

The Berlin Sun

Gorham area merchants seek to intervene in OHRV lawsuit

April 29, 2018

By Edith Tucker

GORHAM — Inns, motels, restaurants, stores and equipment rental outfits recently banded together to form a limited liability corporation: the Gorham Area Merchants for OHRV Tourism LLC.

GAMOT seeks through its attorneys, Ransmeier & Spellman, P.C. of Concord, to intervene in the Stearns vs. Town of Gorham and State of N.H. lawsuit filed by a group of Gorham residents who seek to remove an off-highway recreational vehicle (OHRV) trail and trailhead from their neighborhood located on or near Route 2. Three plaintiffs live on Crestwood Drive and four on Lancaster Road (Route 2).

GAMOT members point out in an April 24 Superior Court filing that makes the case for intervener status that they “would be directly affected” by such a removal “because they rely on tourism revenue from the trail and trailhead to conduct their businesses.” This business activity has increased their revenues, they say, allowing them to hire more employees to fill jobs to meet customer demand.

GAMOT’s lawyer, Ronald Cook, argues that if the OHRV trail were to be removed, local businesses would suffer dramatically.

Four area businessmen filed affidavits detailing the extent to which their businesses would be harmed by shuttering the trail and trailhead: Randy Labnon, general manager of the Town and Country Inn in Shelburne; Evan Thurlow, general manager of Northeast Snowmobile and ATV Rentals in Gorham; Conrad Klefos, general manager of the Royalty Inn in Gorham; and business co-owner Jack Jennings, who with his wife Corinne, plans to relocate their restaurant — Road Hawg BBQ Swine Dining — from Sharon, Vt. to the former Pizza Hut building in Gorham.

“This OHRV business has been a much-needed ‘shot in the arm’ for us,” Labnon explains, pointing out that the family-owned business has struggled since the many area mills were shuttered.

“In my estimation, if our customers were prohibited from utilizing the trailhead in Gorham, that would put our location out of business,” Thurlow states.

“We have developed a very unique ATV destination at the Royalty Inn,” Klefos points out. “Guests park here, unload ATVs here, stay overnight here, register their OHRV here, and ride to the (Jericho Mountain State Park) from here. There are very few destinations in the entire country whereby ATV enthusiasts can do that. Should we ever have the roads shut down to ATVs, we will lose this unique experience, and I fear that (they) will go somewhere else.”

The state of New Hampshire objects to the request made by the 13 Gorham residents — the plaintiffs in the case — that the court issue a preliminary injunction to close down the trail and trailhead in their neighborhood.

“The Town of Gorham contains a segment of the state’s 1,300-mile OHRV trail network that is referred to as the Presidential Rail Trail,” overseen by the state’s Division of Natural and Cultural Resources, formerly part of the Department of Resources and Economic Development. The state asserts that “if OHRV access on the Presidential Rail Trail rail bed and Route 2 were prohibited, it would substantially undercut the significant and successful efforts that the state has made in developing an operative statewide trail network, a task that the legislature has expressed designated Division of Natural and Cultural Resources and other state agencies to undertake.”

The filing notes that Division of Natural and Cultural Resources has offered to build a sound-reduction fence on the state-owned land abutting the backyards of the plaintiffs who live on Crestwood Drive, designed to reduce OHRV-related noise, but that the three property owners were unable agree how to respond to the offer.

Division of Natural and Cultural Resources is also considering paving a larger section of the entry into the Prudential Rail Trail rail bed that it believes would reduce the impact of dust. The state refers to dust as “occasional,” but several plaintiffs describe this problem as far more intrusive than that.

In addition, plaintiff Mike Pelchat points out that OHRV tires are very noisy, making ATV traffic passing by his Route 2 home far more objectionable than the sounds of normal state highway traffic. ATV tires “are heavily treaded for intended use on dirt/mud trails,” the former state park manager states. “On paved highways, at the posted 30 mph speed limit, all terrain/mud tires emanate a particularly irksome whining sound which can be heard about ¼ mile away, when not drowned out by an enhanced exhaust system. The whining reaches a crescendo as they pass a stationary listener.”

A hearing to consider the state’s request to dismiss the case is scheduled at 10 a.m. on Thursday, May 3, in front of Superior Court Judge Peter Bornstein in Lancaster.