

Bill as  
Introduced

HB 1328 - AS INTRODUCED

2010 SESSION

10-2205

10/04

HOUSE BILL           **1328**

AN ACT               prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow.

SPONSORS:           Rep. L. Weber, Ches 2; Rep. Sad, Ches 2; Rep. Eaton, Ches 2

COMMITTEE:          Transportation

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ANALYSIS

This bill prohibits the operation of wheeled motorized vehicles on the frozen surface of Stone Pond in the town of Marlow.

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Explanation:       Matter added to current law appears in ***bold italics***.  
                      Matter removed from current law appears [~~in brackets and struckthrough~~].  
                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1        1 New Section; Off Highway Recreational Vehicles; Frozen Surface of Stone Pond in Marlow.
- 2 Amend RSA 215-A by inserting after section 4-a the following new section:
- 3        215-A:4-b Frozen Surface of Stone Pond in the Town of Marlow. No person shall operate any
- 4 wheeled motorized vehicle on the frozen surface of Stone Pond in the town of Marlow. Any person
- 5 who violates this section shall be guilty of a violation.
- 6        2 Effective Date. This act shall take effect 60 days after its passage.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 1328

**BILL TITLE:** prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow.

**DATE:** January 20, 2010

**LOB ROOM:** 203      **Time Public Hearing Called to Order:** 10:48 a.m.

**Time Adjourned:** 11:37 a.m.

(please circle if present)

**Committee Members:** Reps. B. Williams, Jennifer Brown, C. Brown, Ingersoll, M. O'Brien, Hebert, LaPlante, Rhodes, Rokas, V. Soucy, Stuart, Nedeau, G. Katsakiores, J. Flanders, Veazey, Coffey, Hikel, Hinch and Umberger.

**Bill Sponsors:** Rep. L. Weber, Ches 2; Rep. Sad, Ches 2; Rep. Eaton, Ches 2

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Lucy Weber**, sponsor. Explained bill and introduced.

**Dan and Edith Stearns** Homeowners, Stone Pond. Motorcycle racing has increased substantially in last two years. Local police uncooperative. ("Call again and you will get a ticket.") Asking for a complete ban not a speed limit. Motorcyclists have threatened. Town does not want to be involved. It is state property.

**Rep. Daniel Eaton**, co-sponsor. Will make DVD/TV available. Fish & Game cannot enforce laws involving vehicles (Title 20).

**Rep. Paul Ingersoll**. DRED opposes because it will involve all motorized vehicles/snowmobiles statewide.

\***Bruce Ward**, motorcyclist. Opposed. All under legal noise limit. Have been riding on Stone Pond for 20 years. They police the area. A snowmobile trail crosses pond. Unfair to restrict all for a few. Can't move track further away from occupied house because of springs causing thin ice. Distance from house to corner of track is 200-300 yards. (Owners do not agree.)

**Ann Dallas**, Marlow, NH. Opposed. Cannot put outhouse on state property. Moved trash closer to Rt. 10.

**Colemann Dudak**, Marlow, NH. Opposed. Would ruin a lot of family traditions.

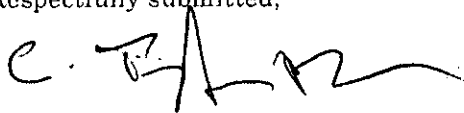
**Lisa Bell**, neighbor of pond (just "south"). Support bill. Objects to noise. Racing is different than a passing snowmobile. A motorcross track 2 miles away has minimal noise. A lake's acoustics allow sound to travel. Noise is issue along with rudeness.

**Robert Balla**, Ackworth/participant. "Non-competitive," "just friends."

**Randall J. Tefft**, Keene. Opposed. Motor sports bring significant dollars into the state. Family activity with "hibachis."

**Dan Sterns** Question. Lived on pond 23 years, 100 feet from track, not 200 to 300 yards.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Pennington Brown". The signature is fluid and cursive, with a prominent initial "C" and a long, sweeping tail.

Rep. C. Pennington Brown,  
Clerk



HOUSE COMMITTEE ON TRANSPORTATION

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Bill Sponsors: Rep. L. Weber, Ches 2; Rep. Sad, Ches 2; Rep. Eaton, Ches 2

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

- ① Rep. ~~Lucy Webb~~ <sup>and Edith</sup> - Explained bill was introduced.
- ② ~~Dan Stearns~~ - Homeowner, Stone Pond. Motor cycle racing has increased substantially in last two years. Local police uncooperative ("call again and you will get a ticket"). Asking for a complete ~~ban~~ not a speed limit. Motorcyclists have threatened. Town does not want to be involved. It is state property.
- ③ Rep. ~~Don Eaton~~ - Will make DVD/TV available. Fish & Game cannot enforce laws involving vehicles (Title 20).
- ④ Rep. Paul Ingersoll - DRED opposes because it will involve all motorized vehicles / snowmobiles state wide.

(over)

- ⑤ Bruce Ward Motorcyclist - <sup>Opposed</sup> "All under legal noise limits. Have been riding on Stone Pond for 20 years. They police the area. A snowmobile trail crosses pond. Unfair to restrict all for a few. Can't move track farther away ~~from~~ occupied house because of springs causing thin ice. Distance from house to corner of track is 200-300 yards (owners do not agree).
- ⑥ Ann Dallas, Marlow, NH - Opposed. Cannot put outhouse on state property. Moved track closer to Rt. 10.
- ⑦ Coleman Dudak, Marlow, NH - Opposed. Would ruin a lot of family traditions.
- ⑧ Lisa Bell, Neighbor of Pond ("just south") - ~~Opposed~~ <sup>Support Gill</sup>. Objects to noise. Racing is different than a passing snowmobile. A motocross track 2 miles away has minimal noise. A lake's acoustics allows sounds to travel. Noise is issue along with rudeness.
- ⑨ Robert Balla - Achworth / participant - "Non-competitive" "just friends"
- ⑩ Rendall - Jeff, Keene. Opposed Motor sports bring significant dollars into the state. Family activity, with "hibachis".
- ⑪ Den Stearns (question) lives on pond 23 years. 100 feet ~~from~~ track.

# Testimony

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Marlow, NH 03456

Phone: 1-603-446-7919  
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E-mail edith.stearns@brazeninnovations.com

## Edith A. Stearns

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01.29.2009

HB 1328

To: Maurya @ Governor Lynch's office

Fax: 271-7640

RE: Motorcycle ice racing on Stone Pond in Marlow, NH

I am contacting your office concerning a situation that deeply erodes my sense of peace and security as a home owner in New Hampshire. When my husband and I purchased our property on the back side of Stone Pond in Marlow, NH in January of 1990, we never expected to be so harassed by people using the pond our property abuts. Our property has approximately 1,200 feet of frontage on Stone Pond. For the past 8 to 10 years every winter, on every Sunday when there is ice thick enough to support people, there has been a group of motorcycle ice racers, 'ice bikers' that uses the pond for unsupervised racing events and/or practice. They plow an ad hoc race track into the snow on the pond and ride that track with motorcycles for hours at a time.

When they first started this Sunday winter ritual, they plowed a much smaller 'track' into the snow and positioned it much closer to the Route 10 side of the pond. The Route 10 side of the pond is exactly opposite to our property. Their 'ice bikes' were quiet, stock motor cycles that were driven in circles for about 3 to 4 hours every time they came out on the ice. Beginning in the 2006-2007 winter season, the track doubled in size and the number of participants increased at least 5 times in number. In addition to the 3 or more motorcycles on this track at any time, they also have trucks, cars and snowmobiles riding this ad hoc 'track'. Although the ice fishermen do not seem to mind having motorcycles zoom so closely past them, the ice bike riders certainly do not slow down when my son is on the pond within 100 feet of the track. My largest problem with this group is the now unbearable din that assaults our home each 'racing' Sunday. We need hearing protection when we go out doors during their sessions and can even hear them in our basement.

Due to the ear ringing, window rattling noise created by these motorcycles over the last few years, my husband, Daniel Stearns and I have decided to address our rights as property owners. On Sunday, January 4, 2009, the usual crowd began to plow their first track of the season into the snow on the pond. My husband drove his snowmobile across the pond and peacefully requested that the group please move their racetrack away from our property. The group's 'leader' replied with the following sentiments, "This is MY pond and I have been racing here for years. I know who you F\*\*\*ing are and I know where you F\*\*\*ing live. We have been doing this for years. Who do you think you are to try to stop us?" About a half hour later they proceeded to make the track larger and place it closer to our property. They revved the bikes excessively on our side of the pond. That following Monday one of the kids from the group also proceeded to begin harassing our son on the school bus. This harassment has occurred every Monday we have called Fish and Game. Although the school is dealing with this harassment issue, I am deeply disturbed that these people are involving their children in this problem.

Following this meeting, Dan and I decided to call our local police officer in Marlow, Kenneth Avery. Officer Avery told me that he has had numerous complaints over the years regarding this

## Edith A. Stearns

group but has no real authority to deal with the problem. I reminded him about RSA 215-A:16 Enforcement, which gives him all the proper authority he needs in this case. He told me that he is unfamiliar with Fish and Game codes and that I really needed to call Fish and Game to get an officer out for the complaint.

I called Fish and Game that same morning (01.04.2009) to request an officer. A very agitated officer Brian Suttmier returned my call. He stated that Marlow was not in his area and that he had no way to reduce the noise or remove the group from the pond. He said that he would have Officer Sam Sprague call back. Officer Sprague called later to say that he would not be able to get to us that day due to other issues. After I pestered him, he gave me Colonel Garabedian's contact information and suggested I contact him on Monday.

When Colonel Garabedian returned my call on Monday, January 5, 2009, he stated that Fish and Game really does not have a way to enforce the noise ordinances listed under RSA 215-A:12 as referenced under RSA 215-A:13. They also did not enforce RSA 644:2 III (a) or RSA 644:2 III-a in the Disorderly Conduct section of New Hampshire's criminal code as it applies to this issue. He would have Officer Sprague drive to Stone Pond in Marlow the following Sunday, January 11, 2009 to check out the situation.

