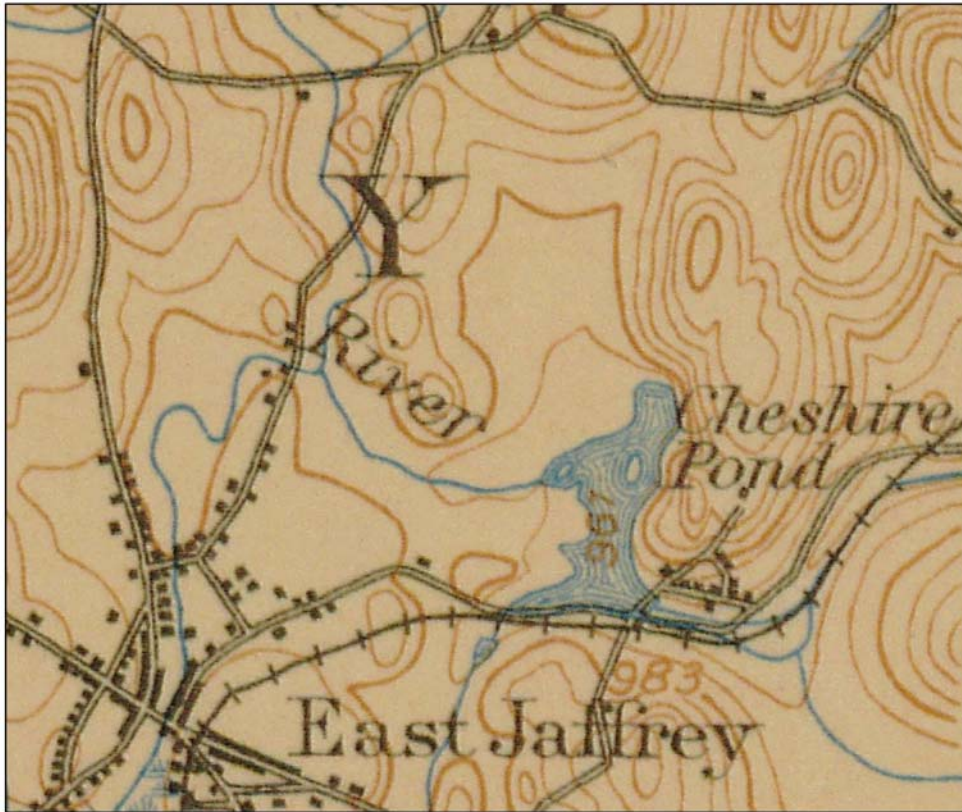


Cheshire Pond Conservation Area Management Plan



Jaffrey Historic USGS Topographic Quad Map, 1898
Source: Dartmouth College Library, NH Granit

**Conservation Commission
Town of Jaffrey
December 2008**

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The Conservation Commission is grateful to all the citizens of Jaffrey who participated in the seven working sessions leading to preparation of this plan.

The Commission is also grateful to Sergeant Craig Morocco of the New Hampshire Fish & Game Department and to Jaffrey Chief of Police William Oswalt for their expert advice.

Going forward, the Commission hopes the new *Cheshire Pond Conservation Area* will become a community resource valued by the people of Jaffrey and enjoyed by all.



Acknowledgement

This Management Plan is the brainchild of Brenda Bhatti, member of the Jaffrey Conservation Commission between 2001 and 2007 and its' Chair from 2004 to 2007. Brenda's vision, skill, and tenacity brought the Cheshire Pond Conservation Area into existence; and her leadership guided the preparation of this document.

Town of Jaffrey, New Hampshire October 2008

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“Preservation of open space, forests and fields, and wildlife habitats, all of which are integral to our rural character, is of crucial importance. Mount Monadnock, our ponds, lakes, and wetland areas, and scenic vistas are trusts to be passed unspoiled to future generations.”

- Vision Statement, Jaffrey 2007 Master Plan

INTRODUCTION

The Jaffrey Conservation Commission purchased the Cheshire Pond Conservation Area (CPCA) to become town-owned land in May 2007. The 66-acre property lies on the northwestern side of Cheshire Pond, a 38-acre body of water visible from Route 202 where the Contoocook River flows northeast over the D.D. Bean dam. The acquisition process started when an abutter contacted the Conservation Commission in the spring of 2005 indicating the property's availability. Residents voiced interest in the preservation of this area's open space, wildlife habitat, and wetlands. After lengthy negotiations and preparatory work, the Commission's offer to buy the property was accepted; and Jaffrey citizens voted to ratify the purchase of this 66-acre parcel at Town Meeting in March 2007.

The Cheshire Pond Conservation Area has an existing trail, several game trails, extensive wetland areas, a diversity of wildlife, and a substantial underlying aquifer.

A series of public meetings were held between August and November 2007 to hear opinions and concerns about the potential management of the CPCA from town residents. This management plan is a result of those meetings. It is a guidance document for individuals desiring to utilize the property and for those interested in aiding the Commission in its management role. Although official in its current form, it should be regarded as a dynamic document that will change with experience and as the needs of the Conservation Area change.

BENEFITS OF PROTECTION

The benefits of protecting the Cheshire Pond Conservation Area are numerous and varied. As presented at Town Meeting in 2007, these benefits include:

- Diversity of habitat types
- Existing trail
- Opportunities for passive recreation close to downtown
- Opportunities for sustainable forestry
- Scenic vista from Route 202 and Howard Park
- Access by canoe and on foot from two locations
- Canoe-able picnic area
- Buffer to Contoocook River and Cheshire Pond
- Underlying aquifer - potential source of public drinking water
- “Greenbelt” piece that could tie into existing trails nearby
- Cost-effective open space (COCS 2005)¹

OBJECTIVES OF THE MANAGEMENT PLAN

The objectives of the management plan are:

- To further the maintenance of safe and healthful conditions of waters within the Town of Jaffrey; to prevent and control water pollution; to protect spawning grounds, fish, aquatic life, bird, and other wildlife habitats; to control building sites, placement of structures, and other land

•¹ A Cost of Community Services (COCS) study was completed for the Town of Jaffrey in 2005 to better understand the relationship between revenues and costs associated with various land uses in town. This information will be used as part of decision-making by town boards and departments as they address the ramifications of growth. The Statewide Program of Action to Conserve Our Environment (S.P.A.C.E.) provided a grant towards completion of the study. Innovative Natural Resource Solutions LLC (INRS) of Antrim and Concord, NH was hired to complete the study.

The results of the study show that, in Jaffrey, using data from 2004, for every \$1.00 in revenue collected by the town for the particular land use:

- \$1.15 was spent in services to residential properties
- \$0.49 was spent in services to commercial/industrial properties
- \$0.68 was spent in services to open space lands.

uses; and to conserve shore cover, access to wetlands, and the land's natural beauty, including scenic views.

- To prevent the town's incurring unnecessary expenses arising from the misuse of wetlands, and to encourage those uses that can be appropriately and safely located in wetland areas.
- To expand recreational opportunities for people of all ages close to the downtown area, and to accommodate different uses at the same time.

These objectives are in agreement with the Town of Jaffrey's Wetlands Conservation District Ordinance, the Town's Master Plan, and other statutes and town goals regarding natural resources and open space. A *Conservation Lands Map* may be found in Appendix D.

