

July 5, 2011

River Road

Meeting with Carola Lea, Marselis Parsons, Pete Helm (Upper Valley Land Trust), Peter Holden (Holden Engineering) and Simon Carr (Selectman).

Peter Holden explained the basic issues with the bank failure and laid out the possible options for restoring it, by possibly moving the road by 12-14ft away from the river or by totally relocating further to the east (maybe 18ft or so). Either solution means encroaching on Carola and Marselis's land and the fundamental question was whether they were prepared to permit this. Carola's land is held in a conservation easement, the holders being Upper Valley Land Trust (UVLT), National Resources Conservation Service (NRCS) of the United States Department of Agriculture and NH Department of Agriculture.

Carola and Marselis asked what the Board's position was and I explained that, primarily we were expecting to be guided by the town, but that, if the landowners were prepared to yield the land then the Board would take a number of options to Town Meeting and that, basically we would step through those options until the town found one that they were prepared to accept. I did emphasize that all the options meant a probable significant increase in taxes at a point where were already likely to see a rise.

The town meeting options are:

1. A Bond vote to replace the road completely and carry out all the necessary stabilization.
2. An appropriation to re-construct the road, as far as possible in place. In subsequent years undertake the full bank stabilization. (In the first year this might be a higher tax rate than the bond vote, but subsequent years the appropriation and therefore the tax rate would be less. This also relies on town meeting voting an appropriation in subsequent years).
3. Close the road subject to gates and bars, stabilize the bank and use the eastern portion of the paved section as an emergency lane/bike path.

There are other options, which were only discussed briefly:

1. Run a new road behind Marselis and over his, Carola's and the Tullar's land. This would be approximately 3000ft of road and, even dirt road would cost in the region of \$900,000. It also crosses Carola's and the Tullar's conserved land, which is prime agricultural soil. As such this would not be an acceptable solution to them or UVLT.
2. Abandon the road completely. This throws the onus for bank maintenance back on to Marselis and Carola. It appears to be an unreasonable solution.

There was a question regarding the likelihood of funding from NRCS. I did say that we were continuing to pursue that, but that there were conditions within such

funding that meant we might not qualify. That said, we would continue this path until such time NRCS ruled us out.

Carola was concerned that an NRCS engineer, Michael Lynch considered the work could be done for half the cost. I did emphasize we had to listen to our engineer and at the end of the day it would be what the actual bids were that determined the cost.

All the engineers that we had so far consulted had recommended that most of the remaining trees along the bank should cut back to their roots; this would reduce the loading on the bank and leaving the roots would provide some additional stabilization.

UVLT pointed out that the land under conservation was in a riparian buffer zone. Among other requirements that means that no trees should be cut. However, Pete did recognize the necessity to cut the trees. The current easement does not allow for any taking of land and Pete asked the Board's position on *eminent domain*. I said that I could not in any way commit the board to a position on this, but that I thought it unlikely that the board would want to go that route. However, Pete pointed out that we might need undertake a *friendly condemnation* in order create a legal framework for moving the road. As there was payment when the land was put into conservation, it would require payment to the easement holders, if the road was moved on to any part of the easement. This would require an appraisal.

The group inspected the site and Peter Holden described the likely line of a relocated road. This would mean the loss of two or three trees on Carola/Marselis's boundary and may mean the loss of one or two trees on Marselis's lawn. It would probably also require some additional stabilization of the bank just to the south of Marselis's driveway. Marselis was also concerned about the possibility of lights in to the house from vehicles travelling south and this might need some additional screening.

On the basis of these discussions, Carola and Marselis, while not happy, might be amenable to the solution discussed. Peter Holden will proceed with providing a plan of work to the Selectboard for their approval.

Carola was concerned about the Tullars moving equipment from their farm to the Madge's/Jen Cooke's fields. After discussion, Marselis agreed that he was happy for agricultural equipment (but not road-going vehicles) to cross the back edge of his lawn. Carola will arrange for Wayne or Shirley to contact him.

Simon Carr