Around late morning on Sunday, January 11, 2009, the same group began to arrive. We called Fish and Game dispatch just as the first bike began riding on the ice. As promised Officer Sprague arrived at the public boat landing to see what was going on. We saw him inspect the motorcycles and then leave. He later told us that the bikes were out of compliance with respect to modified exhaust systems and were not registered but that he did not issue them a citation. What infuriates my husband and I was that no more than an hour later the same illegal motorcycles were right back on the ice! We called Fish and Game dispatch again and Officer Sprague came out again. When he left the second time, the group pulled out their modified snowmobiles and began to deafeningly rev their new machines around the track. I called Fish and Game dispatch for a THIRD time to complain about this new tactic.

By during my third call to Fish and Game dispatch, my husband, Dan, had ridden his snowmobile onto the ice to watch over our son as he played on the pond. One of the parents of the racers came over to speak to Dan. This person told Dan that they live in Alstead and acknowledged that their group had to stop racing on Lake Warren in Alstead due to the noise pollution complaints by shoreline land owners. Our response was basically that we understand those complaints and we are now complaining about their noise too!

When Officer Sprague arrived the third time he stayed until all the vehicles had been packed up and left. Although we appreciate his efforts and do understand the law enforcement can be a thankless task we are compelled to ask why did he still not issue a citations on the THIRD visit? How many times will the authorities look the other way?

That following Monday, January 12, 2009, and Wednesday, January 14, 2009, one of the groups began riding the same modified bikes on the pond. Given that Dan and I were running our

## Edith A. Stearns


company and thus too busy conducting business, we did not call these other events in to Fish and Game. We watched on our security cameras and saw them leave about an hour after arrival.

Much to our surprise and delight no one raced on Sunday, January 18, 2009. We thoroughly enjoyed the natural silence that ensued on that Sunday afternoon and thought our problems were over. Wow! We were so wrong!

This most recent Sunday, January 25, 2009, the entire group showed up to begin racing. We noticed immediately that the first group of motorcycles did seem quieter their first round of riding. About 10 – 15 minutes later a new bike came on the ice and began thundering past our home in the old way as two weeks ago. So, I again called Fish and Game to complain. Now we understand that we are not the only source of complaints in the area but we certainly expected some tickets to fly on this call! Not one was issued! Officer Sprague was told that the new guy 'Did not know' about the problem with modified exhaust systems. I ask myself how he could have not known. Given that the riders and/or their associates are all working at or connected to local and some not so local motorcycle shops, one of them should have warned this 'new guy'. Once Officer Sprague left the area the noise began as if he had never spoken to them from the beginning. The noise returned to its previous of pre-January 4, 2009. We called the Fish and Game dispatch again. No one from the department came out for this call.

Given that the dispatcher at Fish and Game is now openly hostile to our calls, I have written this letter as an open plea for help. As a land owner in New Hampshire I feel my right to a safe and peaceful home are being completely ignored. I see the behavior of these ice bikers as openly contemptuous of the laws I and my family respect. The responses from the Fish and Game department feel at times forced and coerced by a need to 'cover one's ass' as the saying goes. Please help us. We are at our wit's end and feel abandoned.

Sincerely,



Edith A. Stearns





NISA

# The Keene

## MARLOW / COLD RIDE



MICHAEL MOORE / Sentinel Staff

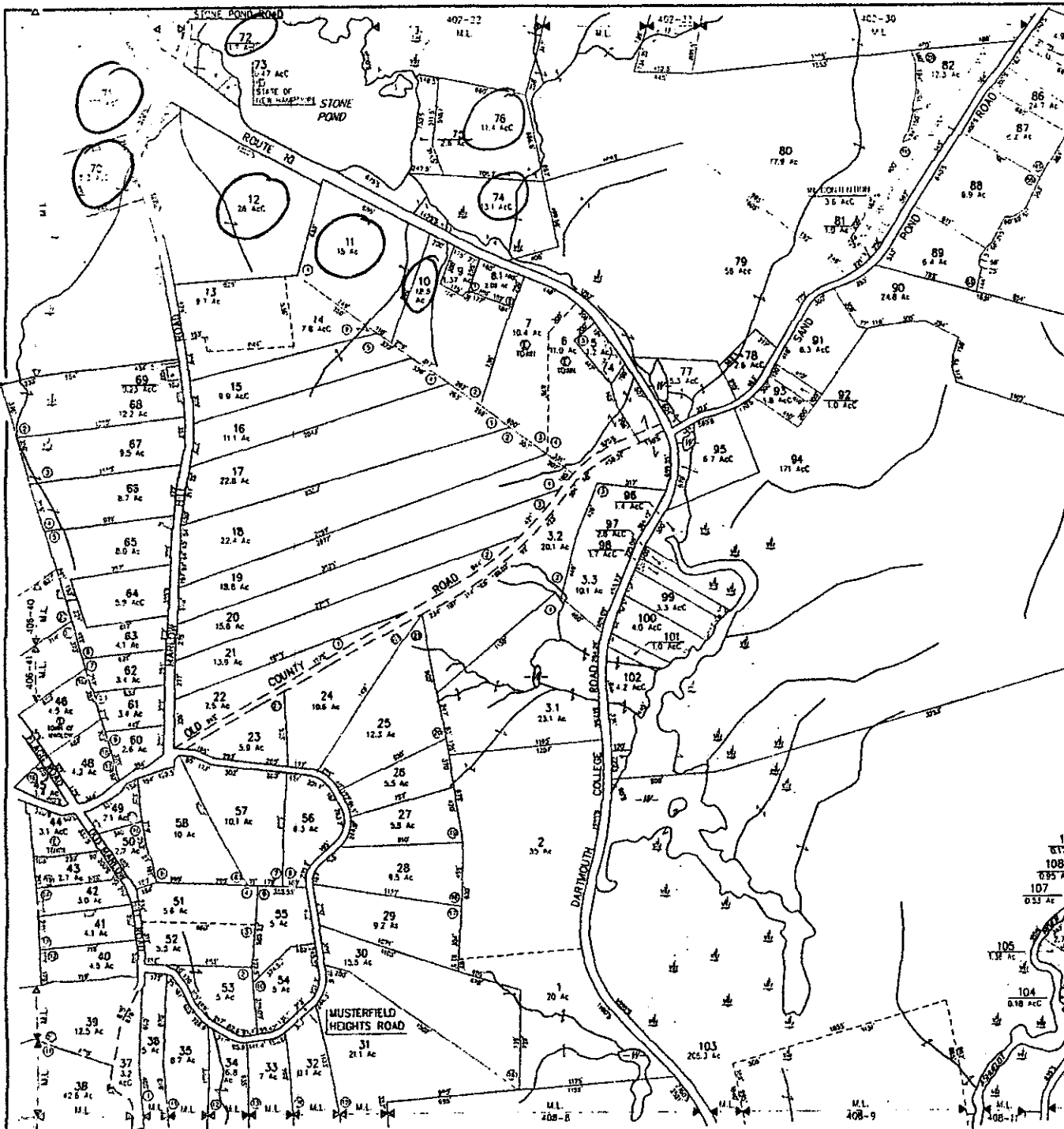
Tim Maynard of Nashua was one of several motorcyclists riding their bikes on a cleared track on Stone Pond in Marlow on Sunday afternoon. The bikes are equipped with heavily studded tires to provide traction on the ice.

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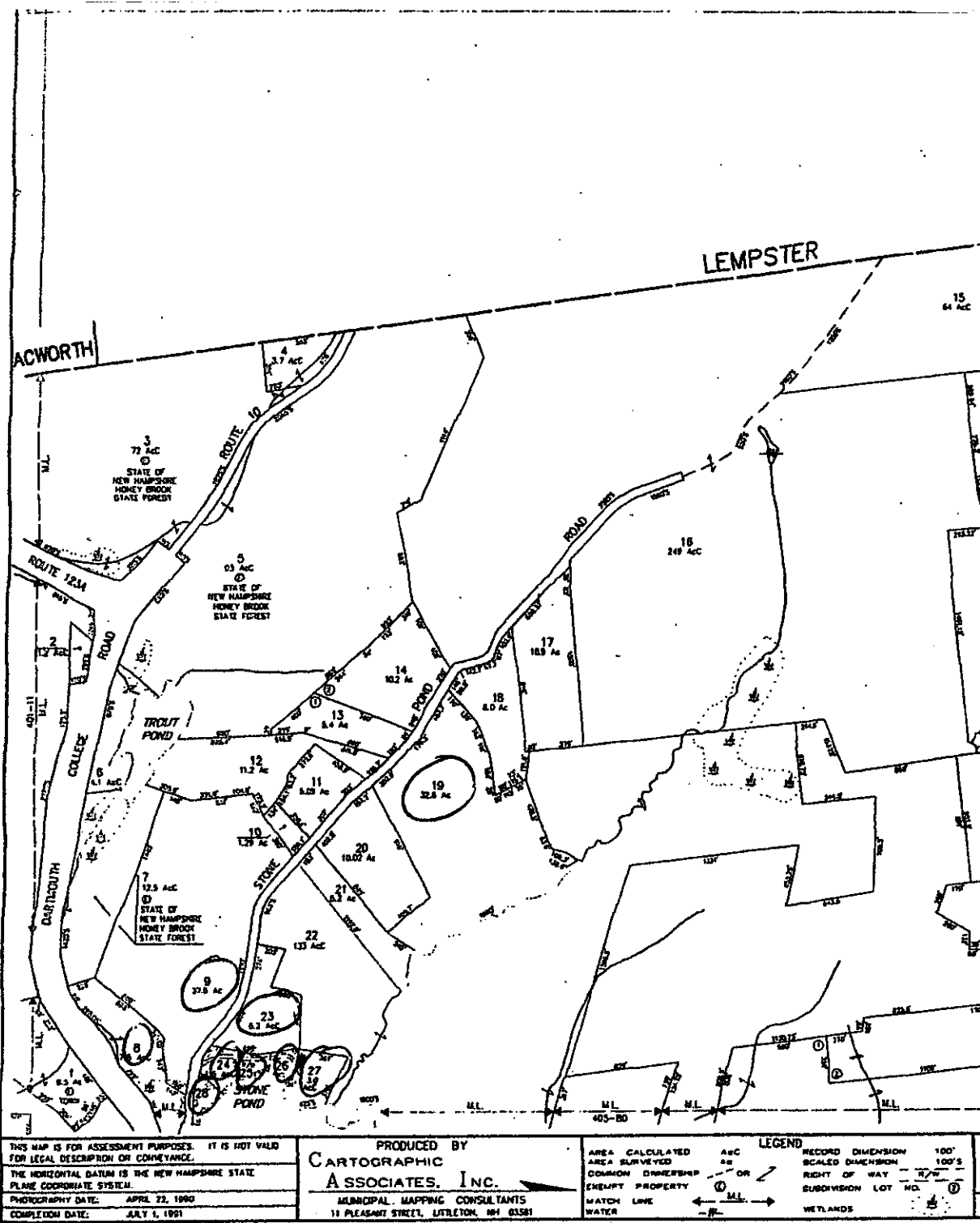
#70  
 #71  
 Lot # 76  
 and  
 74  
 No structures



THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.	PRODUCED BY CARTOGRAPHIC ASSOCIATES, INC.	AREA CALCULATED ACC AC AREA SURVEYED AC CONV. DIMENSION OR 2 EXCEPT PROPERTY MATCH LINES	LEGEND RECORD DIMENSION 100' SCALED DIMENSION 100'S RIGHT OF WAY - SUBDIVISION LOT NO. ①	SCALE FEET 0 400 METERS 0 121.92
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Current Status 2009

Lot 12	- No structures
11	- Rental Cabins + 100% annual tenant turnover
10	- Owner occupied
918	- Owner occupied
72	- Vacation home MA owner



- Lot # 27 - Stearns residence  
 Lot # 26 - Rental home  
 Lot # 23 - Empty trailer  
 Lot # 25 - undeveloped  
 Lot # 24 - undeveloped  
 Lot # 28 - Empty rental property (Rick Davis employs racers)  
 Lot # 19 - undeveloped  
 Lot # 8 - Owner occupied  
 Lot # 9 - Owner occupied (Tony Davis employs some of club members)

# Committee Minutes

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Date: March 25, 1996  
Time: 9:34 a.m.  
Room: 102, LOB

The Senate Committee on Transportation held a hearing on the following:

HB 1233 (New Title) establishing a 55 mile per hour speed limit for OHRVs traveling on the frozen surface of Turtle Pond, also known as Turtle Town Pond in the city of Concord and establishing joint responsibility between the city of Concord and the state of New Hampshire for the enforcement of such speed limit.

Members of Committee present:

Senator Edward M. Gordon  
Senator Thomas P. Stawasz

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Senator Edward M. Gordon, D. 2: I'll call the hearing to order on House Bill 1233, an act establishing a 55 mile per hour speed limit for OHRVs traveling on the frozen surface of Turtle Pond. I'll call upon the primary sponsor of the bill, Representative Rogers.

Representative Katherine Rogers, Merrimack 22: This bill, and I'll be very brief, this bill was introduced on behalf of the City of Concord. We have a problem on Turtle Town Pond with excessive speeds and various things with the snowmobiles out there. The City Councilor from that District, City Councilor Richard Croak is here to testify. The co-sponsor, Representative Buessing represents that District as well. I'm going to let them explain the problem more since it is their community.

I know that we worked with the House Committee and changed the bill a little. It is, to our mind, a great start in dealing with the problem that we have in that we really have no way to regulate what was going on out there and the disruption of the neighborhood. So, I'd be glad to answer any questions, but I'd suggest that Representative Buessing and Councilor Croak would probably be the best people.

Thank you for your time.

Representative Marjorie Buessing, Merrimack 23: I represent Ward 10 in Concord and Turtle Town Pond is in our ward. It's a pond a little over 200 acres. It's in a residential community. There are homes around the pond. Across two places of the pond there is a snowmobile path. We have never had a problem with the local snowmobilers using the State trails and going across the pond.

The problem is in recent years, clubs have come from Massachusetts. It's really quick — right off exit 16 off 93 — to get up to the pond. They clear the pond and hold races using exotic fuels and snowmobiles that have been clocked by the Concord Police at 98 miles an hour. The noise level is unbearable for the residents and it's become a problem.

We are hoping with this bill that the Concord Police can work with the State to control the speed limit and thus control the noise. My Councilor, Richard Croak, and others (also some residents) are here that can explain more.

Senator Edward M. Gordon, D. 2: The only thing I don't understand is why Concord can't pass a local ordinance regulating this.

Representative Buessing: I'll defer to our City Councilor on that. Okay?

Senator Edward M. Gordon, D. 2: And one other question, if I could. If this is to apply to Turtle Town Pond, why would we do this just for Turtle Town Pond and not for other water bodies in the State?

Representative Buessing: Some don't want it. I mean. There are some ponds that hold races and want to hold races for the tourists. So, specifically, this pond does not. And Concord does not want this activity.

There are a lot of other activities on the Pond at the same time. There's ice fishing. There are children skating. There are parents pulling sleds with children and these snowmobilers have been very intimidating. So it's a real safety issue there on Turtle Town [Pond].

Senator Edward M. Gordon, D. 2: Okay. Thank you for your testimony. It's nice to see you.

Representative Ken Malcolm, Rockingham 22: We had a long discussion on this in the Committee, basically that a 55 mile an hour was a compromise. The set up originally was that several members of the Committee wanted to go to 50, in order to get the bill passed in the hope to see if Concord could be given joint cooperation with enforcement, this is the result of the Committee.

I don't believe that there's any real organized objections. George [Katsakiores] probably has the actual vote. I didn't bring it. That about all. I hope you will help them a little bit and do this.

As far as the reason why they do it for the city and not state-wide, we gave them joint control, because you know, we all know, we don't have enough conservation officers out to patrol every pond every day in the week. And the police are seeing that the residents are complaining. So we gave authority to them to do it. Otherwise the authority basically rests (and I shouldn't be telling this to an attorney) rests with the conservation people.

Senator Edward M. Gordon, D. 2: Thank you Ken.

Representative George Katsakiores, Rockingham 13: House Bill 1233, as you know, deals with OHRVs and they are a constant problem in some areas. This particular case dealt with the City of Concord who had requested that [we] put on some kind of restrictions.

To answer just a couple of questions: As you know, there are two parts of this. One deals with the 55 mile per hour restriction on this particular pond. And the other part of it has to do with the joint responsibility of enforcement.

The question with regards to enforcement was a question that was brought up with the Majority Leader, which we talked with, with the idea that if a body of water or any property that belongs to the State of New Hampshire -- and as we know, every body of water that is ten acres or more has the jurisdiction of the State on it -- we felt that it was important that they shall maintain some jurisdiction over enforcement. So, in that case, the only thing that the Chairman of the sub-committee, who is Representative Mock who has deal with OHRVs and, of course, activities on ponds and lakes for many, many years, indicated that it's a compromise resolution between the City of Concord. I guess the folks at the Fish & Game who enforce the OHRV laws, and of course, there are policies set by the State that their properties should be the responsibility of the State of New Hampshire.

Any questions, I'll got ahead with it. But if there's anything else I can help you with, I'll be more than glad. The Committee voted 11 to 0, Ought to Pass, unanimous. Went on the Consent Calendar after the sub-committee did all the basic work on it.

Senator Edward M. Gordon, D. 2: Maybe you can just help me go through the language, George, if you don't mind.

It says "local regulation." It says: "With bylaws or ordinances any town or city may regulate the operation of OHRVs within its limits, providing they do not conflict with provisions of this chapter." Does that give the City of Concord the authority to regulate the speed limits?

Representative Katsakiores: The bill as originally written, I guess as you know, was going to allow the City of Concord to develop their own ordinances. It says "with by laws any town or city may set speed limits." And that was where we felt, including the Majority Leader, who said that inasmuch as we have a State policy, that if it belongs to a body of water or a piece of property, it belongs to the State of New Hampshire, that they have primary jurisdiction. And they ought to have the primary responsibility for enforcement.

Senator Edward M. Gordon, D. 2: The State has primary jurisdiction.

Representative Katsakiores: The State has. If it's a small body of water, for example a pond less than ten acres, of course, that doesn't become a State . . . it could become a private body of water. But of course, the State also has jurisdiction responsibility for enforcing laws governing OHRVs. This gives them an extension to go beyond what the State requires. I know this deals with a specific body of water. And of course, like you asked the question, it may lead to a concern for other bodies of water. Other folks in other cities and towns may want to come forward and ask for this same kind of restrictions. And that's what we try to avoid if we can with Legislation, as you know. But we're just going to play it by ear, I guess, and this kind of a trial case or pilot program, you might say, to see if it works. And as you know, it also is dealt with by doing away with it in 1998, if it doesn't work out. The effective date on Section two.

Senator Edward M. Gordon, D. 2: I guess that's the question that I have. If we're doing this for Turtle Pond, why aren't we doing it for Turkey Pond?

Representative Katsakiores: Well, that's the fear that we always have, that other people will come in and ask for the same type of restrictions. And I guess that there's no way of avoiding that except that we're hopeful that this will indicate that those folks that are out there going 50, 60, 70, 80, 90, I guess 100 miles an hour on some of these ponds ought to temper it down. If it gets back to those folks that do snowmobiling, those organizations, that maybe they'll get the word around that they are going to put restrictions on if you don't begin to do it yourself.

It's kind of . . . .

Senator Thomas P. Stawasz, D. 12: Like jet skis.