HISTORICAL BACKGROUND

The Letourneau family purchased the property north of what is known as Letourneau Drive in the 1960s. They informally allowed public access for various recreational pursuits, including hunting and canoe access from Cheshire Pond to a beautiful evergreen grove offering a grand view south toward the Howard Park area near D.D. Bean Company. A diversity of habitats has provided refuge for a prolific array of wildlife, to the pleasure of bird watchers and other visitors. According to former owners, the northern border near Nutting Road had been logged in the mid-1970s, harvesting approximately 220,000 board feet of lumber, predominantly white pine. There was a time in the property's history that the area near the center was mined for sand and gravel and later used for agriculture. Following the death of Hattie Letourneau, the property came under the management of H. Charles Royce, representing the Letourneau sisters as heirs.

In 2003 the property was bought by Bradley Jackson with the intent of developing it. This triggered a growing interest by abutters and others to explore the alternative of protecting the land. A resolution sponsored by Owen Houghton and approved at Town Meeting in 2005 encouraged all Town of Jaffrey boards, commissions, and committees

to involve citizens in creation of a “comprehensive action plan which considers open space initiatives, preservation of wildlife corridors and scenic vistas” (Article 27). Momentum gathered when Mr. Jackson offered to sell the property and began negotiations with the Conservation Commission to that end. The settlement reached was endorsed at Town Meeting in 2007, with a vote “to ratify the Conservation Commission’s decision to purchase, in the name of the Town, certain real property referred to ‘60 Acres North of Cheshire Pond’” (Article 23). Transfer of ownership was finalized in May 2007, and the Cheshire Pond Conservation Area came into being.

EXISTING NATURAL RESOURCES

Much of what defines Jaffrey’s unique rural character is found in its natural resources: its forests, farmland, lakes and ponds. Jaffrey has exceptional natural features and resources that make the town a very desirable place to live, and the town has maintained a typical New England character with its historic Jaffrey Center and its 19th Century downtown “mill town” setting. These are surrounded by a rural countryside of fields, homes and businesses dispersed along back roads and by thousands of acres of forested countryside (adapted from the Jaffrey Master Plan 2007 Update, page 113). The CPCA maintains this air of forested open space, visible from Route 202, while being easily accessible from downtown.

As stated in the Jaffrey Master Plan (2007, page 113), minimizing further disturbance to the physical landscape and avoiding further fragmentation of the unique mosaic of plant and animal communities are essential goals. So too are protecting wildlife habitats, extractable resources (e.g. timber, water, agricultural production, and construction materials), and the fundamental natural processes (e.g. the hydrologic cycle, ecological succession, biodiversity, and even photosynthesis) on which our economic and physical welfare depends. The CPCA contains a diversity of habitat types, connectivity to waterways, and an extensive underground aquifer.

Plant and Wildlife Habitats

Cheshire Pond and its surrounding wetlands provide aquatic, wetland, and riparian habitats on its shores. Wetland habitats in Jaffrey are broadly categorized in the Master Plan as being Marsh and Shrub Wetlands, Peatlands, or Vernal Pools. Marsh and Shrubland Wetlands include a variety of plant communities and hydrologic conditions. The CPCA contains forested wetlands characterized by hemlock and pine with a fringe of mixed deciduous hardwoods and softwoods. The outer edge adjacent to Cheshire Pond transitions into a fringe of scrub shrub until it reaches the deeper water of the pond, where lily pads and other aquatic plants dominate.

Frequent visitors and neighbors to the CPCA have reported seeing moose, deer, turkey, beaver, and other wildlife. Moreover, the property's history of mineral extraction created sandy areas suitable for turtle nesting, predominantly by snapping turtles.

Further study is needed for a more detailed description of the plant and wildlife communities present in the CPCA.

Forestry Resources

At first glance, the forested area in the CPCA appears to consist of mixed hardwoods, hemlock, and white pine. An inventory of the forest composition would be helpful in evaluating the potential of sustainable harvesting as a source of town revenue.

Water Resources

The CPCA's border on Cheshire Pond contains significant wetland areas and is located almost entirely on top of an extensive aquifer. This aquifer is a potential public water supply for the Town of Jaffrey. According to the Jaffrey Master Plan 2007 Update (page 126), "Protecting groundwater in aquifers for individual private wells or public wells requires protection of environmental quality throughout the contributing watershed(s)... For this reason, many states and towns have created regulations to control development in watersheds that supply the water to the aquifer area that is used as a public water supply." See the *Water Resources Map* in Appendix D.

Although the site's primary purpose is to serve as a conservation area, limited infrastructure can be developed in the future, if necessary, in support of a new town well. Following the land's acquisition, the Board of Selectmen agreed that a limited amount of piping and a small pump station or similar small building could be located on the property to permit tapping the aquifer so long as the conservation objectives of the CPCA are not compromised.

Topography & Geology

Almost all of Jaffrey is covered with a layer of glacial till, varying in thickness from fractions of an inch to several yards. The deposits in Jaffrey are continuous and have hydrological connections with deposits in Rindge, Sharon and Peterborough; and they extend continuously northward in the Contoocook Valley to the village of Contoocook. The extent of these deposits is widely believed to be the extent of an ancient shallow lake: Glacial Lake Contoocook. The lake drained when the natural dam of till and ice impounding it was finally eroded. Today, Jaffrey's extensive stratified drift is well known as an important source of both groundwater and of sand and gravel for construction materials (Jaffrey Master Plan 2007 Update, page 117). For a full description of soils present in the CPCA, see Appendix C. The CPCA and neighboring properties contain mineral deposits that were historically extracted. To do so directly on CPCA land would be at odds with the spirit and intent of its protection.

PROPERTY MANAGEMENT

The Jaffrey Conservation Commission is responsible for management and oversight of the Cheshire Pond Conservation Area as mandated by RSA 36-A. The Commission will manage the CPCA in accordance with this document and will modify its policies over time as necessary. Management activities include maintenance (trails, access points, signage, etc.), improvements, monitoring and enforcement. The Commission intends to document the wildlife and plant populations, improve access (including possible clearing for a small parking area), maintain and improve the existing trail, monitor usage, and respond to misuse of the area.

PROPERTY ACCESS

The CPCA is accessed from the north at the intersection of Nutting Road and Amos Fortune Road and from the west at the end of Letourneau Drive and Jennifer Lane (see map in Appendix D). Parking to accommodate 2 to 5 vehicles at one or both entries is under consideration.

PERMITTED USES

The CPCA is open for all forms of Passive Recreation (see Appendix A for definition), including:

- Hiking / walking
- Snowshoeing and cross-country skiing
- Dog walking (must be leashed)
- Horseback riding (on existing trail)
- Picnicking (carry-in/carry-out)
- Canoe access
- Bicycles (non-motorized)
- Wildlife observation and photography
- Snowmobiles (on established trails only during frozen-ground conditions)
- Hunting in season in accordance with the NH Fish & Game Department's rules and regulations, and subject to Town of Jaffrey bylaws and ordinances in effect.

PROHIBITED USES

- ATVs/OHRVs and motorized bikes (see Appendix A for definitions) with the exception of ADA-approved vehicles for Handicapped Access
- Overnight camping/campsites
- Fires
- Paintball
- Trapping without advance permission

- Alcoholic beverages

HOURS OF OPERATION

Hours are currently not restricted. The Jaffrey Conservation Commission reserves the right to change this at any time.

