



## TOWN OF RAYMOND

Raymond Town Hall  
4 Epping Street  
Raymond, NH 03077  
Telephone: (603) 895-7007  
[www.raymondnh.gov](http://www.raymondnh.gov)

June 8, 2018

Via Email to [john.conforti@doj.nh.gov](mailto:john.conforti@doj.nh.gov)  
And Regular Mail  
John J. Conforti  
Assistant Attorney General  
Transportation and Construction Bureau  
Department of Justice  
33 Capital Street  
Concord, NH 03301-6397

Re: Blockage of Public Access to Rails to Trails at Scribner Road, Raymond, NH

Dear Attorney Conforti:

At the request of the Raymond Board of Selectmen, I am writing to you as one of my last official acts as Town Manager for Raymond to see if we can obtain resolution of this long outstanding issue prior to my impending retirement on June 15, 2018. If not, I ask that you direct your response to Senator Jack Barnes, Chairman of our Board of Selectmen, and to Town Counsel, Christopher L. Boldt, Esq., at Donahue Tucker & Ciandella, both of whom are copied on this letter.

As you may recall from your prior involvement in this matter back in 2014, the Town has a Class V and Class VI Highway called Scribner Road, the Class VI portion of which runs from the end of the Class V pavement to and arguably through the Rails to Trail to the shores of Onway Lake. On October 14, 2016, I sent a letter to Chris Gamache, Chief Supervisor at the NH Bureau of Trails, concerning then-recent blockage of the Class VI portion of Scribner Road within the boundary of the State's Rails to Trail property; and a copy of that correspondence is included with this letter. Mr. Gamache's response of December 1, 2016 is also attached for your convenience. Unfortunately, nothing further has been heard from the State on how to resolve this blockage. While we respectfully question the State's ability to limit public rights of access to the Rails to Trail property itself, especially as here there does not appear to be any Governor and Executive Council approval of the underlying agreement referenced by you and Mr. Gamache, we are at a loss of how the State call allow a private party to install the subject fencing within the boundary of the Rail to Trail land that serves to block the public access via Scribner Road. If such blockage had occurred on the Town's portion of Scribner Road alone, the Town could take steps to remove the fencing; but the Town has no rights to do so when the blockage is on the State's land.

Accordingly, the Selectmen ask that your Department take immediate steps to remove the subject fencing from the Rails to Trail land and to prohibit the reinstallation of the same that would prevent the use of Scribner Road to access the Rails to Trail in this vicinity.

Thank you for your time and attention to this matter.

Sincerely,

  
Craig Wheeler  
Town Manager

cc: Senator Jack Barnes, Chair  
Raymond Board of Selectmen  
Mike Labell, Chief of Police  
Paul Hammond, Fire Chief  
Steve Brewer, Public Works Director  
Christopher L. Boldt, Esq. (via email [cboldt@dtclawyers.com](mailto:cboldt@dtclawyers.com))  
Chris Gamache, NH Bureau of Trails (via email [Christopher.Gamache@dred.nh.gov](mailto:Christopher.Gamache@dred.nh.gov))  
Gordon J. MacDonald, Esq., Attorney General (via regular mail)  
Russell E. Prescott, Executive Councilor, Third District



STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
DIVISION of PARKS and RECREATION  
**BUREAU OF TRAILS**

172 Pembroke Road  
PHONE: (603) 271-3254 FAX: (603) 271-3553 E-MAIL: nhtrails@dred.state.nh.us  
Concord, New Hampshire 03301  
WEB: www.nhtrails.org

Received By  
Town Manager's Office  
DEC 1 2016

December 1, 2016

Craig Wheeler, Town Manager  
Town of Raymond  
4 Epping Street  
Raymond, NH 03077

Re: Scribner Road and Portsmouth Branch issues

Dear Mr. Wheeler,

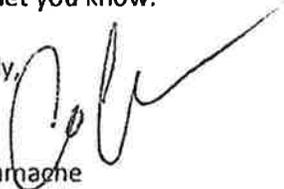
My apologies for taking this long to respond to your October 14 letter to us about concerns around the status of Scribner Road and the Portsmouth Branch railroad corridor.

We are still working through what, if anything, can be done along this section of railroad corridor. There has been no change to the legal status of the public use of this section of corridor since we last communicated. As the Town knows, there is a court agreement from the mid-1980's specific to that section of rail corridor and is still in effect today.

Scribner Road is a topic that we have not seen any legal conclusion to or had any status updates on. I was recently told that the abutters have all of the documents to show that the Town Road does not connect to the railroad corridor. The location of the gate is within the State ROW and we are working with NH DOT (the landowner) to determine if the boundary fence should be moved back out to actual property line. The boundary pins are in place at this location. However, we would still not be able to install an access point for public use of the railroad corridor. That court agreement only allows public winter access to the corridor.

We are continuing to work on this unique situation in Raymond and if anything changes we will make sure to let you know.

Sincerely,

  
Chris Garnache  
Chief

Cc: NH DOT, Bureau of Rail & Transit



**TOWN OF RAYMOND**  
**Craig Wheeler, Town Manager**

4 Epping Street  
Raymond, NH 03077  
Telephone: (603) 895-7006  
[cwheeler@raymondnh.gov](mailto:cwheeler@raymondnh.gov)

October 14, 2016

Mr. Chris Gamache, Chief Supervisor  
NH Bureau of Trails  
Division of Parks & Recreation (DRED)  
P.O. Box 1856  
Concord, NH 03302-1856

Re: Scribner Road and Rails to Trails Obstruction

Dear Mr. Gamache

I am writing to you regarding the current condition and obstruction that exists at the Scribner Road public entrance to the Rails to Trails located here in Raymond New Hampshire. As you can see by the attached photo (exhibit #1) the gate, with the corresponding fencing, concrete bollards on each side and trees, there is no access allowed through this entrance. The gate itself is totally secure with a keyed lock and chain. The Town of Raymond has no record of authorizing this obstruction and clearly there is no emergency access from this point. There are no police, ambulance, or Fire Department or any type of emergency access to the trail network from this access point.

Insofar as the maintenance and upkeep of the Public Rail system falls under your supervision and direction I thought you should be made aware of this condition.

Additionally, as I walked the various lengths of the trail, I observed a number of other gated entrances to the trail corridor. (See exhibit 2-8) What quickly became evident to me was there was no additional obstructions, fences, bollards and in some cases not even a gate. It is curious that in most of these cases the beneficiary to the rail/trail system is directed to a private property owner, yet the public benefit and public access of the trail system is severely, if not totally prohibited from access to the trail system.

The prohibition of public access to the trail system seems to be contrary to the goals and intent with which the system was created. Clearly the public trust of developing such a trail system is drawn into question in light of such obstructions.

Could you please provide the Town and Board of Selectmen with responses to the following issues:

- Please provide an action plan designed to address the removal of the trail obstruction. Please take note that as long as this obstruction remain in place the emergency response to this segment of the trail heading both east and west is severely comprised if not impossible.
- Please address the prohibition against public access to the system as evidenced by the Scribner Road obstruction, and the corresponding unobstructed access points that benefit the corresponding private property owner.

We look forward to your timely response in this matter. Please feel free to contact me at [cwheeler@raymondnh.gov](mailto:cwheeler@raymondnh.gov) or you may call my direct line at 603-895-7006.

Sincerely,

Craig Wheeler  
Town Manager

cc: Raymond Board of Selectmen  
David Salois, Chief of Police  
Kevin Pratt, Fire Chief  
Steve Brewer, Public Works Director  
Attorney Chris Bolt, Donahue, Tucker & Ciandella  
File