Senator Edward M. Gordon, D. 2: Are there any general regulations in regard to off highway recreational vehicle use?

Representative Katsakiores: There's a whole section on OHRVs. Sure. Yes, and the State's been the one that's been essentially overseeing it. Fish and Game Department has enforcement of those rules and regulations and the Statutes.

Senator Edward M. Gordon, D. 2: I guess the question is, isn't that the appropriate place to deal with Turtle Pond?

Representative Katsakiores: I guess probably in the amendment it does, essentially, with a piece of legislation, essentially that's what we're doing. We're setting the speed limit. It's not the City that's doing it. And we're also indicating a joint responsibility for law enforcement, which they have on an on-going basis anyway. A local law enforcement officer can also enforce State laws on these bodies, always has. But we're just citing it for this particular case as kind of a pilot indication that these folks have a special problem and we want to send the message out there. And it's done by legislation. It's not necessarily allowing them to have a local ordinance to do it.

Senator Edward M. Gordon, D. 2: The other question I have, George, not to keep you on the hot seat, but you're putting in a new sub-division that says speed limits on Turtle Pond will be 55 miles and hour and enforcement will be joint responsibility. And Section two is repealing.

Representative Katsakiores: Right.

Senator Edward M. Gordon, D. 2: But looks to be almost identical, but I guess I'm just dense enough that I don't quite understand that. Why is that there?

Representative Katsakiores: Why is the repeal section in there?

Senator Edward M. Gordon, D. 2: Yes.

Representative Katsakiores: Well, I guess that was a conclusion that they came to in trying to please all the concerns they had. They had a possibility that they could take off and be a bigger problem for the State. So, in order to avoid that, I guess, was to just give it a kind of a pilot shot and if it works out, fine. And if it doesn't, then of course, we may have to do something with all the other ponds and lakes if this continues to have accidents, problems to shorefront owners.

Senator Edward M. Gordon, D. 2: So this is a sunset-type provision. Is this correct?

Representative Katsakiores: That's right. That's what it is. We do that once in a while with some kind of legislation. We did it with another piece of legislation, especially emissions control we had down in our area. It's the same kind of an issue. But I don't know what the answers are in the long haul. We just have to play it by ear. This is a growing recreational activity. And as you know, it will create more problems as time goes on including jet skis. So we'll just continue to monitor it. Keep a tight hold on it. Try to please all the elements. Keep our law enforcement folks out there imposing the sanctions. So let's see how it works. If it doesn't, we'll be back, I guess.

Senator Thomas P. Stawasz, D. 12: Maybe we could get them to flood the speedway?

Representative Katsakiores: Well, there was a Rep. out of Nashua that tried to do that with regards to using the snowmobiles for the purpose of grooming the trails. That didn't go too far.

Senator Edward M. Gordon, D. 2: Thank you, George.

Richard Croak, Concord City Councilor, Ward 10: I live at 156 Mountain Road in East Concord. Turtle Town Pond is in my ward, City Council Ward 10. I have lived at that address for 27 years and have watched the activity on Turtle Town Pond grow to really a very dangerous situation right now. And that is why the Representatives, neighbors and I started this process through the Concord City Council several months ago.

The primary concern is speed and related noises. Now, in case you're not familiar with Turtle Town Pond, it's off of exit 16, four or five miles northeast of exit 16. It's comprised of 175 to 200 acres of water. It's a highly developing area right now. It is sheltered by hills on all sides so that the ice is very smooth. There is a lot of fishing and recreational, summer recreational activities and in the winter time, of course, there's ice fishing, snowmobiling, hiking and cars, skaters, so it's used by a lot of different disciplines. It is not our intent to restrict or to not allow snowmobiles on that body of water.

The confusion seems to come from the fact that over the last couple of years racing equipment has been brought in from the southern tier of the State and out of state. This is high tech racing equipment with high performance engines, high performance snowmobiles, starting gates, snow plows, everything imaginable that you would have at a regular racing facility -- a car racing facility.



They come in and they take over the ice. They have been clocked at 125 miles an hour. And, from my point of view, and I think from the residents' point of view, and from a safety point of view, this is simply a flying missile on that piece of ice. And there are a lot of other activities on that ice. And some day, fortunately, nobody's been killed yet, but some day, somebody's going to be killed.

Since we first started talking about this particular issue over the last six or seven months, there have been several deaths reported just in the surrounding areas of Concord with snowmobile recklessness. Something is going to happen on Turtle Town Pond. Because of the high performance engines, and the special tuning and operational requirements, there is an excessive amount of noise that goes along with that. We evidently have control, or can have some type of control over the noise, if we can catch them. But it's pretty hard to catch them when the law enforcement people show up to do their testing for the noise. So, therefore, the speed is really terribly important.

The Fish and Game [Department] has worked very, very closely with the Concord Police Department. The cooperation has been very good. The issue seems to be is when we, the Concord Police Department feels that it does not or did not have authority over regulating speed on the ice, and therefore wanted it clarified through the State. And that's why we're at a point where we are right now. That the State regulates speed limits on water. It regulates speed limits on the highway. And it regulates speed limits on a lot of other capacities. But there seems to be a gray area as to the jurisdiction of the local police department on frozen bodies of water to work with and in cooperation with the Fish and Game.

A little bit to my chagrin, during the first two or three hearings over on the House side, we made it perfectly clear that the Fish and Game has cooperated with the local police department on an exceptional basis. But there were a couple of shots taken at the Fish and Game later on in hearings and I would like to make that perfectly clear that we are very, very happy with the support that we have gotten from Fish and Game. And, as was mentioned a little bit earlier, they do have a lot of territory to cover. Turtle Town Pond is entirely within the jurisdiction of the City of Concord. The City administration, the City Council, the City police, the City Manager have all gone on record saying that they would be more than happy to provide the law enforcement to support to the Fish and Game in that area if the rules were made clear for them that there was a speed limit on the ice that they could enforce.

So this is the issue why we've elected the 55 mile an hour speed limit, which I understand, now I'm not a snowmobiler, but I have two sons that are, but I understand that trail speeds are limited to 55 miles an hour. So this is consistent with coming out of the trails around the pond onto the ice.

I think that it's . . . why aren't we doing this with ordinance? If we have a clarification and passage of our request here, we will go back to the Concord City Council. We will have our public hearings. And we will pass an ordinance. So we were waiting for action from the State side before we went any further on the City side. There's no doubt in my mind that we will have a unanimous passage of an ordinance through the City Council. And I say that because when this was first brought to the City Council's attention for referral to the State, there was unanimous support for some action.

The other question that was asked is are we treating Turtle Town Pond differently, or if we do something with Turtle Town, what about other bodies of water within the State? And that was an issue that the House Committee considered and talked about a number of times. And I think they are very real concerns. But it's . . . we have to take some, I'm of the opinion that we have to take some action. We're not sure that this is going to be the right approach. And people may be back asking for their respective bodies of water to have some type of control. I think that's sort of an unknown that we'll have to address. Perhaps it's not going to work out that way. I know that there are other bodies of water that do want racing -- that do want snowmobile activities -- and that's fine. It's just not appropriate for this small body of water, particularly at the speeds that are going on out there. It is just a very serious . . . I'd rather come to you beforehand and say there's a potential problem than coming to you afterwards and saying "Hey, folks. Somebody's been killed. Now we've got to do something." Because something is seriously going to happen out there.

With that, I will be more than happy to answer any questions that you may have. Thank you very much.

Paul Gray, Supervisor, Bureau of Trails, Department of Resources and Economic Development: I thought I had checked the little box that said I didn't need to because I thought you'd hear enough, but I will say a little something. Thank you for the opportunity.

We are supportive of the amendment of the bill and the bill itself now. Early on in its initial stages we felt that this should be a function of statute in the law, not a town ordinance. It's a great pond, body of water, that it would set a precedence possibly all over the State where towns would set ordinances on bodies of water that had multiple jurisdictions. Lake Winnepesaukee has multiple town jurisdictions and that would be very difficult to set ordinances on these kinds of bodies of water. So, by giving them this validates the ability to set ordinances would be the least desirable in our mind. It would be better handled within the State law. And that's what we are supportive of.

We're supportive of the 55 mile per hour speed limit. As you know, our speed limit on trails in the State is a maximum of 45 miles an hour. So this is ten miles an hour faster than what is allowed for on our State trails.

If you have any questions of me, I'd be glad to answer.

Senator Edward M. Gordon, D. 2: Are you aware of any special problems with Turtle Pond that don't exist on other ponds of a comparable size?

Supervisor Gray: We have a number of ponds throughout the State that have similar opportunities for this kind of an application in the future, I'm sure.

Julia Griffin, City Manager, City of Concord: Just a couple of points: Turtle Town Pond is somewhat unique in the City in that it is surrounded by residential housing, almost the entire circumference of the pond except for the Broken Grown area which is a popular snowmobiling area. But we have a significant number of rural-residential housing developments that have been

very significantly impacted, largely by the noise, but also by the somewhat disruptive behavior of what tends to be an accumulation of a large number of high performance racers on a Sunday, particularly. And they are there, very often, from very early in the morning until late in the afternoon going at a very high rate of speed. So it's a combination of the number of residences in and around the pond and also the selection by this racing group of Turtle Town Pond to do their high performance racing.

My understanding from what I've observed is that this is not the kind of recreational snowmobile use that you tend to see around the State. It's a pretty high tech group of folks who have chosen this pond, I think because it's conveniently accessed from the Interstate -- both 89 and 93 -- for their racing. Turkey Pond, we have not had complaints, but keep in mind, there are not a lot of residences around the pond itself. You've got the Saint Paul's School campus. You've got a couple of residences. But it's fairly sheltered from a large number of residences and we did notice that the high performance race teams who went to Turkey Pond last year, when the ice got sort of soft at Turtle Town Pond, they were there for a couple of weekends, but it didn't generate the complaints. And I think it has to do largely with the setting, which is why we're not coming in asking for the same restriction on that pond. Access is also more complicated to Turkey Pond for these kinds of racing machines.