SAFETY AND LIABILITY

The CPCA is a forested environment conserved for its natural resources and open to the public. The Conservation Commission respectfully requests that the public keep disturbance to flora and fauna at a minimum and that everyone in the CPCA behave in a manner that is safe to themselves and others. All persons entering the CPCA do so at their own risk in accordance with the New Hampshire Recreational Use Statute and Trail Statute (see Appendix B).

MANAGEMENT RECOMMENDATIONS

- Further study is needed to document the plant and animal communities present in the CPCA accurately.
- The plan is to allow access in the least restrictive manner. If the public respects the property's current rules without damaging this valuable resource, further restriction will be deemed unnecessary.
- The Conservation Commission should consider parking and access issues and the possibility of a small gravel parking area near Jennifer Lane / Letourneau Drive.
- Trail maintenance and "clean-up days" may be implemented through local groups or programs (e.g. scouting groups, school groups, interested citizens).
- The CPCA should be an asset to the school community as an outdoor classroom to study wildlife habitats, especially riparian areas and vernal pools.

SUMMARY

This management plan for the Cheshire Pond Conservation Area is a guidance document for the use and care of the CPCA. It is hoped that it will be further shaped to fit the needs of both the Town of Jaffrey and the land itself. Conserving our natural resources and, in this case, our water and shoreline resources can have long-term positive effects for the community. Let this plan serve as a guide and a template for the future, to be modified as needed in accordance with the spirit and intent of having protected this piece of land both for its inherent natural value and for its sustainable use by the citizens of Jaffrey and others.

REFERENCES

New Hampshire RSA Chapters 212, 215, 227, and 485.

New Hampshire Recreational Use Statute and Trail Statute, Chapter 212.

Town of Jaffrey Master Plan Update, 2005/2006 and 2007.

Town of Jaffrey New Hampshire Wetlands Conservation District Ordinance, Adopted March 17, 1979 Amended March 13, 1990; Amended March 9, 1993.

USDA, editor. 1985. Soil Survey Cheshire County New Hampshire. United States Department of Agriculture Soil and Conservation Service.

APPENDIX A - - GLOSSARY - - DEFINITIONS

Word/Phrase	Definition	Source
All Terrain Vehicle (ATV)	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.	RSA chapter 215-A
Ecologically Significant Lands	Areas of land and/or water that contribute to sustaining certain species, natural communities, physical elements or ecological processes that are necessary to maintain native biodiversity; that serve as benchmarks to assess the impacts of human activity; or that contribute to the functioning of adjacent ecological reserves.	RSA chapter 227-M
Ephemeral Ponds, Vernal Pools	Topographic depressions that flood seasonally at a time of high water table.	Town Of Jaffrey, NH Wetlands Conservation District Ordinance 2005
Groundwater	Subsurface water that occurs beneath the water table in soils and geologic formations.	RSA Chapter 485-C
Lands for Recreation	Lands used for, proposed to be used for, or providing access for recreational activities including but not necessarily limited to walking, hiking, hunting, fishing, wildlife viewing, cross-country skiing, and snowshoeing. Uses such as baseball, soccer, football and other ball fields, playgrounds, skateboard parks, tennis courts, basketball courts, and the like, are not eligible.	RSA chapter 227-M
Monitoring	The regular and systematic gathering of information about a resource asset to identify changes to the property over time to ensure that it is being used in accordance with any easement interest restrictions or other legal obligations entered into under the Program.	RSA chapter 227-M
Natural Resource	Ecologically significant lands, existing and potential public water supply land, farmlands, forestlands, habitat for rare species or important wildlife, lands for recreation, riverine, lake, estuarine, and ocean shorelands, scenic areas and viewsheds, and wetlands and associated uplands.	RSA chapter 227-M
Off Highway Recreational Vehicle (OHRV)	Any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, tracks, 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	RSA chapter 215-A

	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. OHRVs shall not include snowmobiles as defined in RSA 215-C.	
Passive Recreation	Non-motorized recreational activities or uses that do not require developed facilities and can be accommodated without change to the area, topography, or resource. Some examples include but are not limited to walking, hiking, cross-country skiing, snowshoeing, hunting, fishing, and other similar, non-organized transitory activities.	RSA chapter 227-M
Pond	Any inland body of water that has a surface area in excess of ten or more acres or where such body of water is made and in addition is completely surrounded by land held by a single owner or those privately owned ponds that are held primarily as waterfowl and fish breeding areas or for hunting and fishing.	Town Of Jaffrey, NH Wetlands Conservation District Ordinance 2005
Public Water	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.	RSA chapter 215-A
Public Waters	Those water bodies designated by the Department of Environmental Services in the official "List of Public Waters in New Hampshire;" in the Town of Jaffrey, those water bodies consist of: Gilson Pond, Thorndike Pond, Frost Pond, Parker Pond, Cheshire Pond, Black Reservoir, Hodge Pond, Gilmore Pond, Scott Pond, Cummings Pond, and Wildlife Pond.	Town Of Jaffrey, NH Wetlands Conservation District Ordinance 2005
Public Way	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.	RSA chapter 215-A
Rare Species	Plant and animal species that are listed as threatened or endangered pursuant to applicable state or federal laws, and species ranked as S1-S3 or G1-G3 by the NH Natural Heritage Inventory and NH Fish and Game. Department.	RSA chapter 227-M
Registered for Highway Use"	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.	RSA chapter 215-A
River	Any free-flowing body of water from that point at which it provides drainage for a watershed of twenty-five square miles to its mouth.	Town Of Jaffrey, NH Wetlands Conservation District Ordinance 2005
Snowmobile	Any vehicle propelled by mechanical power that is designed to	RSA

	travel over ice or snow supported in part by skis, tracks, or cleats. Only vehicles that are no more than 54 inches in width and no more than 1200 pounds in weight shall be considered snowmobiles under this chapter. Snowmobiles shall not include OHRVs.	chapter 215-A
Stewardship	Planning for and taking the necessary actions over the long term to successfully preserve and protect the natural, cultural, or historic value of a resource asset. Such actions include, as applicable, managing the resource asset in accordance with all legal obligations entered into under this chapter, performing regular maintenance and upkeep, providing for necessary monitoring, educating or informing those that might negatively impact upon the resource asset about the need and/or legal obligation to protect and preserve it, paying tax or in-lieu-of tax obligations, obtaining liability insurance, and securing sufficient levels of financial resources to carry out all such necessary actions.	RSA chapter 227-M
Stratified Drift Aquifer	A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.	RSA Chapter 485-C
Structure	That which is built or constructed for the purpose of human activity.	RSA chapter 227-M
Study	A professional evaluation of an eligible resource that will lead to the further protection of that resource.	RSA chapter 227-M
Surface Waters of the State	Perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.	RSA Chapter 485-A
Trail Bike	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.	RSA chapter 215-A
Wetland	An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Amended March 8, 2005)	Town Of Jaffrey, NH Wetlands Conservation District Ordinance 2005

APPENDIX B - - NEW HAMPSHIRE RECREATIONAL USE STATUTE AND TRAIL STATUTE

NEW HAMPSHIRE REVISED STATUTES TITLE XVIII. FISH AND GAME

CHAPTER 212. PROPAGATION OF FISH AND GAME LIABILITY OF LANDOWNERS

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, horseback riding, 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, ride horseback, 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, ride horseback, 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, <<+ride horseback, +>>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.

