

September 13, 2023

To: Tunbridge Selectboard and

Mariah Cilley, Administrative Assistant

Re: Falls Hill Trail and Nathan Stearns Letter (Cal Heminway's lawyer) of June 26, 2023

(<https://tunbridgevt.org/wp-content/uploads/2023/06/cal-heminway-attorney-letter-legal-trails-tunbridge-vt.pdf>)

At the August 9, 2023 selectboard meeting in Tunbridge, Mariah Cilley and myself (dan 'rudi' ruddell, Trails Committee member and liaison to that committee from the Planning Commission) were asked to look into documentation regarding questions arising from a letter written by lawyer Nathan Stearns in June 2023, on behalf of Legal Trail LT-4 landowner Cal Heminway, and follow-up discussion at the August 9 meeting.

According to minutes in the Town Vault, the Ancient Roads Hearing took place on Feb. 2, 2010 and was duly warned. A letter was sent to Cal Heminway per statutory requirements, and a photocopy of the letter sent and the envelope it was mailed in (along with the same for another landowner needing notice on another road at the same hearing), signed by then-Town Clerk Wendy McCullough, is included below.

Cal Heminway has stated he never received that letter. It was not sent by certified mail, so there is no way to verify whether he received it but documentation indicating it was sent is recorded. That he was not aware of the hearing is clearly unfortunate all around. There is a clear need for good communication, and though it appears there was no intent to ignore Mr. Heminway's interest he was not present at the hearing.

After rigorous review, the Vermont Agency of Transportation accepted documentation regarding LT-4 as fulfilling the requirements of statutory provisions in the Ancient Roads process for designating public rights of way (<https://vtrans.vermont.gov/planning/maps/ancient-roads>). The Agency of Transportation has archived that documentation and it is available online (https://vtransmaps.vermont.gov/Maps/Publications/MileageCertificates/ArchivedMileageCertificates/Orange_Co/TUNBRIDGE/TUNBRIDGE_MILEAGECERT_2013_C.pdf). It appears from this documentation that the road likely predates the laying out of the town. Although conscientious maintenance for periodic logging has clearly benefitted the road on the Goodwin Hill LLC property, the road is visible on the ground due to a long history of use.

It appears from town records in the documentation archived by VT AOT that the road on the western side of the ridge was relocated, with a portion that was washed out being discontinued and replaced/rerouted (metes and bounds are described). The history of the portion that was relocated is difficult to piece together but appears to have references in the town vault.

A 1974 survey for the Goodwin Hill LLC property (Tunbridge Town Vault, Map Book 2-52, included below) indicates the beginning of this road as it departs from the hairpin turn on Falls Hill Rd, and the point of exit on the western side of the property, but does not show the road internally on the property.

Tunbridge Town Highway maps note the presence of this road as a dotted line (likely drawn in by selectboard members during an annual review process) in:

1949

(https://maps.vtrans.vermont.gov/Maps/TownMapSeries/ORANGE_Co/TUNBRIDGE/TUNBRIDGE_MILEAGE_1949.tif) and

1959

(https://maps.vtrans.vermont.gov/Maps/TownMapSeries/ORANGE_Co/TUNBRIDGE/TUNBRIDGE_INVENTORY_1959.tif)

United States Geologic Survey topographic maps indicate this road running from Falls Hill to Kelsey Mountain Rd, using road symbology, from 1919-1959.

(<https://ngmdb.usgs.gov/topoview/viewer/#15/43.8894/-72.5545>)

In 1981, the symbology for this road on USGS topos was changed to a dotted line and was labelled JEEP TRAIL.

Starting in 1985 and continuing to the present, USGS topographic maps no longer show this road.

While there is clearly much work to be done on understanding and addressing all the different pieces of discussion around legal trails, documentation supporting designation of LT4 as a Legal Trail does exist.

Town of Tunbridge
Office of the Town Clerk
PO Box 6 / 271 VT RT 110
Tunbridge, Vermont 05077

Phone: 802-889-5521

Fax: 802-889-3744

January 21, 2010

Re: Ancient Roads

The Ancient Roads Committee will be meeting with the Select Board on February 02, 2010 at 6:30pm; to discuss any changes that may occur due to findings in the Ancient Roads process. We are notifying all landowners that may be affected with these findings and inviting them to join us at this meeting.

Please call Wendy at the Town Office with any questions you may have.

