

10/30  
Copies for Selectmen

10/25/09

Dave Mason  
Board of Selectmen  
PO Box 268  
Route 16 A  
Jackson, NH 03846

Dear Dave Mason,

I am sorry to have missed you last week in Jackson. It would have been great to talk with you in person. I am writing to you to express several concerns that I have with the construction of a parking lot by the Jackson Ski Touring Foundation (JSTF) on the property adjacent to mine which is located at 9 Carter Notch Rd, which has been in my family for over 50 years. I first became aware of this proposed project when Rick Copeland of the JSTF tapped on my cabin door, the 6<sup>th</sup> or 7<sup>th</sup> of Oct. and informed me that digging of the lot would begin 11/25/2009. Needless to say, I was stunned and began immediately to find out more. I was unaware that the land had been given to the JSTF and was dismayed that they had been using it as a parking place over the previous year.

I have some serious concerns about the impact to my property as well as the impact to the environment and feel that this project should be put on hold until further information is gathered. In particular, I have concerns about the following:

- 1) **Discrepancies in property boundaries:** I was provided copies of the building permit proposal and the deeds to my land and that of the JSTF by the Jackson Town clerk. There is a discrepancy in the land measurements between the JSTF deed document and the deed to our Walker family property. There is a discrepancy of 15' along Carter Notch Road. The JSTF site plans indicate 115' - which takes the JSTF land to the edge of our first large fir tree. My father's deed, dated 1977, indicates that our boundary is 100' from the town ditch. This is a significant discrepancy and we request that any construction and use of the land as a parking lot be halted until property boundary issues are resolved. We do not want our land turned into a sand and gravel parking lot. I asked the Town Offices and Thom for a current accurate survey. None has been done. Our family feels that a survey should be conducted of the proposed property boundary and of the site of the proposed construction.
- 2) **Incomplete site plan:** The proposed elevations provided by the JSTF do not represent the actual topography of the land in question. The property does slope toward the river but also has a significant depression in the center which is not documented. The proposed plan show a level parking lot which would require regrading and infill of the site to create a level lot. I was informed by Chris Northrup of the New Hampshire Office of Energy and Planning that no filling can occur within 75' of the river. If there is no survey of the existing conditions

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it would be difficult to determine final grade of the parking lot. It would seem prudent to have a good survey of elevations of the property to ensure that no changes to the existing topography would occur during construction and that state laws are not violated in the process and that our property is not affected by changes in grade that might affect drainage.

- 3) **Wildcat River Conservation:** I am concerned about the impacts of having a parking lot so close to the Wildcat river. The Wildcat River was designated a Wild and Scenic River in 1988 and should be given the protections of that designation. As the Wildcat River Advisory Commission no longer exists and the River Conservation Act is in place, how does the conservation act pertain to the proposed parking area and to the land we own? This proposed lot will be within the River Conservation District and I want to be assured that all town, state, and federal regulations are followed with regard to construction within the floodplain and in such close proximity to the river. Thom Perkin's feeling as stated in the Selectmans minutes from 10/01/09 that it would be better for the floodplain is suspect at best. I don't believe he is a soils engineer and is unqualified to make such a determination. From our experience of using the cabin for over 50 years, we know that the entire field floods almost yearly. I am concerned with the impact of sediments and pollutants from the parking lot, including de-icing chemicals and salts that might enter the waterway and harm the ecosystem. I request that the Board look into relevant Zoning regulations before any construction occurs and require the JSTF to demonstrate that their proposed parking lot and its construction will not adversely affect the river.
- 4) **Zoning and Setback Requirements:** The online Jackson Town zoning regulations requires a setback of 25' from any abutting property. Does this pertain to a parking lot? If so there would be very little area that could be used for parking on this lot. I understand that the minimum parking space is 10' by 20'. I would like to see a site plan of the proposed lot that included the location of these parking spaces to ensure that the lot is suitable for the number of spaces proposed and that they are not in violation of the town setback requirement. Thom (of JSTF) informed me that there would be no more than 14 cars parked in the lot. However 3 neighbors (George Bordash and Sam & Betsy Harding) and our cabin guests said there were routinely far more than 14 cars last spring and that the parking continued when the field became a mud bath, forcing drivers to the edges of the field to avoid being entrenched in mud. Thom insisted there were never more than 14 cars.
- 5) **Monitoring and Non-seasonal Use:** I am concerned that this lot will become a year round parking area for people not utilizing the JSTF ski trails. Because the JSTF is mostly staffed during the winter months I am concerned that the area will not be maintained during the off season. Will there be a gate to the lot? Will there be trash receptacles for people using the lot? During ski season, who will monitor the number of cars? What is to prevent people from parking on our property when the lot is full or parking too close to the river or the Town ditch?

- 6) **Additional Constructions:** I would also like to understand how the JSTF proposes to get users across the Town of Jackson ditch and onto the conservation land owned by the Hardings. In talking with the office person at the JSTF I understand that the lot is intended to give handicap people access to that flat section of trails. Will a bridge be constructed according to disability access code? Will they change the drainage ditch in any way? How will this impact the drainage of the small tributary that enters the Wildcat river through this ditch and drains a small wetland area? What are the regulations concerning building a structure on land in conservation (the Harding Property)?
- 7) **Commercial Aspects:** Thom Perkins stated that the lot should not be considered a commercial lot because the JSTF is a non-profit organization. Although the JSTF is a registered non profit I contest that this would not be a commercial lot. It is not free to use the JSTF ski trails, as I recall they require a ticket to use their trails, which is a revenue source for the organization. If this was a lot for access into their building or office I could understand this designation but as a parking lot for paying customers I feel it is not correct to call this parking area a non-commercial enterprise, and therefore feel it should be subject to the same rules as commercial lots.

I look forward to your timely reply to these issues. I will also continue to follow up with other parties on this issue, including Leon Giles, at the State of NH Dept of Transportation, Chris Northrup of the Office of Energy and Planning, Carolyn Guerdet of the NH Dept of Environmental services and possibly Dan Haas of the US Fish and Wildlife, in Burbank Washington.

We have enjoyed the cabin and Jackson for over 50 years, and hope to continue to do so in the future.

Sincerely,

Winthrop B. Walker II 510 684 7447 (c)  
Sidney L. Walker 510 845 7845 (h)  
510 684 2758 (c)