

Wednesday February 24, 2021

Meeting began at 6:31 pm

Facilitating: Laura Ginsburg

Planning Commission Members Present: Janet Wells, Brenda Fields, Nancy Chapman, Dan Ruddell, Shane Young, Israel Provocha

Public Present: Michael Sacca, Matt Slayton, Elizabeth Brown, Maureen McCullough, Betsy Geiser, Todd Tyson, Susan Slater, Scott Beavers, Anne Leads, Eliza Minnucci, Lori Berger, Matt Frost, Cal Heminway, John Echeverria, Thornton Hayslett, Ken Ashley, Paul Harwood, Heather*, Liz York, Deb Mullen, Unknown number*¹

Discussion of how to properly use Zoom (stay muted, name, raise hand feature)

Review of Planning Commission webpage

- Zoom link (via Selectboard link)
- Documentation (different annotated documents put together by the commission to inform the discussion)
- Agenda, minutes, and video of the Zoom meeting

Answering Questions from last meeting

- Difference between policy (guidance framing use) and ordinance (establishes penalty and empowers the Selectboard to enforce)
- Landowner Liability
 - If a landowner is not charging then they are not liable for injury unless they themselves are causing harm
- Feedback from other towns
 - Nothing as of yet: other towns are busy with town meeting planning

Hearing from landowners

- Cal Heminway
 - Bought the property in 1979
 - Legal Trail 4 is completely on his property (purchased around 2000)
 - Does not post land
 - Two kinds of people who use it - those who ask and those who do not
 - Trail is unusable (in disrepair)

¹ *Unidentified, via Zoom name

- Specifically concerned about increase in use
- Had it logged; loggers restore it and improve it (roads, waterbars)
- Trail closed so logger could use trail
- Town does not seem interested in spending money in repairing for it to be used beyond foot use
- Lori Berger
 - Concerned that trails that were not being used are all of a sudden being used
 - If you go through with wheeled vehicles you increase damage on an already damaged trail
 - No place to park safely
 - Expressed concern that if the town does improve the trail it will lead to more usage
- Paul H - Dodge Farm
 - Trail is not owned by the town
 - Landowners pay taxes on their land
 - Selectboard has granted rights to the town to use the trails for hiking only
 - Landowners are not bound by that policy; they can have it logged, etc.
 - The Planning Commission should suggest to the Selectboard that trails be used for hiking only
- Deb
 - Echoed much of what Lori said - also on the Cross Road
 - The condition of the Cross Road trail is so bad that it forces users off of the trail and onto private land
 - Parking issues
 - People who used the trail have expressed frustration with her when they sustained an injury on her land
- John Echeverria
 - Implored Planning Commission to explore legal trails on foot to see for themselves
 - Openly encourages continued use of trails for pedestrian use
 - Expressed concerns about what would happen to the Dodge Farm
 - Has put in a lot of work to improve farm and maintain its structural and historical integrity
 - No building have been destroyed or taken down
 - Work is currently being done to restore buildings
 - People access land and camp and have campfires without permission
 - One trail is wet and muddy all year long
 - One trail goes close to the house which would degrade trail

- Working with a local farmer to pasture cows on the property part of which is keeping the cows in specific places in order to maintain water quality
- Emphasis on the willingness to allow pedestrians to use the property but maintain personal privacy (i.e., the trail that goes very close to the house)
- Concern about the increase in biking in Tunbridge, specifically the Ranger
- Discussed how some are working on creating a Tunbridge biking club which could lead to a 1000 cyclists in Tunbridge and trail use
- Concerned over the app STRAVA (publicly shows paths), electronic bikes
- Noted that cyclists could use other roads (class 3 and 4) which make up over a hundred miles of roads in both Tunbridge and neighboring towns as opposed to the 2.5 miles of legal trails in Tunbridge
- Safety issues with cyclists, trail degradation
- Bikes can use the other roads, maintain legal trails for pedestrian use only
- Old property owner, Edgar Dodge, discouraged any use of the trails
- Prior to John's ownership people were all over the property
- Current Town Plan says hiking
- A change could result in massive increase in bike use and damage to trails
- Large farm - 325 acres - seems reasonable to limit use of one trail near the house to maintain privacy

Eliza Minnucci - Conservation Committee

- Last summer the Conservation Committee had a discussion about legal trails
- Some concerns about the Falls Hill trail being blocked by loggers
- John Echeverria joined in on a meeting
- Conservation Committee did not reach a consensus
- Never received input from public about use
- Conservation Committee had conversations about signs and the concern that they may increase use, improving trails, and keeping people off of other land

Public Comments

- Todd Tyson
 - Agrees that preservation of the trails is most important
 - Events have been held on legal trails and there was a positive response
 - State would provided money for trail maintenance
 - As for the Ranger, they stay off of legal trails
 - Noted that Tunbridge might be the only town that allows only hiking which is rare compared to other towns
- Matt Frost

- Questions for future meetings:
 - Does the town have a right of way on all roads and trails? Town's only obligation is to maintain it which does not grant more power to landowners. Might have to ask the League of Cities and Towns for answers
 - How often do you see cyclists on class 4 roads?
 - Is it true that landowners have all of the rights or are legal trails subject to the same right of ways as class 4 roads?
 - Is the town liable for accidents?
- As for the parking issue, hikers present more traffic as cyclists park elsewhere and bike to spots
- Todd Tyson
 - No motorized vehicles on legal trails quite common
 - Ebikes could be added as non-motorized
- Anne Leeds
 - Ebikes - some are considered fully motorized, others are human powered with assist
- Maureen McCullough
 - Should give consideration to landowners on legal trails
 - Rides horses and noted that bikes can be a big issue with horses
- Scott Beavers
 - Has been involved in trails for 10 years: using and constructing them and dealing with state, private, and federal interests
 - As for maintenance, most can be maintained by hand, even in more rugged terrain - takes effort and organization
 - Bike damage is minimal compared to horse use and erosion
- John Echeverria
 - Has allowed neighbors to use horses on trails
 - Limited number of horses on trails (i.e., not likely to have a large number of horses on the land)
 - He would prefer hiking not horses
 - State told them to keep cows out of Baptist Hill, same is true with horses
- Dan Ruddell
 - Currently there is no policy
 - Town Plan has language about use - suggestions - but no policy
- Todd Tyson
 - When doing public events, instruct people on how to deal with horses

- There are certain times of year when no one should be using trails - should there be signs or an ordinance about that?
- Maureen McCullough
 - Had a question about the Town Plan - there is no policy but it does say hiking only
- Dan Ruddell
 - Legal trails were never an issue until mid-2000s when the state put them on official maps
 - There was no reason to have them on the map
 - The Town Plan is a planning document - it has recommendations and guidance but no mandates or policy specifications

Next Steps

- Step back and digest what was learned
- March 4 regular Planning Commission meeting, which is open to the public (not a legal trails discussion)
- Reach out to other experts and stakeholders
- The Planning Commission plans on walking all of the trails to get a sense of them, working with landowners
- Meet again in two weeks (Wednesday March 10)

Meeting Adjourned: 8:07 pm