

From: Michael Behrendt <mbehrendt@ci.durham.nh.us>

Sent: Thursday, February 9, 2023 11:33 AM

Cc: Todd Selig <tselig@ci.durham.nh.us>; Kimberley Laris <kimberley.laris@positiveassurance.com>

Subject: Definitions - All Terrain Vehicle - email from Kimberley Laris

To the Planning Board,
Please see the emails below.

Here are the relevant existing and proposed definitions. The prohibition in green referenced below pertains to vehicle facilities not to use of the vehicles. It may make sense to combine the two definitions for all terrain vehicle and off highway recreational vehicle.

~~*ALL TERRAIN VEHICLE – Any motor-driven vehicle designed or adapted for travel over surfaces other than maintained roads with one or more tires designed to hold not more than 10 pounds per square inch of air pressure, having capacity for passengers or other payloads, not to exceed 1,000 pounds net vehicle weight, and not to exceed 50 inches in width.*~~

ALL TERRAIN VEHICLE – Any motor-driven vehicle designed or adapted for travel over ground surfaces other than maintained roads.

ALL TERRAIN VEHICLE/OFF HIGHWAY RECREATIONAL VEHICLE FACILITY – A facility or site where people who do not own the site or reside on the site are allowed to operate all-terrain vehicles or off highway recreational vehicles with or without compensation. A trail that crosses a parcel and that is used by all-terrain vehicle or off highway recreational vehicle operators that do not own or reside on the parcel is an all-terrain vehicle/off highway recreational vehicle facility.

[This use is prohibited in all zoning districts.]

OFF HIGHWAY RECREATIONAL VEHICLE – Any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes *shall* fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it *shall-be is* deemed that said motor vehicle is not being used for recreational purposes.

Michael Behrendt

Durham Town Planner

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From: Todd Selig <tselig@ci.durham.nh.us>
Sent: Thursday, February 9, 2023 8:48 AM
To: Kimberley Laris <kimberley.laris@positiveassurance.com>
Cc: Michael Behrendt <mbehrendt@ci.durham.nh.us>
Subject: Re: Zoning Board Definitions - All Terrain Vehicle ...

Dear Kimberley,

Thank you very much for this feedback. I will share it with Michael Behrendt for him to share with the members of the Planning Board. I do know that we do not want such vehicles on our municipal lands/trails/easements for recreational purposes but beyond that, the board will have to weigh their intent against potential benefits of such vehicles. I'm in agreement with you about plastic flamingos, but metal giraffe statues are an entirely different matter! 😊

Todd

Todd I. Selig, Administrator
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He/him/his pronouns

Everyone can tackle climate change. How can you reduce your carbon footprint?

From: Kimberley Laris <kimberley.laris@positiveassurance.com>
Date: Wednesday, February 8, 2023 at 11:19 PM
To: Todd Selig <tselig@ci.durham.nh.us>
Subject: Zoning Board Definitions - All Terrain Vehicle ...

In the category of overdoing it "ALL TERRAIN VEHICLE – Any motor-driven vehicle designed or adapted for travel over ground surfaces other than maintained roads."

One of my dearest neighbors is over 80 and I love that she overcomes her mobility issues with a golf cart, even to cross route 4 to visit us. My parents enjoy their 200 acre piece of heavenly nature on a gas powered mule in 3 seasons and snowmobiles in winter. My very light 6 wheeled UTV is used primarily to winch invasive vines out of trees, and is registered with NH as a boat.

Finally, this definition would take out all the riding mowers and tractors in town. I don't doubt there might be some benefit in rewilding, but we are supposed to be supporting actual agriculture (not just tourist agriculture), responsible stewardship, and hopefully some frivolous life enjoyment as an inclusive community with a little tolerance.

These machines help landowners be aware of and address stewardship issues, and enjoy nature. I hope the Town will continue to keep simplifying and removing excessive definitions that serve little value in an inclusive community. People who want a gated community are free to build one and enjoy writing private association rules, but this is a Town with an agricultural tradition.

I don't like plastic flamingoes - so I don't use them - and I don't complain when others do ... and we don't need a zoning ordinance definition about them. :)

Kimberley