

To the members of the HB 1182 committee looking at on road use of Off Road vehicles,

Recreational Off Road vehicles belong Off Roads. The experiment of opening hundreds of miles of public roads in Coos County to Off Road Vehicles has failed - please listen to the people who live along those roads.

7 Gorham households are suing the town and state to remove the nuisance of OHRV trails from their residentially zoned neighborhood. The Court denied the state's motion to be dismissed from the case. Judge MacLeod rejected the state's argument that OHRVs met the standard of "legalized nuisances." He found that "*OHRVs differ fundamentally from other legalized nuisances...Whereas automobiles, trains and airplanes are ubiquitous to everyday life, OHRVs are not. By definition, OHRVs are only used 'for pleasure or recreational purposes.'* RSA 215-A:1VI" "*Moreover proposed OHRV trails must meet an extensive list of criteria, including being 'reasonably compatible with existing uses.'* RSA 215-A: 43, II(g)"

Thus: "*The court finds that the legal standard advanced by the defendants...., is fundamentally unfair. It would effectively allow the state to foist the burdens of a highly regulated and potentially disruptive recreational activity upon a handful of private landowners without obtaining their consent or compensating them for their losses.*" and "*The court finds that an interference that persists throughout the entire summer, depriving the plaintiffs of the enjoyment of their own homes and backyards from the end of May through the beginning of November every year, is of sufficient magnitude to constitute a taking.*"

The State of NH has already spent over a quarter of a million dollars of precious NH tax dollars fighting to keep these OHRV trails, including Rte 2, rather than move them to a more appropriate location.

Gorham, NH Police dispatch reports 220 calls for service re: OHRV complaints from June 24-August 24, 2020.

In just those 2 months, there are 86 calls reporting OHRVs where they are prohibited- i.e. traveling down roads where they are not allowed or on private property. Several of these roads have a posted speed limit of 50 mph. The roads are all clearly marked to show where ATV use begins and ends.

Gorham's OHRV trails are patrolled by 5 law enforcement departments: Gorham police, County Sheriff, Fish and Game, State Troopers and Division of Forest and Lands Rangers and the OHRV use is still disturbing the community and driving abutting residents out of their homes when OHRVs take over the roads. No amount of policing or signage can restore the residential qualities of a neighborhood once a road is opened to OHRV traffic.

A few weeks ago I sat outside the White Mountain Cafe on Main St. in Gorham, with a friend for about 30 minutes. It was a beautiful, warm sunny day, but our conversation was repeatedly interrupted by packs of OHRVs roaring by. I was relieved to leave and return home - on a road where OHRVs are not allowed.

Riders are advised to wear helmets with ear protection. Cyclists, families out for a stroll, pedestrians and home owners wear no such ear protection. The decibel scale is logarithmic, which means that 96 decibels are twice as loud as motorcycles. The general public deserves to be protected from such damaging noise levels.

Opening up roads to Off Road vehicles makes our roads, neighborhoods and downtowns less livable, inviting and safe for everyone.

With the impacts of climate change becoming increasingly more obvious, we need to be encouraging people use less gas and bike and walk more - for climate health and community health. And what of the manufacturers' own recommendations that these vehicles are *not* safe on roads?

I hope this committee will take these serious problems to heart and recommend the end of road use by recreational Off Road vehicles. The experiment has failed. The legislature carefully crafted siting criteria for OHRV trails. Please ensure that [RSA 215-A 41,42,43](#) is followed for all OHRV trails and end the poorly vetted exemptions. You are pledged to serve the citizens of this state, not Polaris profits.

