EXECUTIVE SUMMARY

FOR TOWN COUNCIL

Stewardship Plan for the Clay Pond Conservation Area

The Hooksett Conservation Commission (HCC) is proposing a Stewardship Plan for the Clay Pond Conservation Area. This project permanently protects 736 acres of high-value wildlife habitat and wetlands bordering the Candia town line and bear Brook State Park. This executive summary provides highlights of the Stewardship Plan for review and adoption by Town Council, background information leading up to the plan, and steps going forward to implement and manage this plan.

BACKGROUND

The Hooksett Conservation Commission (HCC) issued a Request for Proposal (RFP) on September 15, 2013, for the development of a Stewardship Plan for the Clay Pond Conservation Easement Deeds I and II. This Town owned land is protected via Conservation Easements held by Bear-Paw Regional Greenways and includes 50 wetlands totaling 129 acres, a great blue heron rookery and two fens, 12 beaver impoundments, and several documented occurrences of state-endangered Blanding’s turtles.

The HCC in conjunction with Bear-Paw Regional Greenways selected Moosewood Ecological, LLC, to develop the Stewardship Plan for this property. Moosewood’s principal, Jeffry Littleton, has 25 years of experience in ecological research, inventory, and education and is well versed in working with conservation easements in New Hampshire. He engaged licensed forester Swift Corwin of Calhoun and Corwin Forestry, LLC, for the forestry management plan and observations.

After five months of onsite property review and research from May to September 2014, this team created a draft Stewardship Plan. On October 21, 2014, the HCC held a public meeting to review the plan with Littleton and Corwin. About 45 residents and interested parties attended the meeting at the Hooksett Library to formulate the vision for the use of this property, encompassing the plans three main areas: a wildlife management plan, a forestry management plan, and a recreational use and trails management plan.
Timeline

- September 15, 2013: Request for Proposal distributed
- April 2014: Letter of Recommendation sent to Town Council to approve selection of Moosewood Ecological, LLC
- May 2014 – Sept 2014: Engaged Moosewood in the development of the Stewardship Plan
- October 15, 2014: Public Meeting to review draft plan and solicit input
- November 2014: Stewardship Plan published
- January 2015: Adoption of plan by Town Council

Supporting Documents

- Clay Pond Conservation Easements I and II and Hanscomb-Lambert Easement
- Mark R. Dunn, Legal Opinion on closing gates and bars
- Clay Pond Headwaters Conservation Area Stewardship Plan, November 2014
- Clay Pond Conservation Area, Hooksett Public Meeting Notice October 21, 2014
- Clay Pond Conservation Area, Power Point Presentation, October 21, 2014
- Clay Pond Conservation Area, Public Meeting Summary, October 21, 2014
- NH Natural Heritage Bureau Report, September 19, 2014
- Clay Pond Request for Proposal, September 15, 2013

Wildlife Management Plan

The Wildlife Habitat Management goals include the following:

- Recommendations for the protection of significant habitats and species of conservation concern
- Protection of water quality, wetlands, and riparian areas;
- Protection of unique or fragile natural areas;
- Alignment of goals and objectives with recommendations for forestry, trails, and recreation; and
- Conservation of native plant and animal species, and natural communities.

Recommendation Highlights


Monitor Blanding turtle populations to better understand distribution and habitat use, including basking, breeding, nesting, feeding, and winter habitats, throughout the active season so as to inform future land management.

Improve, expand, or create new turtle nesting habitat.

Inventory potential vernal pools to better understand wildlife use, particularly amphibians and reptiles.

Close all discontinued roads for motorized vehicles, except Wiggins Road that provides access to the current residential site.

Remove trash piles.
Monitor birds of conservation concern, such as American woodcock and whip-poor-will, in areas managed for shrubland and early successional habitats.

Consider land management activities that favor known and potential species of conservation concern.

Minimize publicity of sensitive and unique areas to prevent poaching and indiscriminate killing.

Restored culverts that contribute to excess sedimentation in streams and wetlands, as well as those limiting or inhibiting aquatic connectivity.