TITLE XX. TRANSPORTATION
CHAPTER 231-A. MUNICIPAL TRAILS

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.

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

231-A:3 Reclassification of Trails as Highways.

I. Any class A or class B trail which was previously a class V or class VI highway may be reclassified pursuant to RSA 231:22-a as a class V or class VI highway, and any class B trail may be reclassified as a class A trail, by vote of the local legislative body.

II. No reclassification under this section shall entitle any party to damages.

III. The reclassification of any trail to a class V highway may be made subject to conditions, as in the case of reclassifying as a class VI highway pursuant to RSA 231:22-a.

IV. No trail established by acquisition under RSA 231-A:5 shall be reclassified under this section if such reclassification would violate a use restriction or other provision imposed by deed at the time of acquisition.

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.

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.

231-A:6 Discontinuance.

Any class A or B trail may be discontinued by vote of the town, and such discontinuance shall have the same legal effect as the discontinuance of a public highway, provided however that the discontinuance of a class B trail shall not entitle any owner of land abutting or served by the trail to any damages.

231-A:7 Management.

Unless otherwise specified by vote of the local legislative body, or by the terms of a deeded interest affecting the property, the local governing body or its designee shall have supervision over management or maintenance of all trails, including signs. Such management may be delegated to a volunteer of a nonprofit organization or association, or a town committee or commission, by means of a written cooperative agreement.

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.

Amended in 2003. Reviewed by AAHS in July 2001. Reviewed and updated by AAHS in May 2003.

TITLE XVIII FISH AND GAME CHAPTER 215-A OFF HIGHWAY RECREATIONAL VEHICLES AND TRAILS

215-A:5-c Inherent Dangers of OHRV Operation.

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. 2005, 172:1, eff. Jan. 1, 2006.**

215-A:19 Penalties and Owner/Operator Responsibilities.

I. (a) Unless otherwise provided, any person who violates this chapter or any rule relating

thereto shall be guilty of a violation. In addition thereto, the operator or owner or both of any OHRV shall be responsible and held accountable:

(1) To the owner of any lands where trees, shrubs, or other property have been damaged as a result of travel over their premises by such vehicles.

(2) For any damage incurred or for violations of this chapter committed by a person under the age of 18. (b) The executive director may revoke, after a hearing, the registration of any OHRV and snowmobile registered in the name of any person who violates this chapter or any rule relating thereto.

II. Any person who, while operating or in charge of an OHRV, shall refuse when requested by a police officer or person authorized to make criminal arrests to give his name and address or the name and address of the owner of such OHRV or who shall give a false name and address, or who shall refuse or neglect to stop when signaled to stop by any police officer or any person authorized to make criminal arrests who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who refuses on demand of such officer or person to produce his license to operate such vehicle or his certificate of registration, or to permit such officer or person to take the license or certificate in hand for the purpose of examination, or who refuses on demand of such officer or person to sign his name in the presence of such officer, or who refuses to surrender to the executive director or his duly authorized representative any license, registration certificate or number decal upon demand after suspension or revocation of the same, shall be guilty of a misdemeanor.

III. If any person shall mischievously take, drive, ride, or use any OHRV, without the consent of the owner or person having control thereof, but not with the intent to steal the same, he shall be guilty of a misdemeanor.

IV. (a) Notwithstanding any other provisions of law to the contrary, any OHRV, operated by a minor in violation of any provision of this chapter or of any motor vehicle law, may be seized by a law enforcement officer and retained by such officer for up to a 24-hour period or until released to the owner upon payment of the cost of such seizure and retention.

(b) Notwithstanding RSA 169-B and RSA 169-D, any minor who violates a provision of this chapter shall not be considered a delinquent or a child in need of services. Any minor who violates a provision of this chapter shall be guilty of a violation and may be punished by a fine for each offense, may have his or her snowmobile and OHRV safety training certification suspended for up to 6 months, and may be required to complete community service or to complete additional OHRV safety training.

V. A police officer may cause the removal and storage of an OHRV if he has reason to believe any of the following: (a) The OHRV has been left unattended on any public property for a period of greater than 48 hours. (b) The owner or legal occupant of private property has complained that an OHRV has been abandoned on said private property for a period of greater than 48 hours. (c) The OHRV is reported stolen, is apparently abandoned, is without proper registration, or is apparently unsafe to be driven. (d) The owner or custodian of the OHRV is under arrest or otherwise incapacitated. (e) The OHRV has been used in connection with a criminal offense.

TITLE XVIII FISH AND GAME CHAPTER 215-C SNOWMOBILES

Section 215-C:55 215-C:55 Posted Land. –

I. An owner may post all or any portion of his or her land against use by a snowmobile. Such notices may read ""SNOWMOBILES 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 or her land as provided in this section shall not be construed as granting any license to users of snowmobiles to enter said premises, nor shall said failure be construed as implying any duty of care to the user of a snowmobile by the owner.

II. It is recognized that snowmobile operation may be hazardous. Therefore, each person who drives or rides a snowmobile 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 snowmobile 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. 2005, 210:1, eff. July 1, 2006.**

APPENDIX C - - SOIL DESCRIPTIONS

Key to Soil Map in Appendix D

- 14B Sheepscot sandy loam, 0 to 5 percent slopes
- 24C Agawam very fine sandy loam, 8 to 15 percent slopes
- 72B Berkshire fine sandy loam, 3 to 8 percent slopes
- 72C Berkshire fine sandy loam, 8 to 15 percent slopes
- 72D Berkshire fine sandy loam, 15 to 25 percent slopes
- 169B Sunapee fine sandy loam, 3 to 8 percent slopes, very stony
- 214 Naumburg loamy fine sand
- 395 Chocorua mucky peat
- 414 Moosilauke fine sandy loam
- 513B Ninigret very fine sandy loam, 3 to 8 percent slopes
- 526B Caesar loamy sand, 3 to 8 percent slopes
- 526C Caesar loamy sand, 8 to 15 percent slopes
- 526E Caesar loamy sand, 15 to 50 percent slopes

Data Source: NH GRANIT, Natural Resources Conservation Service, 2002

Non-Technical Soil Descriptions, Cheshire County, New Hampshire

14B - Sheepscot sandy loam, 0 to 5 percent slopes

This moderately well drained soil is on glacial outwash plains and terraces. The areas are irregular. Available water capacity is low. Depth to bedrock is greater than 5 feet. Seasonal high water table is at a depth of 1.5 to 2.5 feet from November to May. Frost action potential is low. These areas are suited to growing hay and pasture crops. These soils are also well suited to growing high quality softwood sawtimber, especially white pine, in nearly pure stands. Successional trends on these soils are toward stands of shade tolerant softwoods, i.e., red spruce and hemlock.

24C - Agawam very fine sandy loam, 8 to 15 percent slopes

This well drained soil is on terraces and glacial outwash plains. The areas are generally somewhat rectangular. Available water capacity is high. Depth to bedrock is more than 5 feet. Seasonal high water table is at depths greater than 6 feet. Frost action potential is low. These areas are suited to hay and pasture crops. These soils are also well suited to growing high quality hardwood veneer and sawtimber, especially sugar maple, white ash, yellow birch, and northern red oak. Successional trends are toward climax stands of shade tolerant hardwoods, i.e., sugar maple and beech.

