

**Town of Chester  
Wason Pond Commission Meeting  
Monday, July 11<sup>th</sup>, 2016  
Municipal Complex Meeting Room  
Approved Minutes**

**I. Call to Order – Open Meeting**

As Acting Chairman, Mr. Myette called this meeting of the Wason Pond Conservation & Recreation Commission to order at 6:34pm.

**Members Present:**

Kevin Kistler, Recreation Commission  
Stephen O. Landau, Selectman Liaison  
Chuck Myette, Acting Chair; Treasurer / Conservation Commission  
Darrell Quinn, Alternate  
Corinna Reishus, Recreation Commission  
Herb Rowell, Alternate / Chester Seniors

**Members Absent:**

Patrick Connelly  
Tom Edwards, Member at Large  
Chris Hadik, Member at Large

**Members of the Public Present, at Various Times:**

Aaron Berube, Chief of Police  
Cass Buckley, Selectman  
Diane Gorrow, Attorney

**I. Discussion of Current Challenges & Possible Solutions: Chester Police & Legal Counsel**

Acting Chairman Myette introduced this evening's meeting as an opportunity to allow collaboration and to alleviate fragmentation in discussing and managing public use of Wason Pond. Mr. Myette reminded attendees that the area's conversion from campground to a Conservation & Recreation Area was primarily done to provide its use to the Public. Although grants and land conservation funding implied stipulations, the Public's utilization of the area remains important.

Mr. Myette noted that while the Conservation Commission has kept activities relatively low-key at the area, the Recreation Commission's scheduled programs have provided extra sets of eyes, so to speak, to assist with monitoring the area. Although existing and new signs have been placed, enforcement of violations remains complicated.

Implementation of a management plan would be critical to develop a Master Plan for the area. However, documents such as the Conservation Easement only provided limitations for use of the property, and did not address violations. Mr. Myette emphasized that the goal this evening was to prioritize what shall be addressed and to discuss possible solutions.

Aaron Berube, Chief of Police, mentioned that a former Recreation Director provided a different kind of presence at the Caretaker's Cottage than its current occupant, with whom the Police have little to no contact. Mr. Berube noted that the Police attend to issues at the area as they become aware; which is quite often and range from

arson, criminal mischief, intoxication, trespassing, etc. Chester Police attend to Wason Pond during peak season such that the rest of the community is often left without law enforcement at times, Mr. Berube explained.

Mr. Myette added that past discussions on reintroducing the Caretaker role and/or implementing part time monitors in the Summer hadn't made it to Town Meeting; therefore limiting what can be done.

The concept of introducing a permitting process as a means to manage public utilization of the area while generating revenue and offsetting costs of monitor / ranger services was mentioned. Mr. Berube mentioned that complaints such as littering and burying glass bottles on the beach and use of profanity are difficult to correct if reported after the fact. Mr. Berube noted that he could not recall the last time a Chester resident was involved in a reported incident at Wason Pond.

Mr. Berube and Corinna Reishus, Recreation Commission Vice Chair, both noted that the daytime presence of Recreation Summer program staff seemed to effectively deter much undesired behavior on weekdays during camp hours.

Stephen O. Landau, Selectman, mentioned that the rope swing and the area known as the "dog beach" were neither intended nor accepted by the Board of Selectmen or the Town.

Other issues noted were small fires (possibly campfires), access of the area by cars and ATVs via other entrances (Dump Road, Ash Street), dogs off-leash creating intimidation and at times harm.

Kevin Kistler, Recreation Commission Chair, mentioned that vehicles using the area as a speedway have been seen on surveillance cameras; Mr. Berube noted that many arrests for reckless operation have been made.

Mr. Myette commented that signage should be minimal and specific to make enforcement possible, while keeping the look and feel of the area as natural as possible.

Mr. Landau felt that although the area is carry-in, carry-out, litter remains a problem, and suggested that additional receptacles be placed. Many townspeople have been observed voluntarily picking up others' litter, and the Town's Maintenance staff is sent regularly to take care of trash.

Mr. Myette wondered of scheduled events, and Ms. Reishus noted that if a wedding takes place on the bridge, the area remains open to the Public, who may still walk by during the event. Those involved with the event typically do a great job of going in and cleaning up the area afterwards. The same was noted to be true in the case of events such as the Wason Pond Pounder race; hired fire and police personnel are well-known for going above and beyond and leaving the area cleaner than it was found.