Review and update wildlife habitat management recommendations as needed every 10 years.

**Trail and Recreational Management Plan**

The Trail and Recreational Management goals include the following:

- Protection of water quality, wetlands and riparian areas;
- Maintenance or enhancement of scenic quality;
- Protection of unique or fragile natural areas;
- Protection of unique historic or cultural features;
- Recommend access points, including parking, trails, and scenic views for public enjoyment, passive recreation, and educational opportunities

**Recommendation Highlights**

For a complete list of Trail and Recreational Management Recommendations, refer to the “Clay Pond Conservation Area Stewardship Plan” November, 2014.

Close access to wheeled motorized vehicles on all discontinued roads, except Wiggins Road, and on all existing roads that access the interior of the property.

Use the existing network of trails for public access to the property that extends to Bear Brook State Forest. Three additional trails are recommended.

Direct recreational use away from sensitive habitats such as hibernacula, streams, wetlands, vernal pools, turtle nesting sites, seeps, and migration corridors located in the interior of the property not associated with existing trails.

**Recommendation for a parking area and kiosk on privately owned lots adjacent to the property.**

Maintain a scenic view in conjunction with early successional management along the southwestern ridge of Hall Mountain in Compartment 2 (east of Hall Mountain Road). This view would need to be maintained every 10 years.

To prevent wildlife mortality and undue stress, dogs should be leashed during the wildlife breeding and nesting season from March-September.

Monitor and manage the spread of invasive plant species along trails.

The recreational management recommendations should be reviewed and updated as needed every 10 years.
Forestry Management Plan

The Forest Management goals include the following:

- Maintenance of soil productivity;
- Protection of water quality, wetlands and riparian areas;
- Maintenance or enhancement of wildlife habitat;
- Maintenance or enhancement of the overall quality of forest products;
- Maintenance or enhancement of scenic quality;
- Protection of unique or fragile natural areas;
- Protection of unique historic or cultural features; and
- Conservation of native plant and animal species, and natural communities.

Recommendation Highlights

For a complete list of Forest Management Recommendations, refer to the “Clay Pond Conservation Area Stewardship Plan” November, 2014.

Minimize construction of new roads and landings where possible. Keep sensitive habitats (such as vernal pools, seeps, wetlands, and turtle nesting sites) free of skidder roads and other mechanized operations, including new landings.

To minimize mortality of wildlife, especially Blanding’s turtles and other associated species of conservation concern limit timber harvests to November-March whenever possible.

Follow natural contours when designing and conducting timber sales, and minimize stream crossings.

Monitor and manage the spread of invasive plant species.

Minimize soil disturbance through the use of low-pressure tires when using heavy equipment and limit timber harvests to dry months and/or when the ground is frozen.

Leave limbs and tops in the forest and allow dead standing and downed woody debris to decompose naturally, leaving these materials to the extent possible to contribute to natural processes and allowing woody material to support small wildlife such as mice, salamanders, frogs, snakes, and insects.

Respectfully submitted,

Hooksett Conservation Commission

Steve Couture, HCC, Chair Cindy Robertson, HCC Vice-Chair
Phil Fitanides, member David Hess, member
JoCarol Woodburn, member, Clay Pond project lead
Todd Lizotte, Town Council Representative to the HCC
Frank Kotowski, Planning Board Representative to the HCC
Carolyn Cronin, HCC Staff Support

Enclosed: Map-Proposed trails and gates and bars locations
Mark Dunn letter
Mark R. Dunn

Attorney-At-Law  24 Montgomery Street  Tel: (603) 228-4413
Admitted in NH & ME Concord, NH 03301  Fax: (603) 224-3055

November 7, 2014
January 3, 2012

Mr. Steven Couture
Chairman
Hooksett Conservation Commission
35 Main Street
Hooksett, NH 03106

RE: Clay Pond Headwaters Conservation Trails

Dear Mr. Couture:

You have asked me for my thoughts and opinions with regard to placing gates and bars on several "Discontinued" roads in the Clay Pond Headwaters Conservation Easement ("hereinafter "CE").