Access to Turtle Town Pond is very easy, fortunately or unfortunately, compliments of a boat ramp area that the City put in with Federal funds to facilitate summer fishing. And it's now become a lovely access for getting a snowmobile onto the ice.

These are the kinds of snowmobiles that don't travel over land. They are ice racing machines. And so these are not people who can then wander into the Broken Ground Recreational Area to ride their snowmobiles on trails. These machines are manufactured specifically for ice racing. So it's a somewhat unique sub-set of OHRVs. The City's hope is that simply by having the statute in place, we'll be in a position, and obviously more accessible on a weekend basis to enforce.

The biggest difficulty with Fish and Game is simply they don't have the staff resources to be there every Sunday patrolling on behalf of the City and its residents, which has been a great source of frustration on the part of the residents, only because they are living with these racers every Sunday when the ice is in relatively good racing condition.

Senator Thomas P. Stawasz, D. 12: I guess the noise level seems to be what the major problem is. And the earlier description of Turtle Pond being sort of in a hole, very smooth ice, is that also a major reason that that noise problem is so bad?

City Manager Griffin: I think it's the combination of the configuration of the pond. It's the noise but it's also the speed. It's a pond that was traditionally used by a large number of recreational users -- ice fishermen, children from the residential areas that would use it for ice skating and hockey, and recreational snowmobilers who accessed the pond through the Broken Ground Recreational Area. There's a whole series of snowmobile trails there.

*Stone Pond is a  
dead end!!  
Club maker special trail*

The difficulty now is that you've got very noisy racing machines that are going at very high rates of speed that essentially tend to take over one whole section of the pond because nobody else feels safe being out there when they're racing. So the pond becomes, or a large segment of the pond, essentially becomes off limits to any other recreational user on a race day. So it's a combination of those things that have seemed to have Turtle Pond lend itself both to this legislation, but also to be selected for this kind of snowmobile racing.

Where these folks are likely to drift next if we can effectively enforce speed limits on Turtle Town Pond, I have no idea. I don't have enough of a sense of the particular kind of setting that they find most amenable to their racing, to know where they're likely to go next. But we have not had much luck in trying to talk with them from a sort of diplomatic standpoint in terms of "do you think you all could find another pond to race on because the level of disruption to the neighborhood is pretty intense here?". So it will be interesting to see where they migrate to. *Some came here!!*

Senator Edward M. Gordon, D. 2: So, I guess what you're indicating is that the State doesn't have the resources to enforce it and therefore they don't . . .

City Manager Griffin: They just don't have the staff to be at Turtle Town Pond every Sunday during the winter, all day, making sure that when they are there, the machines are muffled properly. And right now, there is no ability to regulate speeds on frozen bodies of water -- period. So that even if they are muffled properly, and the racers are behaving themselves and not consuming alcohol, you still can't slow them down, which is the frightening thing, I think, for many of the residents who have children in the area.

Senator Edward M. Gordon, D. 2: Are they there every weekend?

City Manager Griffin: They are not there every weekend. I think it depends really on the weather conditions. But during optimal ice season, you can count on them being there every Sunday, assuming the weather behaves itself. And they get there at an early hour in the morning and are there until quite late in the afternoon with it not unusual to have twenty or thirty vehicles out there, on and off during the day racing. It's a very sophisticated set up.

Senator Thomas P. Stawasz, D. 12: There must be a way we can put in bleachers and make a pile. [laughter]

Senator Edward M. Gordon, D. 2: You talked about, being a snowmobiler myself, I'm familiar with the racing set up on other lakes, but I'm not familiar with Turtle Town Pond. But it seems to me that where I've been where there is organization, it's done so even though there are high speeds and sometimes a lot of noise, it's generally done safely.

City Manager Griffin: . Yes.

Senator Edward M. Gordon, D. 2: And I guess I would like to know whether you think that this operation that is going on out there is in some way conducting itself in a manner that isn't safe.

City Manager Griffin: I think whether or not it's actually safe is hard to determine because our staff isn't accustomed to observing these races. Lt. Acerno from Fish and Game and his staff who have observed this particular group of folks could probably respond better than I can to the issue of actual safety. The impression, however, that they create is that it's not a safe situation. I think it's a combination of the setting around the pond with a large number of residences. So the assumption on their part is that somehow the two don't mix.

It's a relatively small pond in comparison to other lakes that may be used for high performance racing, although I don't follow high performance snowmobile racing. I couldn't tell you where else they might be racing in the State. I understand Black Lake up in Pittsburg has a fair amount of snowmobile activity on the ice, but I don't know if it's this same sort of snowmobile racing that's going on at Turtle Town Pond.

The other problem that we've had with this particular group, which we can regulate to a certain extent, but it's frustrating for us, is that their behavior has been somewhat disruptive in terms of parties, some apparent alcohol consumption, public urination at the shoreline, in people's yards, and just general rowdy behavior, which I think some of the residents right on the pond have found kind of unsettling.

It's been my impression that if you have a larger body of water where they're further out on the ice and you don't have such a close clustering of residential properties, you're probably more likely to have a successful combination or interaction of the two. But in this particular setting, it just hasn't worked well at all.

Senator Edward M. Gordon, D. 2: I think at this point I'm understanding exactly what you're trying to do. In essence, you've got a problem. Your problem is people doing racing over here and all the attendant problems that go with it, that you're trying to regulate that by creating this speed limit.

City Manager Griffin: Right.

Senator Edward M. Gordon, D. 2: Wouldn't it be a more practical . . . ? And the problem with that is you're dealing with one body of water, and what's going to happen is this problem, if it doesn't already exist in other places, is just going to transfer perhaps to another place.

City Manager Griffin: It will likely shift to some other body of water. Yes.

Senator Edward M. Gordon, D. 2: Wouldn't it be better to deal with the problem generally and say that in circumstances where people are going to be racing at speeds in excess of 55 miles an hour, that they should be required in advance to obtain a permit from Fish and Game, so that Fish and Game could monitor and regulate state-wide, rather than passing this type of legislation specific for Turtle Pond?

City Manager Griffin: Right now, for organized racing, they are required to obtain a permit. And Fish and Game has fairly strict regulations regarding the types of vehicles that they're using, particularly things like mufflers.

The difficulty, and this is a practical reality that we've experienced: 1. this bill first came through restricting speeds on frozen bodies of water state-wide, and that wasn't going anywhere because of the OHRV lobby's concerns about the impact on their sport state-wide. And once again, Concord felt, and we run into this issue time and time again, that sometimes the only way you can get this legislation passed is when it's community-specific, location-specific. Yes, it only addresses one problem. But it does set about a precedent for a way in which other communities might approach this situation if they had a similar problem. But we're dealing with a very practical problem here in Concord, and a group of residents who have had it up to here with the fact that this has now gone on for more than three winters. I receive dozens of complaints every winter from these folks who are fit to be tied. And the City's been very frustrated because of the setting and the fact that we can't do anything to regulate the speed which seems to be the type of behavior that causes the most concern -- the combination of the noise and the speed. There's nothing that we can do to regulate that speed in any reliable way on the ice -- period.

It's our feeling that the speed is probably the most dangerous component of all, particularly when you've got a pond where you have other recreational users who want to be able to access that pond. And they either, like the ice fishermen, who feel they take their life in their hands. Perhaps these drivers are very safe, but the impression created for the other users is that it's a frightening situation. You've got ice fishermen who relocate. You've got children who can't use the pond at all. You've got families who are frustrated beyond belief because of the loud noise and just the fact that their peaceful Sundays are virtually destroyed on a weekly basis, assuming the weather is conducive.

I don't know what the answer is, Senator. I think from my personal preference, it's time that something occurs state-wide, and that you perhaps have, I don't think it's New Hampshire International Speedway flooding and freezing its course in the winter-time, but certainly sanctioned racing somewhere -- a couple of settings that are ideally suited without residential properties close-by. But this is by no means ideally suited for racing. And so far, we've had no way of essentially effectively communicating to these folks that this isn't the appropriate place to be doing this.

We're further hindered by the fact that we took Federal funds to build that boat ramp. And we certainly can't post it from the City's perspective "no snowmobile racing," given the use of those funds to help enhance the pond year-round.

Senator Thomas P. Stawasz, D. 12: It must be some of those Federal funds with no strings. [laughter]

City Manager Griffin: We have a lot of those running around.

Senator Thomas P. Stawasz, D. 12: I know that the Town of Hudson, having lived there, was always very, very cognizant of not taking a nickel from anybody for Robinson Pond, just so they could have residents only. A wise move.

City Manager Griffin: Yes.

Senator Thomas P. Stawasz, D. 12: But the speed limit is higher than a trail and that's a reasonable perspective to do it on a one by one, I think, with a specific problem.

The fuel is the other factor in here, that you seem to be indicating that these are exotic fuels, and maybe Fish and Game can contribute on a technical. Well, Senator Gordon is a snowmobiler. With regular fuel, what's their potential and also, my concern would be what the potential would be for some of these exotic fuels which I know are much more hydrocarbon complex to be fuel than used on the ice on in the vicinity of, you know, where they are going to be directly impacting the water.

City Manager Griffin: Yes, I don't know what the fueling behavior is. I have not observed these vehicles when they are fueling up. I presume they are fueling up right out on the ice because they tend to drive out with pick up trucks a fair distance out and set up their encampment for the day. And so I presume they are fueling right out there. Again, I'm not a student of these machines, so I couldn't tell you which might be fueled with regular racing fuel versus an exotic nitro-type fuel. I don't know. But there has been some concern on the part of a couple of residents who, I guess, are more knowledgable about these creatures than I am, these creatures, meaning the snowmobiles themselves, that there's the potential for some explosive situations with the types of fuels that they're using. Perhaps Lt. Acerno could comment. I just don't know what you're dealing with those kinds of fueling situations. We haven't been so concerned with contamination of the pond, quite frankly, through those fueling procedures as we have been with just the general level of disruption in the neighborhood.