72B, C, & D - Berkshire fine sandy loam

This well drained soil is on crests of hills and on plains of the glaciated uplands. The areas are somewhat oblong, or irregularly shaped. Available water capacity is high. Depth to bedrock is generally more than 5 feet. Seasonal high water table is at depths greater than 6 feet. Frost action potential is moderate. These areas are suited to growing hay, pasture, and row crops. Subsurface stones are a management consideration. These soils are well suited to growing high quality hardwood veneer and sawtimber, especially sugar maple, white ash, yellow birch, and northern red oak. Successional trends are toward climax stands of shade tolerant hardwoods, i.e., sugar maple and beech.

169B - Sunapee fine sandy loam, 3 to 8 percent slopes, very stony

This moderately well drained soil is along drainageways, in slight depressions of till plains, and on lower slopes of the glaciated uplands. The areas are irregularly shaped, long and narrow, or oblong. Stones averaging 20 inches in diameter are 10 to 15 feet apart and cover .5 to 3 percent of the surface area. Available water capacity is high. Depth to bedrock is more than 5 feet. The seasonal high water table is at a depth of 1.5 to 3 feet from November to May. Frost action potential is moderate. These soils have limitations that make them generally unsuited to conventional field crop cultivation. These soils are well suited to growing high quality hardwood veneer and sawtimber, especially sugar maple, white ash, yellow birch, and northern red oak. Successional trends are toward climax stands of shade tolerant hardwoods, i.e., sugar maple and beech.

214 - Naumburg loamy fine sand

This poorly to somewhat poorly drained soil is in depressions on glacial outwash plains and stream terraces. The areas are generally irregular or oblong. Available water capacity is low. Depth to bedrock is more than 5 feet. The seasonal high water table is between the

surface and a depth of 1.5 feet from December through April. Frost action potential is moderate. Where previously drained, these areas are suited to use for hay, pasture, and limited row crops. Contour tillage, cover crops, stripcropping, and row crop-sod cropping sequences are applicable erosion control practices for those soils with 3 to 8 percent slopes. These soils are well suited to growing spruce and balsam fir pulpwood and sawtimber. Successional trends are toward climax stands of shade tolerant softwoods. i.e., red spruce and hemlock. Balsam fir is a persistent component in nearly all stands.

395 - Chocorua mucky peat

This nearly level, very poorly drained soil is in depressions on outwash plains, terraces, and uplands. The areas are irregularly shaped, oblong, or long and narrow. Slopes range from 0 to 2 percent, but are dominantly less than one percent. Permeability is moderate to moderately rapid in the organic layers and rapid to very rapid in the mineral substratum. Available water capacity is high. Depth to bedrock is more than 5 feet. The high water table is between a ponded depth of 1 foot above the surface and .5 feet below the surface from January to December. Frost action potential is high. These areas have limitations that nearly preclude their use for commercial crop production. These areas are generally unsuited to forest management or wood production.

414 - Moosilauke fine sandy loam

This nearly level, poorly drained to somewhat poorly drained soil is in depressions and along drainageways on glacial outwash plains and stream terraces. The areas are generally irregular in shape, or long and narrow. Slopes range from 0 to 3 percent. Permeability is moderately rapid to very rapid in the substratum. Available water capacity is moderate. Depth to bedrock is more than 5 feet. The seasonal high water table is between the surface and a depth of 1.5 feet from November through May. Frost action potential is high. Where previously drained, these soils are suited to use for hay, pasture, and some row crops. Subsurface stones and slow warming in the spring are management considerations. These soils are well suited to growing spruce and balsam fir pulpwood and sawtimber. Successional trends are toward climax stands of shade tolerant softwoods. i.e., red spruce and hemlock. Balsam fir is a persistent component in nearly all stands.

513B - Ninigret very fine sandy loam, 3 to 8 percent slopes

This moderately well drained soil is in slightly concave depressional areas of outwash plains and stream terraces. The areas are somewhat oval or irregular. Permeability is moderately rapid in the solum and rapid to very rapid in the substratum. Available water capacity is high. Depth to bedrock is more than 5 feet. The seasonal high water table is at a depth of 1 1/2 to 3 feet, from November to April. Frost action potential is moderate. These areas are suited to the growing of hay, pasture, and row crops. These soils are also well suited to growing high quality hardwood veneer and sawtimber, especially sugar maple, white ash, yellow birch, and northern red oak. Successional trends are toward climax stands of shade tolerant hardwoods, i.e., sugar maple and beech. Early mid-successional stands frequently contain a variety of hardwoods such as sugar maple, beech, red maple, yellow, gray and white birch, aspen, white ash, and northern red oak in varying combinations with red and white spruce, balsam fir, hemlock and white pine.

Softwoods are usually less abundant and are best managed as a minor component of predominantly hardwood stands.

526B - Caesar loamy sand, 3 to 8 percent slopes

This excessively drained soil is on glacial outwash plains and stream terraces. The areas are generally broad and irregularly shaped. Permeability is very rapid and available water capacity is very low. Depth to bedrock is more than 5 feet. The seasonal high water table is at depths greater than 6 feet. Frost action potential is low. These soils are well suited to growing high quality softwood sawtimber, especially white pine, in nearly pure stands. Successional trends on these soils are toward stands of shade tolerant softwoods, i.e., red spruce and hemlock.

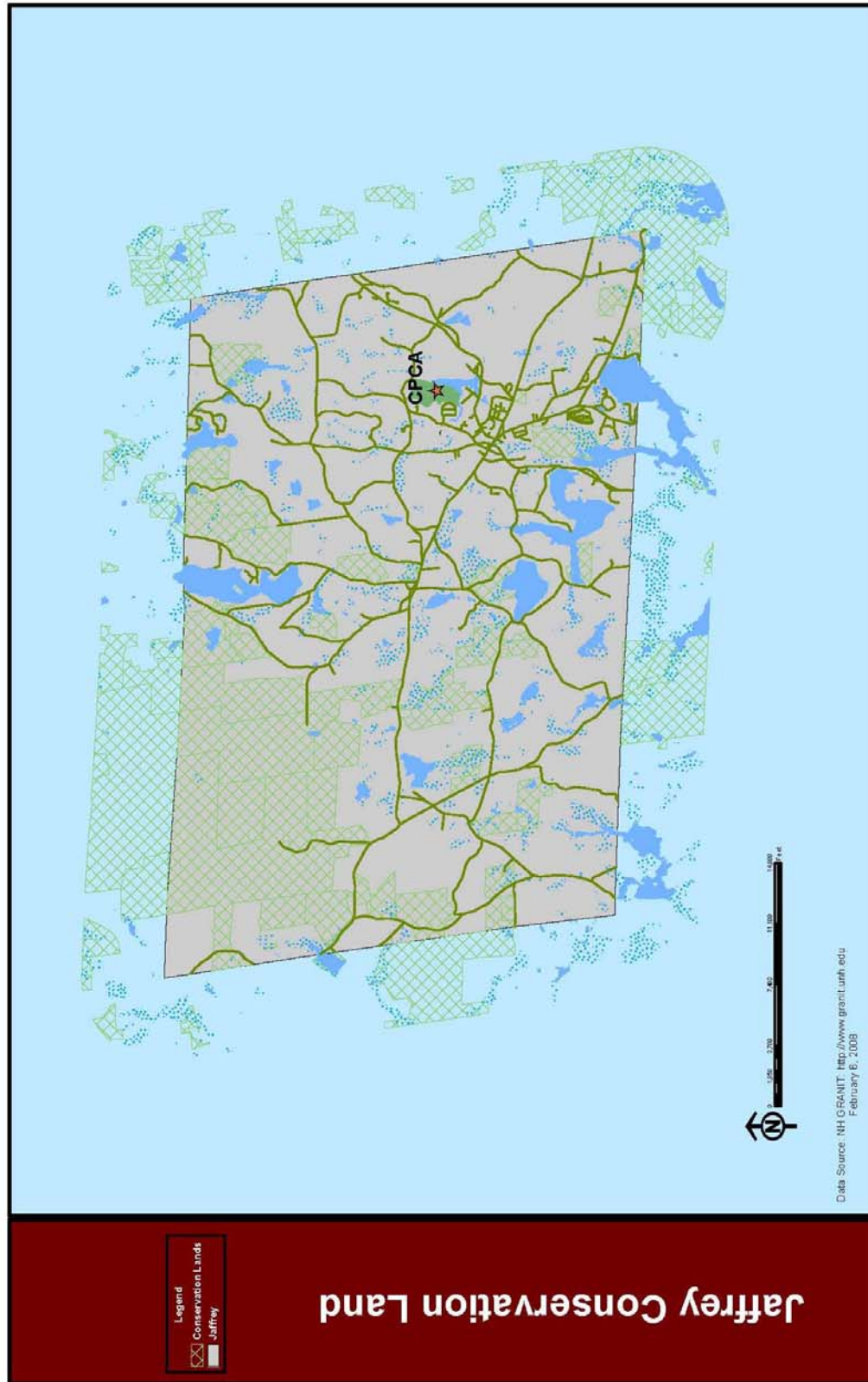
526C - Caesar loamy sand, 8 to 15 percent slopes

