

Tunbridge Legal Trails
Recommendations from Trails Committee and Planning Commission
9/22/21

Based on the work of the Trails Committee, Planning Commission, and agreed upon outcomes from the 9/1/21 and 9/8/21 joint meeting between those two groups and the public, and public meeting on 9/22/21, the following draft recommendations regarding legal trails are offered to the Selectboard:

- Regarding all four trails:
 - Language should be a policy and not an ordinance
 - **Notation - Policy versus ordinance:**
 - Vermont League of Cities and Towns (VLCT) resource:
<https://www.vlct.org/sites/default/files/documents/Resource/Municipal%20Policies%20and%20Ordinances%20Info%20Sheet.pdf>
 - Question from PC to VLCT: If the policy specifically disallows bikes and people continue to use the trail for cycling, what recourse does the town and/or landowner have:
 - Response from VLCT: The town would have to adopt an ordinance that provided for a civil ticket (fine) penalty for violators. Landowner couldn't really do much if it was a town owned trail. I suppose they could seek a nuisance lawsuit against the bikers or the town.
 - Trails are only for recreational, non-motorized access except in the cases where legal trails intersect VAST trails for winter use
 - Notation - Recommendation based on unanimous community input; use of e-bikes did not reach agreement – state has new e-bike regulations that allow towns to distinguish between these and non-powered bikes. Towns must specifically disallow e-bikes, otherwise they are given the same access as other bikes
 - No event use will be allowed
 - Notation - Recommendation based on unanimous community input; specifics of what makes an “event” not clarified but outlined in draft Class IV road use policy submitted by Planning Commission to Selectboard

- Access may be limited based on the season; we anticipate trail closure during mud season and at other times as needed due to environmental or situation circumstances
 - Notation - Recommendation based on unanimous community input and feedback from Tunbridge road foreman Rodney Hoyt about how town roads may be closed or of limited access depending on conditions and Selectboard approval
- Partnership with landowners and trail abutters is important but should not be the only decision point when deciding trail use and maintenance
 - Notation - Question to VLCT: How much consideration do landowners get as to their particular requests for trail usage?
 - Response from VLCT: Generally, the town should accept feedback regarding what to do with town owned trails consistently from all town citizens. It's also reasonable to say that the Selectboard could decide to give more weight to those who are adjacent to the trail.
- Given the challenge of enforcement, trails should be reviewed at least annually to ensure that the conditions remain appropriate for use and that the policy statement remains relevant
 - Notation - See above for policy versus ordinance and limiting access for additional background information. Due to unknown use patterns at the current time in addition to lack of maintenance, community members unanimously agreed that regular (at a minimum annually) review of trails and policy was needed
- The four legal trails are unique and should be given individualized consideration
 - Falls Hill
 - Falls Hill trail has been recently maintained. Until appropriate signage can be installed marking the trail, this trail is only open to pedestrian access (hiking, snowshoeing, skiing).
 - Notation - Landowner feedback, Conservation Committee, and review by Paul Gillies provided background for this recommendation. Landowner and townsfolk have witnessed active trespass. There is a range of current uses (cyclist, pedestrians,

VAST) and the community could not come to agreement about ways this trail should be accessed; land owner prefers pedestrian use only except for VAST.

- Baptist Hill

- Aside from use during the winter by VAST, this trail should be closed to other uses but not discontinued. Given likely wetlands issues, this trail needs review by the State District Wetlands Ecologist prior to any change in use.
 - Notation – this trail was reviewed by Jeff Parsons at John Echeverria's request, which found there were likely wetlands at the class II or class III level. This trail has not been reviewed by the State Wetlands Ecologist for confirmation and delineation of wetlands boundaries. Community members generally supported pedestrian access only to this trail, but given wetlands concerns, also supported closing the trail except during winter use by VAST. Landowner supports limiting to pedestrian access and VAST use only.

- Crossroad

- Given the current trail circumstance (lack of signage and maintenance has led to users leaving the trail and going onto private property), this trail is closed until maintenance can occur, paired with clear signage
- Maintenance will require coordination with the State District Wetlands Ecologist to plan for and receive permission for the wetlands crossing at the low point of the trail.
- Maintenance may be performed by volunteer groups once a plan and any necessary permitting is in place, to be confirmed by the Selectboard
 - Notation – this trail has been reviewed and the wetlands issues identified. Trail maintenance plan, expense, or timeline has not been explored. Per Paul Gillies, a town may allow a volunteer group to maintain a trail thus limiting cost to the town. The

community was mixed as to who should be able to use this trail given noted historic uses including pedestrian, horses, and bikes. Abutting landowners prefer pedestrian access only and have significant concerns regarding parking.

- Orchard Road

- Until this trail can be reviewed by the State District Wetlands Ecologist, it is open only to pedestrian use when the ground is frozen.
- After review, a plan will be developed for use of this trail.
 - Notation – this trail was reviewed by Jeff Parsons at John Echeverria's request, which found there were likely wetlands at the class II or class III level. This trail has not been reviewed by the State Wetlands Ecologist for confirmation and delineation of wetlands boundaries. Given the wetlands concerns, and until a plan can be developed for this trail, the community was generally supportive of limiting use but was mixed as to what that specifically meant. The community was mixed as to who should be able to use this trail given noted historic uses including pedestrian, horses, and bikes. John Echeverria is on record stating that if this trail is open to more than pedestrian use, the remainder of his land will be closed to all uses including VAST. Mr. Echeverria has suggested a possible alternative routing that would be acceptable for mixed uses but this has not been explored further to understand issues of ownership, access, maintenance, and development. Mr. Echeverria prefers this trail only be open to pedestrian use.