Senator Edward M. Gordon, D. 2: Thank you.

Dean Wilbur, property owner and resident of Oak Hill, Turtle Town Pond area, Concord, N. H.: I have been a resident and property owner of the Oak Hill, Turtle Town Pond area since 1974. I've been one of the persons who has been largely concerned because of the safety issues, the environmental impact as well as the fact that we just cannot conduct our lives normally on the weekends when these people are here.

I am not opposed to snowmobiles. In fact, I've sold them. I've owned them. I've repaired them. I have some basic understanding of engines and high performance engines and so on.

I also want to tell you that I work as a certified safety consultant, so I'm, I think fairly familiar with safety issues. I'm also a National Safety Certified Defensive Driving Instructor. So I have some general knowledge, I think, about safety and what is safe and unsafe.

I'm sure you're familiar with the headlines that, you know, we see in the paper and here's one: "Snowmobiler killed in shore line crash" -- this is the Concord Monitor. Recently there was "Diver rescues lake skimmer," and it goes on and on. And snowmobiles would do well with landowners with goodwill gestures.

I've tried to talk to these people. I've gone out there and I've said: "You know, it would be really helpful if we could sort of move your activity across the pond." And the first thing I ran up against was: "Well, make us. You aren't big enough to make me." Yea. At my age I'm not interested in a confrontation out there. All I did was I said "Let's talk about this. We've got a problem. The neighbors are upset." And the bottom line is after talking to the police, talking to Fish and Game, trying to get some sort of reasonable compromise here, I presented a petition to the neighbors. The response was overwhelming, submitted it to the City Council, and ultimately, that's why we're here.

I think that something has to be done. Back when I first moved to that area in 1974 it was a nice recreational pond. In fact, for a number of years I cleared the snow so that the neighborhood people and other people could use it for skating. Once this activity started, it was not safe to go out there. And, with these machines, once they have gone through their drags -- and I have multitudes of pictures here which I'd be happy to share with you. I also have pictures of them transferring the fuel on the ice -- nitro-methanene gas/oil mixture. But, once they start these activities and they go through the race, then when they come back, they seem to like to show off. And they are, as the City Manager said, almost a missile at times when they're coming back towards the shoreline and these other people that may be trying to access the pond for skating or ice fishing. And you never know where they're going to go. And although they may think they have total control, you don't know where they're going to go. So it's very dangerous to go out there.

If you talk to some of the other people that have smaller children they will tell you that the children are not . . . they are afraid to go out there, and they're just not allowed to go out because of the conditions that are there. I recommend the passage of this for at least our situation, but I also recognize from a safety issue that something has to be done to control these high performance machines -- whether it's a form of a race track or sanctioned races with some control over the alcoholism that goes on all the time when they're out there (and I have pictures here that will show that also), the public urination and some of the other problems that are there. So, we have a very serious problem here in East Concord and I certainly would recommend your support -- or appreciate your support on this bill.

Senator Edward M. Gordon, D. 2: Thank you for your testimony.

Shirley Potter, Oak Hill Road resident, Concord, N. H.: I live on Oak Hill Road which runs along side of Turtle Town Pond. That farm that I own, I've got about 30 acres that border Turtle Town Pond, up one side of it and around the end of it. It's been in the family since 1771, so, and I've lived there all my life. I'm only 74, but I've seen a lot take place on Turtle Town Pond.

Now my fields that but up against the Pond, people like to use them. I have never objected to snowmobilers coming up there -- and they come up there quite frequently. I've always snowmobiled myself and I have no objections to that. But, this racing on the Pond, plus the noise from it -- because these people don't run any mufflers on their machines -- is just -- well, you can hear it for miles around the pond. And I am strictly opposed to that racing that takes place.



I notice here in this bill it says: "establish a 55 mile an hour speed limit on Turtle Town Pond until June 30, 1998." I don't understand why that part of it was put in. That would only put it in for a couple of years. I guess if we're going to do something about it, it should be set up permanently. In my opinion, it would be better.

Now, in years gone by since we've been having this problem over there, you call Fish and Game and you tell them about it and they say: "Go to the Concord Police." You call the Concord Police and they say: "Well, go to Fish and Game." It's just been something -- they're passing the buck. And this has been going on for these years. So I think, seeing that it is a State body of water that the Concord Police can take care of the parking. There's been a parking problem. They park their cars and trailers and almost block the road. That there is a problem for the Concord Police. But anything taking place on the Pond I believe should come under the State of New Hampshire. That's my feelings. And I thank you for listening to my gripes.

Senator Edward M. Gordon, D. 2: Thank you for coming.

Senator Thomas P. Stawasz, D. 12: It's just a pleasure to hear from somebody whose family has been longer than we've had a Constitution.

Mr. Potter: Well, we're quite proud of it.

Senator Thomas P. Stawasz, D. 12: Justly so.

Mr. Potter: Thank you.

Senator Edward M. Gordon, D. 2: Is there anybody else who wishes to testify on House Bill 1233? I don't want to drag this out because I know that Susan Duncan has to type this, but if I could hear from a representative of Fish and Game.

Timothy Acerno, Administrative Lieutenant for Fish and Game and the OHRV Coordinator for the State: You had a couple interesting and good questions, Senator.

The first one as far as the ordinance: on paragraph one where it currently reads "providing they do not conflict with provisions of this chapter." RSA 215:A-6 was modified in 1990 to include speed limits. At that time the intention was to put a speed limit onto the lakes. The New Hampshire Snowmobile Association, and their lobbyist is here, was opposed to (I just identified her now -- pass the buck) -- I don't want to blame it completely on them, but at some point, they didn't not want -- there should not be a speed limit on the lakes. So as far as the City of Concord being able to set up an ordinance to address a speed limit on this, it will conflict with RSA 215:A-6, which is why Concord really doesn't have the authority for that.

The other reason, with paragraph 3, as far as the enforcing between the City of Concord and Fish and Game: the message that came out from the House Transportation Committee, and Representative Katsakiores, I hope won't be throwing stuff at me, is we wanted to get a clear message out to other communities that, if you want to do this, we want a commitment from you.

Because what will happen is if you pass something here, then they'll call up the communities, call up the local police, and they're going to say "That's Fish and Game's problem. It's not ours." Call us up and we don't have -- there might be some problems as far as the laws we have right here -- so this gets a clear commitment to the communities. We have a clear commitment with the City of Concord through their Police Department. They have the manpower. We have the equipment and the expertise. Let's combine forces on this. Maybe between the two of us we can do something on it.

This winter as an example for Mr. Potter is, yes, I understand the City of Concord has been ticketing vehicles for illegal parking. Some fishermen were ticketed. But they go with it as well. Our officer has been out there for the past couple winters. He has been out there trying to enforce the muffler issue -- trying to enforce the littering issue -- trying to enforce the public urination that had been brought up. Statutes that are on the book, he has been doing. He's also been dropping them the hint: "Hey, guys, this is the story. You continue here. There's going to be something that you cannot live with. Either you go here or you go there." And the activity on the other pond has been increasing. He has noticed that this winter. The activity on Turtle Town Pond, I want to say has been dropped this winter. Whether it's because of his efforts (unintelligible). I won't take credit for that, but at least we know the other places that he has suggested, the activity has been increasing.

You raised a question about the fuel and use of fuel. As far as I knew, there was other legislation this session that had been suggested, monitored by the Department of DES concerning this very same thing that when they are out there, there are these organized races, they're going to have the absorbent mats. They're going to take precautions to keep these types of fuels from getting in there. Whether it's the exotic fuels, whether it's gasoline, whatever -- there is a concern on that and this is what DES is trying to address from there with it.

The reason for sunseting as far as with the two years is Representative Mock had chaired the sub-committee with this one when it was in the House Transportation Committee. And he put it bluntly, looking right at me: "You guys have two years. We're going to give you something that you can enforce. Two years -- get out there and start setting up some details. This may be the only thing you need is just some very intensive law enforcement. Now you can legally kick them off this Pond and send them someplace else." By sunseting it, it prevents it from spreading like wildfire across the State to other Ponds. Now we can try and address the issues and the concerns of the Snowmobile Association (unintelligible).

The other thing that you had brought up, as far as RSA 215:A-30, which is entitled "racing:" that's something that I sit there and shutter each time that that does come up. That statute addresses events only. It's not a racing statute, per se. What it allows, the primary purpose of RSA 215:A-30 is to allow unregistered snowmobiles to hold a special event in a special designated area. Yes, races fall under this. You take the antique snowmobile association, if they want to have a gathering because they're going to have antique snowmobiles from upstate New York or Wisconsin that come over, they will apply for a permit, and will allow them to operate either in a parade, exhibition, whatever demonstration. So it allows these special events to go on for the use of unregistered snowmobiles.

I'm afraid if you open up A-30 for racing, there is a whole can of worms that I could probably discuss with you afterwards that will not address this problem that we have on Turtle Town Pond right now.

As far as you were discussion prior, is the way that this amendment is written is a practical approach as far as giving us something that we can actually enforce and something that we can, hopefully, take care of the problem on Turtle Town Pond.

I hope I've answered your questions. I'll open myself up for more.

Senator Edward M. Gordon, D. 2: The bottom line is that the people who are currently running races, or having races at Turtle Town Pond, do not have to apply to Fish and Game for a permit?

Mr. Acerno: As long as they are registered, no, they do not need a permit.

Senator Edward M. Gordon, D. 2: I guess the question that I've had, isn't it preferable to deal with the situation generally than to deal with it specifically for Turtle Town Pond? And that is, to indicate where we do have organized racing such as is taking place at Turtle Town Pond, that they, in fact, apply to Fish and Game for a permit. That they be required to provide toilet facilities or show that they have access to toilet facilities. That they be regulated as far as not imbibing in alcoholic beverages, if that be the case, or show no indication that they are participating when they're imbibing in alcoholic beverages, and that they not carry fuels on the ice? And, if that were the case, wouldn't that deal with the problem generally, not specifically at Turtle Town Pond?