This strongly sloping, excessively drained soil is on glacial outwash plains, kames, and stream terraces. The areas are generally irregularly shaped, or long and narrow. Permeability is very rapid and available water capacity is very low. Depth to bedrock is more than 5 feet. The seasonal high water table is at depths greater than 6 feet. Frost action potential is low. These soils are well suited to growing high quality softwood sawtimber, especially white pine, in nearly pure stands. Successional trends on these soils are toward stands of shade tolerant softwoods, i.e., red spruce and hemlock.

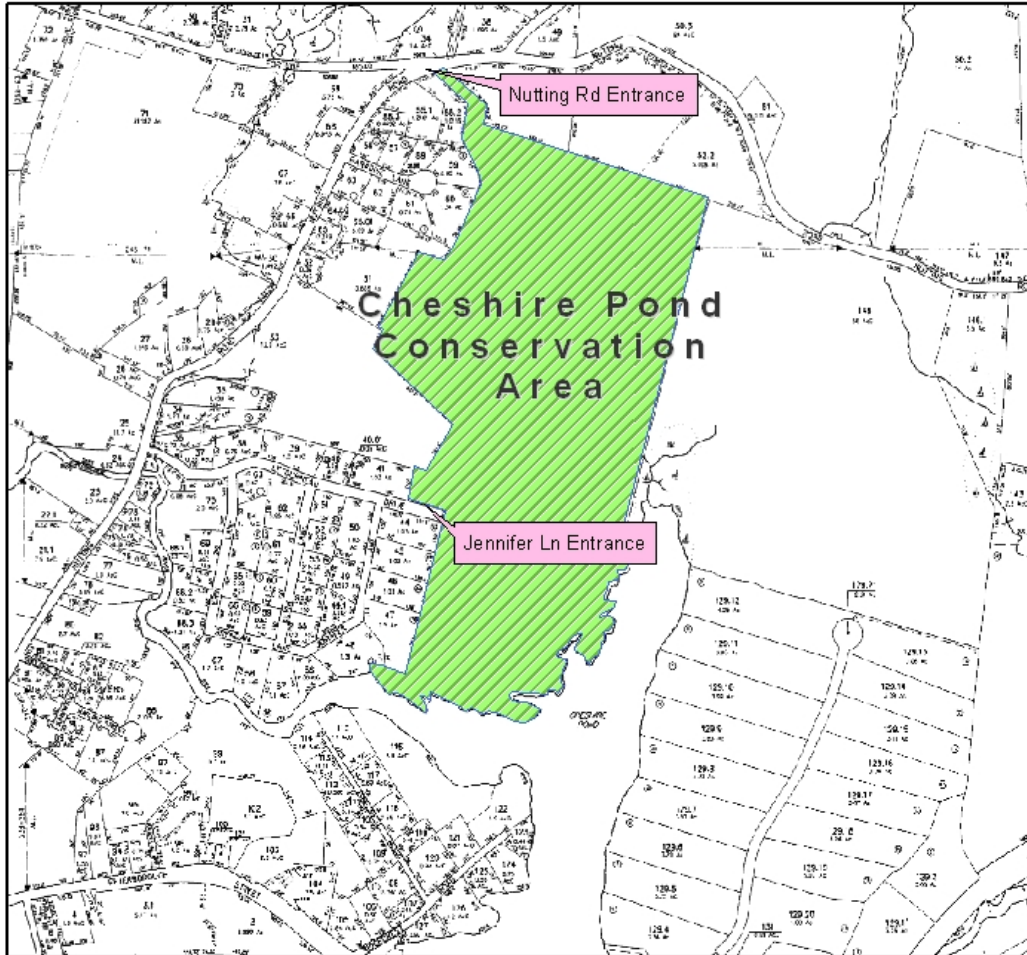
526E - Caesar loamy sand, 15 to 50 percent slopes

This moderately steep to very steep, excessively drained soil is on glacial outwash plains, kames, and terraces escarpments. The areas are generally irregularly shaped or long and narrow. Permeability is very rapid and available water capacity is very low. Depth to bedrock is more than 5 feet. The seasonal high water table is at depths greater than 6 feet. Frost action potential is low. These soils have limitations that make them generally unsuited to conventional field crop cultivation and which make forest management more difficult and costly, i.e., steep slopes, bedrock outcrops, erosive textures, surface boulders, and extreme stoniness. Generally, productivity of these soils is not greatly affected by their physical limitations.