Mr. Landau explained that the Boy Scouts wished to relocate their annual yard sale to Chester Academy to offer better parking, but that historically, yard sale attendees have been quite respectful.

It was agreed that non-residents of Chester and / or individuals of the teens to early twenties age group were most commonly responsible for the various disturbances noted during peak season; especially in the late afternoons, evenings, and on weekends. Mr. Berube noted that disturbances occurring during the day on weekdays are most likely to be reported by individuals calling the police; and that those instances later in the day or on weekends are often reported via social media.

Mr. Berube felt that placement of signs would not be a final solution and that conversations still needed to happen so that more complete protocols and solutions may be achieved. The entire area is considered “swim at your own risk,” and the area with the rope swing is no exception.

Darrell Quinn mentioned that the rope swing, which has been removed many times, and asked whether the limb(s) it's been placed upon could be removed per the easement; Mr. Myette explained that regulations of the Watershed Protection program were actually the prohibitive authority.

Mr. Landau had spoken with the NH DES (Department of Environmental Services) within the last ~six weeks and learned that there is a percentage guiding the amount of trees that may be removed. Recently a ladder made of two-by-fours has been placed; the potential danger to Town workers if sent to remove it concerns Mr. Landau.

Regarding the rope swing, Mr. Myette summarized areas of focus to include cutting of limbs, placement of signage, removal of people using it, indicating no ladders allowed, enlisting a monitor or attendant, and implementing a permit or sticker requirement.

Cass Buckley, Selectman, felt that restricting who has access to Wason Pond as a whole may solve many of the issues discussed. Mr. Buckley suggested that a permit process, perhaps free of charge for Town residents, could include an application process with waiver including all policies; any violations of said waiver could result in loss of privileges to use the area.

Mr. Quinn suggested putting a vehicle registration number on the permit sticker to be placed on vehicles. Mr. Kistler wondered how this would affect the ability to monitor those entering the area from points other than the parking lots. Mr. Landau mentioned a previously discussed idea of placing a fence with gates to be locked at dusk along the entire span of the area's frontage. Mr. Myette noted that the gate on the causeway didn't keep people from coming in. Mr. Landau reasoned that cars may still park along Route 102; Mr. Berube added that unattended cars whose owners are not found within an hour are currently towed at the owner's expense and therefore such could be done if visitors still came to the park after hours but parked along the road. Ms. Reishus added that young adults could simply park at the Your Variety store parking lot; but Mr. Landau felt that the majority of these individuals would not find it worthwhile to have to walk to the pond.

Ash Street was mentioned; Mr. Landau asserted that it was not a publicly accepted through way, Mr. Berube disagreed and stated that it is considered a 9-1-1 access road, maintained by the highway department. *(It was later confirmed at the Wason Pond Commission meeting of August 1<sup>st</sup>, 2016 by Mr. Landau that Ash Street is not a public way and is a town private road.)*

Whether the Caretaker Cottage should be used to house a Caretaker once again was discussed. Mr. Buckley suggested that someone with monitoring responsibilities should live there, and if permits were implemented for fees, this may offset this personnel expense. Mr. Landau explained that the Town's insurance company had advised against this, due to issues with labor counting toward rent expenses.

Mr. Landau suggested introducing a monitor or ranger position, perhaps fulfilled by various individuals in shifts. Mr. Buckley reasoned that this would be most effective if on a daily basis, perhaps to drop to strictly weekends within a couple seasons once things are under more control and a permit process has taken effect.

Diane Gorrow, attorney for the Town, noted that recreation immunity statutes apply when fees are not charged. Ms. Gorrow will determine whether this would change in the case that permits are required to use the area.

At 7:32, Mr. Kistler departed the meeting.

Mr. Berube asked whether a permitting system akin to the way town resident library cards are issued, for example, may be used. Ms. Gorrow was unsure whether use of the area could be limited by town of residence, and would find out. Ms. Gorrow would also obtain clarification on the history of purchase of the area in regard to grants which may affect this as well.

It has been determined by a judge of a recent lawsuit that Wason Pond is considered “open land,” which affects implications of what may be allowed if the area remains unmarked. Mr. Buckley asked of a Risk Assessment, and Mr. Landau advised Mr. Buckley to further research record of such assessments recently performed.