Mr. Acerno: As far as trying to address it generally with racing, I have brought it up with the Major and have brought it up with the Director, is Fish and Game Department is in a quandary. If we were to say, support, racing to the exclusion of other recreational users, the type of image that we're going -- the type of message that we'd be getting out to our other constituents -- ice fishermen, other recreational users -- and I could see, if these people came up -- not these people, but this organization came up and they applied to us for a permit: they had toilet facilities; they had absorbent mats for the fuels; they did everything and know it's going to be fueled; put on their (unintelligible) itself, that we're on the shoreline itself; and we want a permit for Turtle Town Pond -- in essence, I'd have to issue the permit -- or recommend to the Director to issue the permit. Now it's the type of message that I'm getting back to the residents who want to go out there ice skating -- the the ice fishermen who want to go out there.

There are other statutes that would stop that as far as the ice fishermen. Yes, they're not allowed to exceed 10 miles per hour within 150 feet of an ice fisherman. But I don't want to recommend anybody on Turtle Town Pond to go out there and dig a hole right in the middle of the race track. I look at it, if we tinker around with 215:A-30, then I'm put in a balance as far as our other outdoor recreational users. And that may be the way to do it. And it may be time to sit there and completely rewrite 215:A-30. But it would not help Turtle Town Pond for this point.

I hope I answered that.

Senator Edward M. Gordon, D. 2: Thanks.

Mr. Acerno: Thank you Mr. Chairman.

Senator Edward M. Gordon, D. 2: Is there anybody else who wishes to testify on House Bill 1233? Seeing none I'll close the hearing. Thank you very much.

Hearing Closed 10:30 a.m.

EMG:sfd  
(7237D)

**From:** Ward Timber Frames <Wardtimberframes@aol.com>  
**To:** stan.kelly@leg.state.nh.us  
**Bcc:** MelonyWard@MTech-Systems.com  
**Subject:** Stone Pond Bill #1328  
**Date:** Fri, Jan 8, 2010 11:46 am

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To Whom It May Concern,

My name is Bruce Ward. I was born and brought up in Alstead NH. I am 51 years old. I am writing this letter to you in regards to house bill #1328 prohibiting wheeled vehicles from the use of Stone Pond in Marlow NH.

I hope the people involved in the decision making process are aware of everyone who use Stone Pond and how many people this could effect.

First, I would like to be sure you are aware that Stone Pond is a public body of water with a public boat launch and parking area. The people who ride their motorbikes there are responsible. All riders register their bikes and we police ourselves making sure everyone is "Legal". We did have a few incidents with noise levels in the past, but we cooperated with the local conservation officer's recommendations and the owners of our louder bikes purchased silencers. We are now all under the legal decibel limit!

On any Sunday there may be 5 to 20 bikes at Stone Pond, along with sometimes as many as 25 spectators who get a great show for free. We have been riding there for upwards of 20 years. The riders enjoying the sport vary in age from 6 to 66. Some of our kids and wife's have actually learned to ride a motorcycle on Stone Pond. We have a great time. We bring grills and cook out. Its a family function for many of us. We are very careful to police the area ensuring there is no garbage left behind. We respect the property!

There are also several ice fisherman who use a four wheeler to access the pond with all their gear. This bill will affect them also.

The gentleman who introduced this bill has an ATV and 2 snowmobiles which he himself uses on Stone Pond. A main snowmobile trail crosses Stone Pond. Sleds cross Stone Pond day and night at all hours. I think it is unfair to pass a bill to suit ONE person's "Fancy" when it will hurt so many others. What is next??? Boats with trolling motors?

In closing, I would like to say that of all the people who use and enjoy Stone Pond I don't think it's fair for the ice bike riders to be singled out. I do hope that everyone involved in this decision is well aware of how many people this could effect. Thanks for your time and could you please pass this on to anyone involved in the decision making process.

**PLEASE DO NOT PASS THIS BILL!**

Regards,

Bruce E. Ward  
Stone Pond Ice Riders  
(603)835-2313

NH General Court - Bill Status System  
Search Results

Bills Found : 1

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**HB1328**      **Title:** prohibiting wheeled motorized vehicles from operation on Stone Pond in the  
*Session Year 2010*      town of Marlow.  
*G-Status:*      HOUSE  
*House Status:*      IN COMMITTEE  
*Senate Status:*  
*Next/Last Comm:* HOUSE TRANSPORTATION  
*Next/Last*      *Time not specified*      RM 203 LOB  
*Hearing:*

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NH House

NH Senate

Contact Us

*New Hampshire General Court Information Systems*  
*107 North Main Street - State House Room 31, Concord NH 03301*

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**From:** Lisa Bell [mailto:lisa.bell@hughes.net]  
**Sent:** Thursday, December 10, 2009 2:31 PM  
**To:** eatonsstore@juno.com; daniel.eaton@leg.state.nh.us; tara.sad@leg.state.nh.us;  
lucy.weber@leg.state.nh.us; lwmcv@comcast.net; Tara.Eric  
**Cc:** Michael & Lisa Bell; Edith Stearns; Daniel Stearns  
**Subject:** Ice Biker Issue in Marlow

Dear Representative Weber, Representative Sadd and Senator Eaton,

I am writing to you today in hopes of getting some reasonable solution to the ice biker problem that we have every winter in North Marlow, NH.

Let me first start by saying that my husband and I ride street motorcycles and we are not against anyone having fun. We just ask that our rights to enjoy our home and property not be infringed on. For a number of reasons I was hoping for a snowless winter. One of my major reasons was so that I would not have to hear that racket this winter.

We purchased our property in 2004. No one told me that we had this issue when I moved here. Had I known that I was going to be harassed by the noise each winter, I would not have purchased my property.

Additionally I would like it noted that there is a Moto cross track less than 2 miles from Stone Pond that we hardly hear and that is set up for racing activity. Perhaps arrangements could be made to move the racers to that area, I don't know.

This noise can be heard inside my home and it goes on for hours. Apparently these people have not heard of mufflers. When I ride my street bike it is not allowed to be noisy for 2 reasons, the state of NH says no and I find the noise rude and obnoxious. It stands to reason that since the state acknowledges that these machines are noisy and disturb homes and businesses, for street registered bikes that the State of NH should acknowledge that they would bother the residents and businesses that border the ponds, trails and lakes and regulate the vehicles that travel on them the same as the street vehicles. These ponds and trails are very often closer to homes than public roads are and the noise is worse. Additionally water carries sound very well. With the pond being in the valley the sound echoes and bounces off the hills. I have spoken to people who live a mile or 2 away from the pond but because they are on one of these hills they can hear it too.

We all pay our taxes, people on the water generally pay more, have more restrictions placed on them, and additionally we all now have to be told that we can't enjoy our homes because of these bikers. I am told that they have ponds and lakes in their own towns but will not race there as the residents will not stand for it. This tells me they are aware of the problem and refuse to do anything about it.

In summary I would like to see the following occur:

Either a total ban on this for Stone Pond or a restriction of no more than 1 time per month.

The police to respond when we report the problems (disturbing the peace I believe is still an offense).

Sincerely,

Lisa Bell

President

Macell Incorporated

Owners of : [www.anpawi.com](http://www.anpawi.com)

& [www.anpawisolargreen.com](http://www.anpawisolargreen.com)

phone: 866.478.9080

Fax: 866.726.1123

Bill HB 1328



January 17, 2010

Marc and Tammy Hull  
PO Box 213  
Gilsun, NH. 03448

Regarding HB1328

Dear Transportation committee,

Please do not pass this bill regarding Stone Pond in Marlow. It has been a place of gathering with family and friends on Sunday afternoons during these (sometimes) long winter months for decades.

I have been looking forward to these times on the pond for almost 10 years now. Every year as we pass early December I know the ice is forming and it's almost time to go. The phones start ringing. Family and friends in communication about the ice conditions.

Finally we get the word that the ice is of right condition. Packing up the van with motorcycles, chairs, food, and anything else we would like to show our friends that we may have not seen for some time. It is now a time to enjoy.

My husband Marc has been enjoying this wonderful place for a longer time than I have. He says he has been doing this for over 20 years. Before he was ever married and had children. He has been constantly gathering friends to join him in one of his favorite activities. He has kept the parking lot plowed for people to park and join in, or simply watch. He can hardly imagine not doing that anymore.

Now the children are all grown and some have children of their own. A lot of people still come to ride and feel the pleasure of the sport. Some come on snowmobiles, some on four wheelers, but however they come they come to be a part of simply being together on a Sunday afternoon.

Please do not pass this bill

Thank you for your consideration,

Marc and Tammy Hull

*Marc & Tammy Hull*

We the below signed: Wish to keep Stone Pond (in Marlow) Open to all motorized vehicles on the frozen surface as it is now.

Donald Knopft

Donovan Hunt

Bruce Ward

Melissa Willis

Max Hull

Jammy Hull

Randy Elliott

Am Elliott

We the below signed: Wish to keep Stone Pond (in Marlow) open to all motorized vehicles on the frozen surface as it is now.

James A Elliott Jr  
David Collard  
Buby Elliott  
Jodi Kereenich

JESSE LITTLE  
Ruvie Russell  
JASON Russell  
Ragen Russell  
Tom Russell

*[Handwritten signature]*

*[Handwritten signature]*  
PATRICIA MENTER

Rick Oberst  
Brandon Wier

John McGill  
Maurice Lord  
Frankie Stea

Miss Bradley  
Brandon Little  
Patricia Little

*[Handwritten signature]*  
Guy Elliott  
David Kibbie

Fandall Left  
Brett Gortick  
Charles Knight Sr.

