



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Concord Conservation Commission  
Beth Fenstermacher, Senior Planner

**DATE:** 2/22/2016

**SUBJECT:** Resolution authorizing the City Manager to enter into Trail Agreements on land owned by St. Paul's School, Francis Glahn Rev Trust, Jay & Manisha Patel, and Jeremy S. Arnold, off Fisk Road, Long Pond Road and Coventry Road, which will permit the public use of the trail and allow the inclusion of the trail in the City's trail system

### **Recommendation**

Authorize the City Manager to enter into a Trail Agreement on land owned by the City Manager to enter into Trail Agreements on land owned by St. Paul's School, Francis Glahn Rev Trust, Jay & Manisha Patel, and Jeremy S. Arnold, off Fisk Road, Long Pond Road and Coventry Road, which will permit the public use of the trail and allow the inclusion of the trail in the City's trail system.

### **Background**

The Trails Committee, a subcommittee of the Conservation Commission, is working to establish a trail that would connect Marjory Swope Park, located on Long Pond Road with Winant Park located on Fisk Road.

The proposed trail would be utilized for non-motorized passive recreation including hiking, snowshoeing, cross-country skiing, nature study, and scenic enjoyment. The agreement would not permit public access across the property, other than within the limits of the trail. The Conservation Commission would manage and maintain these trails together with the other City trails through the Forestry Program. The trails would be blazed with markers, mapped with a GPS, and maps of the area, including this new trail if approved, would be included in the City's guidebook and posted on the website.

By opening the trails for public use, St. Paul's School, Francis Glahn Rev Trust, Jay & Manisha Patel, and Jeremy S. Arnold would benefit from RSA 508:14, Landowner Limited Liability, which states "*An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.*"

**Discussion**

The Conservation Commission unanimously recommended that the City pursue a Trail Agreement with St. Paul's School, Francis Glahn Rev Trust, Jay & Manisha Patel, and Jeremy S. Arnold to allow for the construction of a new trail and to permit public access on this trail. The trail would facilitate a connection between Marjory Swope Park and Winant Park. St. Paul's School Board of Trustees, Francis Glahn Rev Trust, Jay & Manisha Patel, and Jeremy S. Arnold have already consented to the terms of the Trail Agreement.