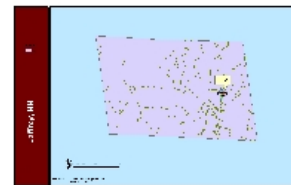
APPENDIX D – MAPS

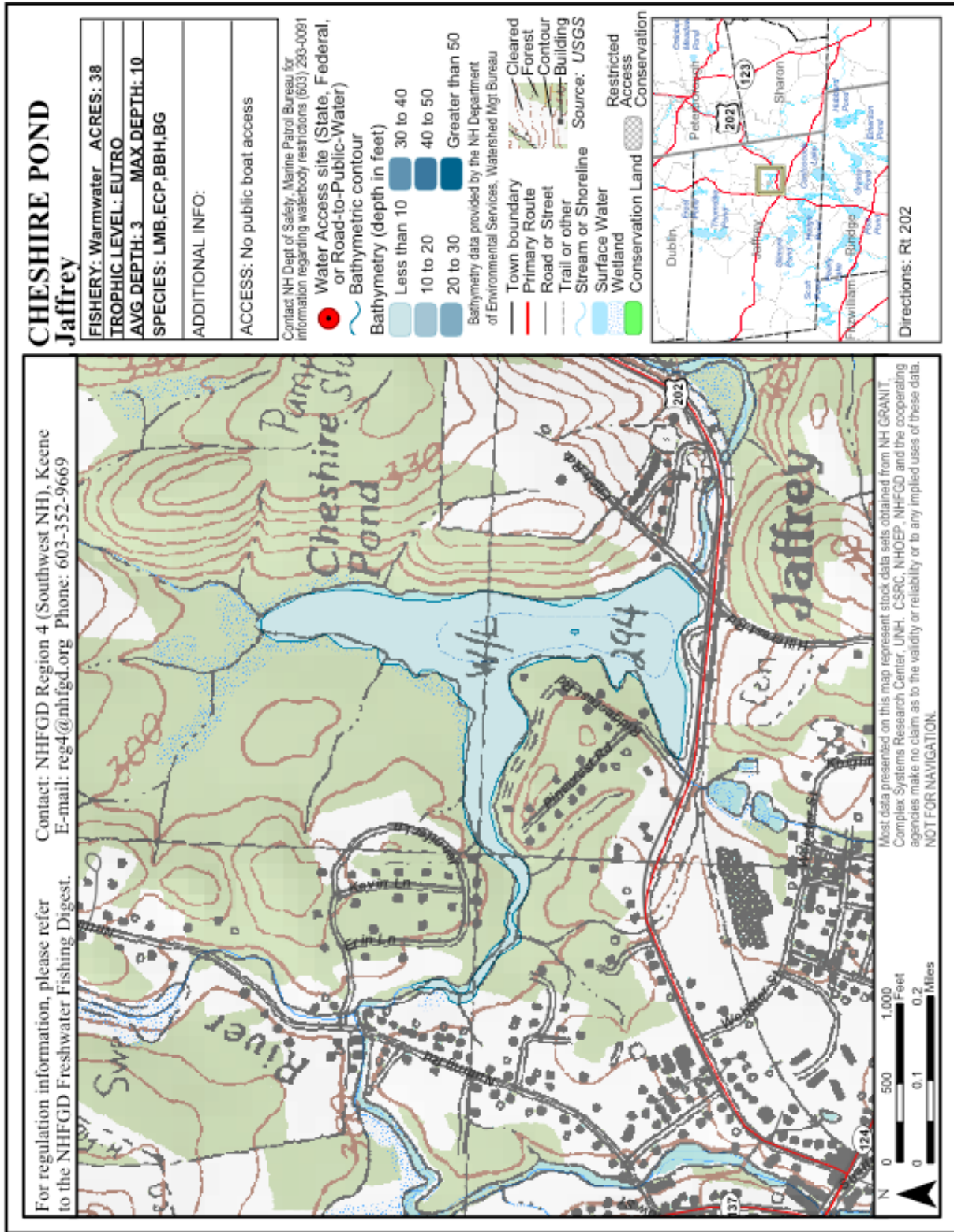


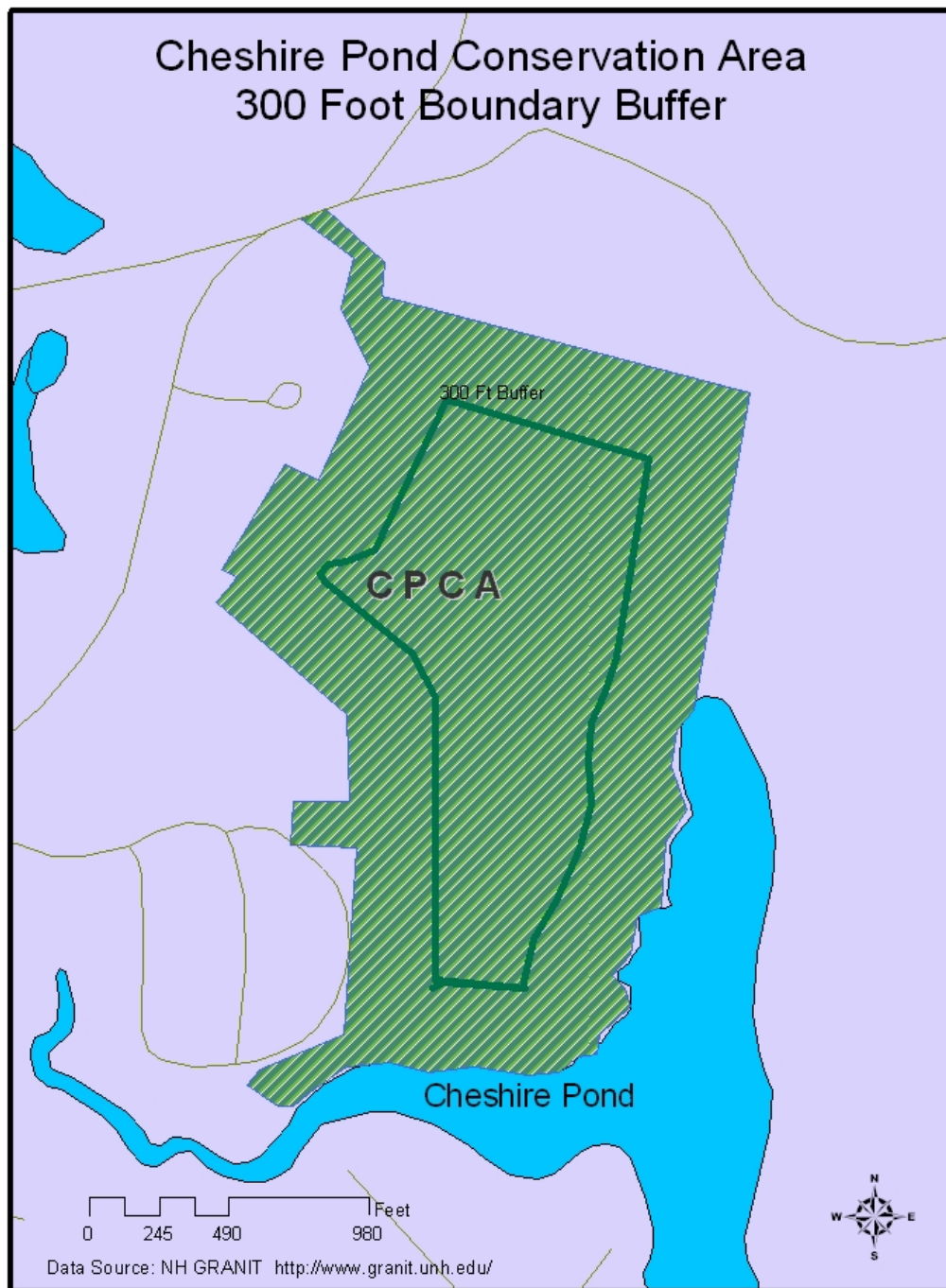
Cheshire Pond Conservation Area



Data Sources:
Town of Jaffrey Assessors Map
NH GRANIT: <http://www.granit.unh.edu>