Leo Adams  
Curtis

*[Handwritten signature]* Mike Akey

We the below signed: Wish to keep Stone Pond (in Marlow) open to all motorized vehicles on the frozen surface as it is now.

Christopher Hanks

Paul Finkelt

Sherrill K. Allard

Pat Power

Jan Baril

Dan Elliott

Mary Benedictico

Jeff

Don Cooper

Tom M. Kelly

J.C. Stankland

Lois Merwin

Deborah Jackson

Scott Chase

Pete Hopkins

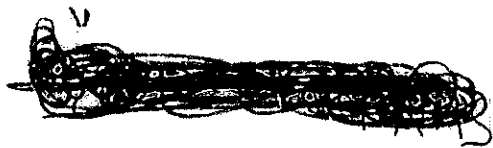
Janet M. Robinson

J. E. Robinson

Sara Robinson

Erica Hopkins

Chelsea Robinson



We the below signed: Wish to keep Stone Pond (in Marlow) Open to all motorized vehicles on the frozen surface as it is now.

Scott M

Elina Hill

Samy Johnson

Marcea Lewis

Anna Hill

Paige Duvette

Ernest m. Pugh II

David E. Kelly

Rebecca J. Reed

Joshua M. Seem

Jon Putnam

We the below signed: Wish to keep Stone Pond (in Marlow) Open to all motorized vehicles on the frozen surface as it is now.

Theresa Robinson

E. R. Higgins

John G. Wills

John Fair

Byron Dean

Walter Smith

Sally Mooney

Kris Bradley

Todd M

Patricia P. Mooney

Steven C. Elliott

John Borge

Kris Elliott

Greg Meiss

Sandy Chase

Walter (unclear)

William Wolf

John Borge

Walt C.

Cooper Lynn Middlee

Tom Borden

Vilma Wray

Mike Tarkenton

Shirley Hill

Karen Hickey

Ralph M. Elliott

Donna Kelly

Marilyn V. Elliott

Bob Elliott

John Borge

John Borge

We the below signed: Wish to keep Stone Pond (in Marlow) open to all motorized vehicles on the frozen surface as it is now.

Lori Marten  
~~\_\_\_\_\_~~  
 Linda Furdala  
~~\_\_\_\_\_~~  
 Charles Edler  
~~\_\_\_\_\_~~  
 David Murovec  
 John E. Richards  
~~\_\_\_\_\_~~  
 Mary Lawrence  
 George R. Bessitt  
 Jynda Galeon  
 Ken Choi  
 Russ H  
 Eric Fournier  
 Kelly Weaver  
 Ashley Plumb

Allan Plumb  
 Jay W  
 Bonnie Sue Parker  
 Matt Smith  
 Ruth A Knox  
 Andre P  
 Matt Smit  
 Adam Plumb  
 Nathan J  
 Kelly  
 Joe W  
 J. G. Hendry Sr.  
 D  
 James Allard  
 Glenn Newman  
 J

We the below signed: Wish to keep Stone Pond (in Marlow) open to all motorized vehicles on the frozen surface as it is now.

Scott Fry  
Matt Strickland  
Jack Strickland  
Paul Souza  
Holly Dudak  
Diane Clark  
Stacy Lee  
Pat Ash  
Ron Saarzon  
Dy Be  
Christa Weaver  
Dorray Smith  
Steve Arlen III  
Eric Pri  
DAVE VESCO  
Jul Kinson

John Alessi  
Hanspeter  
Tom Hajer  
Lisa Tomme  
Robert Tomesko  
Tarin Tomesko  
Liz Tomesko x2  
Homer B. Carley  
Sam R. Carley  
John Carley  
Bud Bill  
Holly Hodge  
Franklyn  
Merrill

Michael Quetta  
Adam J. Lucas

1  
1





We the below signed: Wish to keep Stone Pond (in Marlow) open to all motorized vehicles on the frozen surface as it is now.

Katie Dudak  
Megan Brandt  
Chris Allen  
Pamela Marsh  
Jim H. Stone  
[Signature]  
[Signature]  
Jesse Wherry  
Mandi Miller  
Jacob Trudelle  
Kameron Trudelle  
Barbara Faye  
[Signature]  
Chris  
Lynn Bailey  
Curt Bailey  
Courtney Smith  
Geoffrey Smith

John Dembishack  
Ed Turner  
ERWIN WARD  
David Blace  
Deil Sulley  
[Signature]  
Robert L. Flinn  
Nelson Wellsted  
Wils Walling  
Dana Moran  
[Signature]  
Scott Koski  
Mike Hull SK  
# JK  
Gary Hartell  
[Signature]  
[Signature]  
Charlie Leach  
[Signature]

# Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 1328

**BILL TITLE:** prohibiting wheeled motorized vehicles from operation on Stone Pond  
in the town of Marlow.

**DATE:** February 2, 2010

**LOB ROOM:** 203

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Rokas

Seconded by Rep. Hinch

Vote: 15-1 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

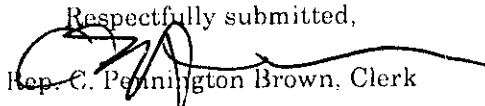
Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** Hinch, Rokas 2<sup>nd</sup>, voice vote

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

  
Rep. C. Pennington Brown, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 1328

BILL TITLE: prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow.

DATE: 2/2/10  
LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. *Rokes*  
Seconded by Rep. *Hinch*  
Vote: *15* 1 (Please attach record of roll call vote.)  
*h*

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *Hinch (1), Rokes (2)*  
(Vote to place on Consent Calendar must be unanimous.) by voice

Statement of Intent: Refer to Committee Report

Respectfully submitted,  
Rep. C. Pennington Brown, Clerk

**TRANSPORTATION**

Bill #: HB 1328 Title: prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlboro  
 PH Date: Jan 20 2010 Exec Session Date: 2/2/10

Motion: ITL Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Williams, Robert W, Chairman	X	
O'Brien, Michael B, V Chairman	X	
Brown, Jennifer M	—	
Brown, C. Pennington, Clerk	X	
Ingersoll, Paul H	X	
Hebert, Roger G	X	
LaPlante, Roland H	—	
Rhodes, Brian D	X	
Rokas, Theodoros V	X	
Soucy, Timothy A	X	
Stuart, Richard T		X
Nedeau, Stephen H	X	
Katsakiores, George N	—	
Flanders, John W	X	
Veazey, John A	X	
Coffey, Jennifer R	X	
Hikel, John A	X	
Hinch, Richard W	X	
Umberger, Karen C	X	
Chinnis, Alexis	—	
Packard, Sherman	—	
Gerrity	—	



15 y

1 n

# Committee Report

**CONSENT CALENDAR**

**February 3, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on TRANSPORTATION to which was referred HB1328,

**AN ACT prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow.**

Having considered the same, report the same with the following Resolution: **RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. Theodoros V Rokas**

**FOR THE COMMITTEE**



## COMMITTEE REPORT

Committee:	<b>TRANSPORTATION</b>
Bill Number:	<b>HB1328</b>
Title:	<b>prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow.</b>
Date:	<b>February 3, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill would prohibit the operation of wheeled motorized vehicles on the frozen surface of Stone Pond in the town of Marlow. The majority of the committee believes the singling out of this area would create an unintended ripple effect throughout the state of New Hampshire. The committee has empathy with the petitioners and believes that this situation should be resolved on a local level. The transportation committee is not trying to shirk its responsibilities but believes that HB 1520 (relative to the rule making authority of and administrative fine authority for the department of resources and economic development) will enable local cities and towns to deal with parochial issues that arise.

Vote 15-1.

Rep. Theodoros V Rokas  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### TRANSPORTATION

**HB1328**, prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow. **INEXPEDIENT TO LEGISLATE.**

Rep. Theodoros V Rokas for TRANSPORTATION. This bill would prohibit the operation of wheeled motorized vehicles on the frozen surface of Stone Pond in the town of Marlow. The majority of the committee believes the singling out of this area would create an unintended ripple effect throughout the state of New Hampshire. The committee has empathy with the petitioners and believes that this situation should be resolved on a local level. The transportation committee is not trying to shirk its responsibilities but believes that HB 1520 (relative to the rule making authority of and administrative fine authority for the department of resources and economic development) will enable local cities and towns to deal with parochial issues that arise. **Vote 15-1.**

Original: House Clerk  
Cc: Committee Bill File

Blurb

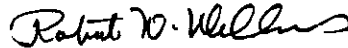
HB 1328 prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow.

Consent Calendar ITL

This bill would prohibit the operation of wheeled motorized vehicles on the frozen surface of Stone Pond in the town of Marlow. The majority of the committee believes the singling out of this area would create an unintended ripple effect throughout the state of New Hampshire. The committee has empathy with the petitioners and believes that this situation should be resolved on a local level. The transportation committee is not trying to shirk its responsibilities but believes that HB 1520 (relative to the rule making authority of and administrative fine authority for the Department of Resources and Economic Development) will enable local cities and towns to deal with parochial issues that arise.

15-1

Rep. Theodoras Rokas  
for the committee



# COMMITTEE REPORT

COMMITTEE: TRANSPORTATION

BILL NUMBER: HB 1328

TITLE: prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow.

DATE: 2/2/10 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS  
 OUGHT TO PASS W/ AMENDMENT  
 INEXPEDIENT TO LEGISLATE  
 INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

## STATEMENT OF INTENT:

This Bill would prohibit the operation of wheeled motorized vehicles on the frozen surface of Stone Pond in the town of Marlow. The majority of the committee believes the singling out of this area would create an unintended ripple effect throughout the state of New Hampshire. The committee has empathy with the petitioners and believes ~~that~~ that this situation should be resolved on a local level. The transportation committee is not trying to shirk its responsibilities but believes that HB 1520 (relative to the rule making authority of and administrative fine authority for the department of resources and economic development) will enable local cities and towns to deal with parochial issues that arise.

COMMITTEE VOTE: 15 - 1 n



RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Ted Rokas  
For the Committee