Sincerely,
Abby Evankow
Gorham, NH

Attached is a typical Gorham Dispatch report from this summer, a letter to the editor and a sympathetic response to that letter:

DATE: 9/20/2020

TO: Town Manager Denise Vallee

FROM: Dispatch Supervisor Susan Dorval

REF: Dispatch/Police Report for 8/23/2020 – 9/19/2020

Total Calls for Service: 960

Accidents: 3

Fire: 10

GEMS: 53

Randolph: 13

Shelburne: 9

Unincorporated towns: 3

Berlin PD: 5

Sheriff Dept.: 4

NH State Police: 7

WMN Forest Service: 4

F & G: 3

OHRV: 72

Lost/Injured Hiker: 7

Border Patrol: 0

Respectfully submitted,

Susan Dorval

LETTERS

Bullying over positions ATV has got to stop

To the editor:

I have written this letter a hundred times, in a hundred ways and in the end always backed down. I have been fearful of retaliation because I have witnessed it too many times ... neighbors being yelled at for expressing anything other than 100 percent pro ATV points of view, bullying in the form of threats of boycotting business, others being told to shut up and move if they don't like ATVs in their backyard. Enough is enough. If I must be bullied in order to support my neighbors then I guess I'll take it.

I moved here six years ago and fell in love with this area, not just the beauty of

the natural surroundings, but the people. I would tell anyone and everyone what great communities Gorham and Berlin were. People really looked after each in meaningful ways. Neighbor took care of neighbor. We still do. I saw this most recently when schools were closed for Covid. Parents, teachers, bus drivers, community members stepping up and taking care of kids and families in new ways, getting things done quickly and efficiently. It was amazing and a proud moment for our communities.

What has not been a proud moment for us, has been how

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our neighbors and community members living along the Lancaster Road. OHRV trail have been treated ... not only by the ATV community, but by our selectmen, and by the rest of us who just let it happen. I encourage you all to go to the trailhead, sit along it during a busy ATV day and endure just for an hour what our neighbors endure daily and endlessly.

Please don't say, "I live nearby, it's not that bad" or "if they don't like it, they should just move."

First of all, it is that bad, in fact it's worse. I've sat in the backyard of one of the neighbors for a brief two hours ... it's unlivable. They are literally surrounded by noise, dust, intrusion and so much more from 6 a.m. to 8 p.m. during ATV season. Second, homeowners bought their properties before ATVs were permitted on the trail. Abutters to trailhead were not even notified by our selectmen that the trail was being opened to ATVs. NOT EVEN NOTIFIED.

Imagine if a new business or enterprise was opened in your neighborhood, a business that directly impacted the quality of your life on a day to day basis and no one told you it was coming. Now imagine, going to your local selectmen and asking for help and being turned away. Imagine you offer compromise, alternatives and no one listened. In fact, not do only do they not listen, you start being harassed. You get harassed so much, you become fearful. I am fearful of speaking out and I don't even live in this

neighborhood. What has happened to our neighbors is heartbreaking and horrifying.

In 2017, our town developed a master plan. Town folks asked for improvements in walking paths and sidewalks, increased support for hiking, snowshoeing, biking ... all of this over ATV trail development, nearly a 3-1 margin. Money instead has been diverted to fight a lawsuit against our own neighbors and community members, \$80,000 plus. I have seen a huge growth and presence in ATVs in our community, but not one single new walking path or any of the things our town members asked for.

I am not anti-ATV ... I never was. But I am becoming so.

I am anti-bullying and harassment. It has to end.

I am pro-community building. I support following our zoning and ordinances, which if followed would never have allowed for the trailhead on Lancaster Rd to be open to OHRVs, but would have allowed for alternative solutions. I am for taking care of our neighbors and preserving the quality of life for everyone, not just for those with the loudest voices.

Our greatest strength as a community is shown in how we take care of each other. We are letting our neighbors and ourselves down right now. A new trailhead off the B-G Rd is being developed. We need to restore the quality of life back to those along Lancaster Rd and shut the ATV access down along that trailhead.

Deidre Blair
Gorham

Matty Bowman Thanks for sharing this and I am deeply sympathetic to the writer's viewpoint and your dilemma as a business owner. As a frequent visitor to the area for work and pleasure for the past 20+ years, I am saddened and dismayed at how Gorham has changed. I no longer am willing to stay in any of the motels in downtown Gorham due to the noise, dust and general atmosphere. This a loss for these businesses as I have spent dozens and dozens of paid nights while on business travel in Coos County including in the slow times of year. I will still stay at Hub North and I do look forward to dining at White Mountain Cafe and SAALT, but the ATV influence has really overtaken the whole village atmosphere and I am spending more of my time and money in Jackson/Conway area as a result.