they have a consultant involved in their current planning. The goal to have trails be permanent via easements is good, but is a challenge to obtain.

Ginny wonders who will make and pay for the needed updated trail maps with the proposed new trail. Bill says they're working with their consultant about making a plan for that, including trail maps at entry points. Ginny notes that the existing online 2017 ACT map for Lawrence Forest trails is out of date: it still shows the older Pebble Beach trail course when it was mostly on private land, before it was moved at landowner request to mostly be in the Lawrence Forest about 3 years ago. Conor says that because ACT doesn't own the land, ACT isn't responsible for maps, and that part of their FA-NEMBA conversation is that FA NEMBA will post new trail maps at kiosks. Ginny thinks the erroneous old trail map on the ACT website should be removed.

Chris requests a motion to "agree to the trail plan and to authorize the NEMBA team to proceed". Jill makes that motion. Chris seconds. Chris, Julie, Michelle, Jill vote yes. Ginny votes no. Motion passes 4:1. Conor says that before any trail work can begin, the Town of Franconia as the landowner needs to submit a written letter to ACT stating they approve the trail proposal; then ACT as easement holder will

then either approve or disapprove. Chris offers to work with Jill about the language for the Select Board's letter to ACT, but asks Conor to send the specific language needed by the easement, due to Chris' conflict of interest. Conor will. Conor says that from his view and other ACT's staff's view, they did not see any significant impacts from this trail. (Bill and Joe of NEMBA leave.)

Town Forest ACT Easement: Ginny apologizes for her delay in submitting the FCC's suggested compiled changes to the ACT draft easement to the Select Board (SB) and town administrator – she submitted today. Conor says they will reply to us when they get it back after SB and town lawyer look at it. Ginny tells Conor that we didn't suggest a lot of changes. Chris says it's up to the SB to decide on the changes we suggested. Conor asks to be informed when it's on our agenda next. He and Rosalind will attend that FCC meeting. (Conor leaves.)

Natural Resource Inventory update: Chris says that Elise Lawson posted online the NRI maps she created for us to review. Robin says she hasn't seen anything, being new here. Discussion that 3 FCC members present haven't been able to access the electronic site despite the invitation emails, but 2 members have accessed. Chris will ask Elise to reinvite us electronically, and suggests those of us without access also reach out separately to her.

Fox Hill Park - Society for Protection of NH Forests easement: Chris says SPNHF communicated to town concerns about unclear property line borders from Collman property to the cemetery. Corner pins are missing. It makes it hard for them to determine if there is easement encroachment. One example is a Hillwinds propane tank, which may encroach on Fox Hill easement property. He says the SPNHF thinks the town should have that boundary area checked. Discussion that surveying is expensive. FCC budget is small. Chris says they aren't pressing us to do it immediately, but important for future clarity. Select Board needs to address. Ginny mentions her recollection of past reports by former Rec director of possible encroachments along that same boundary stretch when that Rec Director did the annual Forest Society easement walks. She (the then-Rec director and FCC chair) told to us back then that the town's decision was to not address at that time for financial reasons. Ginny says FCC hasn't been involved in managing Fox Hill in her 15 years on FCC – it was a Rec department thing in those years. But, she thinks it should be part of FCC overview. She wonders about reaching out unofficially to local surveyors for a rough estimate of potential costs. Chris says that it's for the Select Board to discuss how to address this issue.

Next meeting: Tuesday, October 22, 2024 4 pm. Then return to first Tuesdays of month at 3 pm in December.

Minutes by Ginny Jeffries