Mr. Landau suggested that cattle gates be placed at each of the three main entry points, and strung together with cattle fencing with signs placed to read, “Closed After Dark” and that those who enter after such point are responsible [for themselves.]

Ms. Gorrow felt that this could provide a visible barrier while keeping people from being able to park easily; and although it would not solve all the issues at hand, this strategy did not seem to present any legal issues.

Mr. Buckley worried that this may be done at an expense that would not justify the problems it solves; Mr. Landau estimated that each gate would cost ~two hundred dollars, therefore a total of around one thousand dollars may be incurred, including labor which could be done by Town employees. Mr. Landau offered to look into gate and fence pricing. Mr. Berube also suggested that large boulders may be placed in lieu of fence material, as has been done at other parks and recreation areas.

Mr. Myette felt it best to try one solution at a time, and asked the others if they agreed that enlisting an attendant would be the best thing to try first; Mr. Buckley and Ms. Reishus agreed. Mr. Berube also agreed but informed that although the Police Department could help manage this position, it would be quite difficult for the actual hiring process to go through the PD. An estimated ten dollars per hour was suggested as a starting pay for this position; incurring a projected expense of approximately four thousand dollars from now til the end of the season.

Previous Warrant Article(s) would be referred to for more information. A suggested starting schedule for individual(s) in this position could be four to eight pm on weekdays and ten am to eight pm on weekends. Mr. Myette would work on generating a proposal for this and submitting it to the Board of Selectmen.

Regarding signage, Mr. Myette wondered which signs should be prioritized and ordered first. Mr. Berube noted that the green sign at one entrance does say that the area is open dawn til dusk; and it was noted that as per the Attorney General’s Office, only “illegal firearms” may be written as restricted on that same sign. Mr. Berube suggested use of UV-protected vinyl overlay to correct this. Mr. Landau suggested that the State Prison sign shop (Correctional Industries) and Ms. Reishus would speak with Sharon DeLuca, Recreation Director, regarding signs as well. Mr. Myette and Ms. Reishus agreed that the issue of permitting would be too complex to warrant making an attempt to find a short-term solution.

Mr. Myette intends to email Ms. Gorrow to further discuss any restrictions and use criteria based on residency. Ms. Gorrow also noted that she would look further into any such “lessons learned” from various Wason Pond or similar lawsuits in the past.

Mr. Berube, Ms. Gorrow, and Mr. Buckley departed the meeting at 8:22 pm.

## **II. Approval of Minutes**

The minutes of June 6<sup>th</sup>, 2016 were addressed.

Mr. Quinn referred to line eighty-two, which mentions the concept of installing lawn irrigation via the well(s) at Wason Pond. Mr. Quinn stated that the current well(s) would be inadequate for such a use, and requested this be clarified. It was agreed that note of this would be made in this evening's minutes, as the statement aforementioned wasn't essentially inaccurate.

Additionally, the draft of the June 6<sup>th</sup> minutes initially distributed to members of the Commission announced the next meeting to be July 4<sup>th</sup>; however this since had been edited to the correct date of July 11<sup>th</sup>.

Mr. Myette made a motion to accept the minutes of June 6<sup>th</sup>, 2016; the vote was four in favor with Mr. Landau abstaining due to absence on that date and with Messrs. Connelly, Edwards, Hadik, Kistler absent; so moved.

### **III. Treasurer's Report**

Mr. Myette noted that a balance of nine hundred and fifty-four dollars (\$954.00) remained.

Mr. Quinn made a motion to accept the Treasurer's Report; the vote was five in favor with Messrs. Connelly, Edwards, Hadik and Kistler absent; so moved.

### **IV. Adjournment**

The next meeting of the Wason Pond Conservation & Recreation Commission will take place Monday, August 1<sup>st</sup>, at 7pm at the Municipal Complex.

Mr. Myette made a motion to adjourn the meeting; Mr. Landau seconded the motion. The vote was five in favor with Messrs. Connelly, Edwards, Hadik, and Kistler absent; so moved.

The meeting was adjourned at 8:37 pm.

Respectfully Submitted,

Caroline Rose Wilson  
Recording Secretary