The roads at issue are North Candia Road (hereinafter "NC Road"), Wiggin Road (hereinafter "W Road"), Knolton Road a/k/a Knowlton Road (hereinafter "K Road") and Hall Mountain Road (hereinafter "HM Road") as these old roads intersect the CE.

It is my understanding that all four roads at issue are discontinued by votes of the Town of Hooksett. Per the Conservation Easement plans drawn by Thomas Brouillette dated June 20, 2009, Aug 5, 2009, September 20, 2009 and October 29, 2009, NC Road, K Road, HM Road are shown as being discontinued at the Town Meeting held in 1953. Wiggin Road does not have any date of discontinuance on the plans.

However, I believe it is also a discontinued road since it runs between NC Road and HM Road, both of which are discontinued. It is inconceivable that the Town of Hooksett would have a Class V or Class VI road between two discontinued roads.

To do so would mean that Wiggin Road would retain a public servitude for the general public to pass over it notwithstanding the fact that to get to Wiggin Road, the public would have to pass over roads in which the public servitude is extinguished (thus trespass) and only the internal abutters can pass on those roads.
As I have alluded to above, discontinued roads remove the public servitude, namely the right of the public to pass and repass, over said roads. RSA 231:45 states that "Any Class IV, V or VI highway, or any portion thereof, may be discontinued as an open highway and made subject to gates and bars, by a vote of the town. Such discontinued highway shall not have the status of a publicly approved street." My emphasis.

It is useful to contrast a discontinued road from that of a Class VI road. RSA 231:21-a,II states that Class VI highways "...are not subject to any municipal duty of care or maintenance...". Further, RSA 231:21-a,1 states in part that "...gates and bars maintained by private land owners shall be erected so as not to prevent or interfere with public use of the highway, and shall be capable of being opened and closed by highway users..."

The distinction to be drawn between discontinued roads and Class VI roads, is the fact that the general public can use Class VI roads and only the private land owners can use a discontinued road. The discontinuance vote can not deprive a land owner of access to his property, see RSA 231:43,III.

With that as the background, the abutters to any one of the four roads in question have the right to use that road or roads for access to their property, see RSA 231:43 generally.

However, the Town by the discontinuance of the roads in 1953 made the roads subject to gates and bars with the provision that no land owner can be prevented from accessing his property.

Consequently, the Hooksett Conservation Commission/Town of Hooksett could put gates and bars up on North Candia Road on the westerly end just east of the Wiggin Road intersection. In fact, it would be appropriate for the Town to put up gates and bars on the southerly end of Wiggin Road at its intersection with North Candia Road since the Town owns on both sides of Wiggin Road.

The only condition for putting gates and bars up on the west end of North Candia Road at Wiggin Road is that keys would have to be given to the internal abutters being Joseph Labrie (Tax Lot 4-12), Scott Zenor (Tax Lot 4-17) and Manchester Water Works (Tax Lot 15-5).

The east end of North Candia Road can be gated at the Candia Town line with a key being provided to Helen Ann Heroux (Tax Lot 4-9) and possibly to Peter King and Richard DeFreitas (Tax Lot 4-10) to the extent they access their property by North Candia Road and then southerly on Knowlton Road.
A gate can be placed on the south end of Knowlton Road at the Candia Town Line near the southerly corner of your Tax Lot 4-12 with a key given to the aforesaid King and DeFreitas (Tax Lot 4-11) for access thereto.

A gate can be placed at the southerly end of an old woods road passing through Tax Lot 15-11, at or near the Candia Town Line. This was never a public road and thus there is no right of anyone to pass over the woods road and thus no key needs to be shared with anyone.

Finally, you can place a gate at the intersection of the north end of Wiggin Road on Hall Mountain Road with a key given to William French (Tax Lot 4-23) and to Peter & Lillian King (Tax Lot 4-13) for access to their lots.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Mark R. Dunn