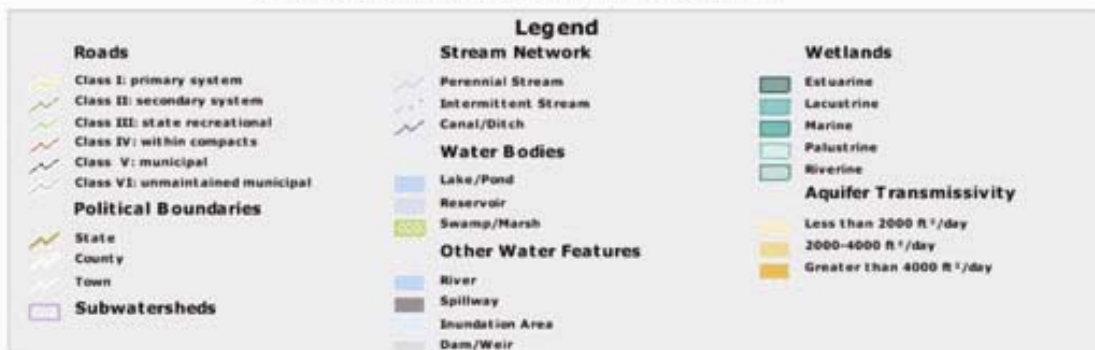




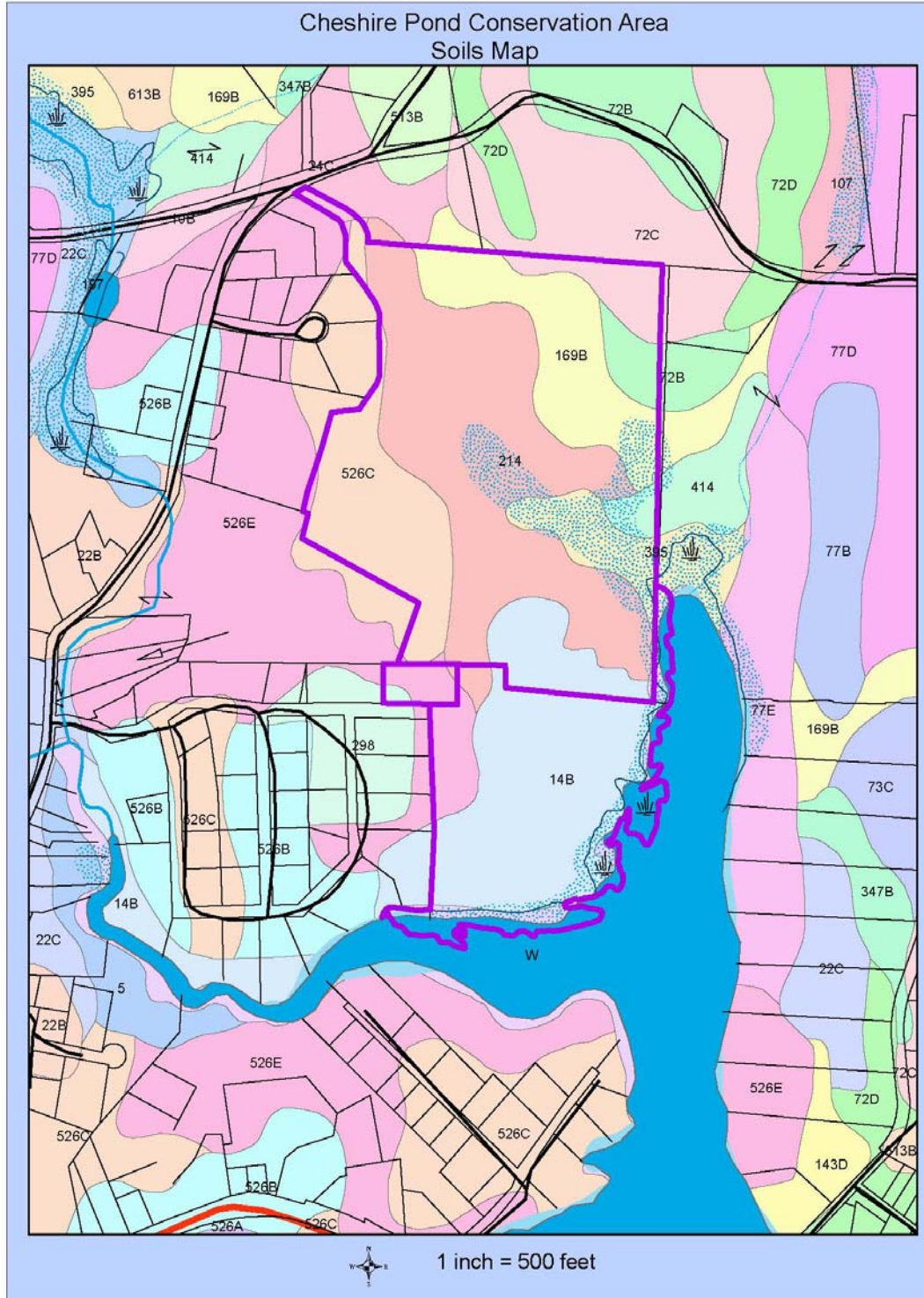
CPCA Water Resources



Water Resources: CPCA Water Resources



Source: NH GRANIT: <http://www.granit.sr.unh.edu/>



APPENDIX E - - PRESS RELEASE

Press Release

Jaffrey Celebrates New “Cheshire Pond Conservation Area”

July 30, 2007

Last Tuesday, July 24, residents gathered to inaugurate the newest conservation open space parcel in Jaffrey. The 60-acre Town-owned property called Cheshire Pond Conservation Area (CPCA) lies adjacent to the north side of Cheshire Pond - - the pond on 202 towards Peterborough where the Contoocook River flows southeast over DD Bean dam. Rick Lambert, Chair of the Selectboard, cut the ribbon. At Jaffrey's Riverfest on Saturday, July 28, the Conservation Commission featured the property through photographs, aerial photos and maps on several display boards.

The care and maintenance of the property will be the charge of the Conservation Commission. Residents and stakeholders with an interest in the future of the property are encouraged to attend working sessions on August 9 & 16, September 6 & 13, and October 4 at 7PM in the Jaffrey Town Offices at 10 Goodnow Street. The first session will provide an overview and discussion of all of topics that will be considered throughout the remainder of the process. The last session will be a compilation of the information and comments received. The CPCA Management Plan will be written by the Commission using the feedback compiled during the working sessions.

The acquisition project took over two years to complete, starting with the introduction to the property by local resident, Owen Houghton, when he called up the Chair of the Conservation Commission, Brenda Bhatti in the spring of 2005 and asked if she'd like to take a walk on “a little piece of property that he knew”. Bhatti took that walk and found herself amongst a forest with a wealth of wildlife and a varied history. From there, the abutters held meetings on how it may be possible to protect the property. Without any money in the Town Conservation Fund, Bhatti suggested that it would be a tough road, but possible, and she knew that it could easily take a couple of years.

Jaffrey had an established conservation fund for the protection of open space, but had only recently started allocating significant funds to it. At Town Meeting 2007 there was overwhelming support to purchase the sixty acres, which took place in early May. The Conservation Commission states that “this property is very valuable from a conservation perspective. Not only are there habitats to support a diversity of wildlife species, including extensive wetlands, there is an underlying aquifer, existing trails, and an area to land a canoe and enjoy a picnic next to the pond. Protecting the property ensures that there will be a buffer to the Contoocook River and Cheshire Pond in this location. Buffers provide wildlife corridors and protect waterbodies such as this by filtering pollutants and toxins. “