Respectfully,



Wendy McCullough
Town Clerk

Mailed 1/26/10

TOWN OF TUNBRIDGE
Box 6
Tunbridge, Vermont 05077

ADDRESS SERVICE REQUESTED

Townsend & Felicity Swayze
56 Swayze Rd
Tunbridge, VT 05077

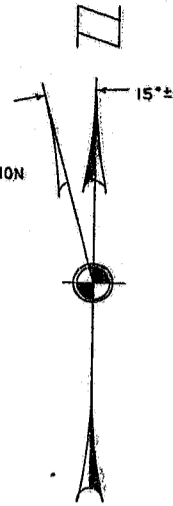
TOWN OF TUNBRIDGE
P.O. Box 6
Tunbridge, Vermont 05077

ADDRESS SERVICE REQUESTED

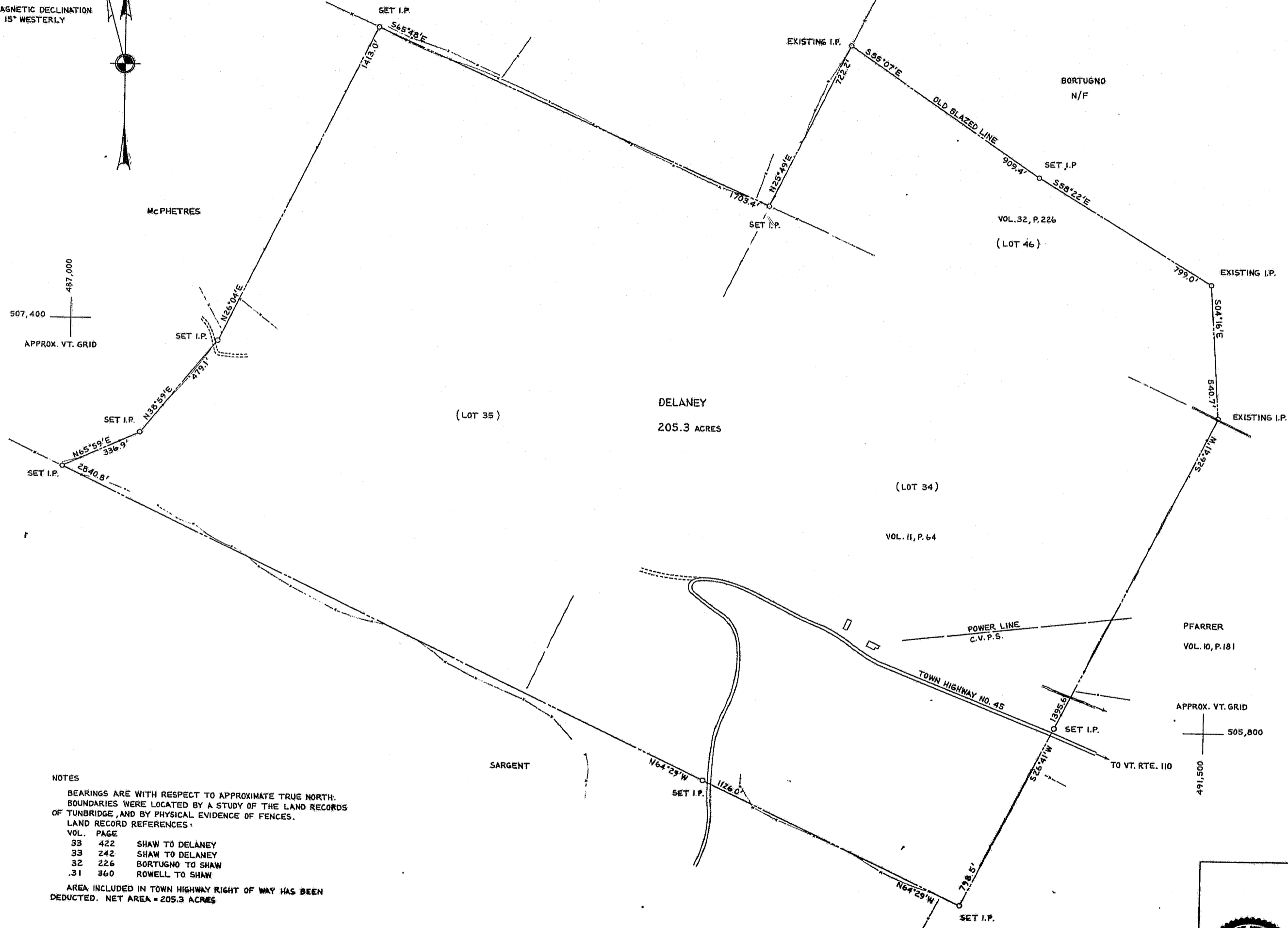
Goodwin Hill LLC
J Callender Heminway Jr.
PO Box 97
N. Granby, CT 06060

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APPROXIMATE MAGNETIC DECLINATION
APRIL, 1974 - 15° WESTERLY



507,400
487,000
APPROX. VT. GRID



LEGEND

BOUNDARY POINT	○
BOUNDARY LINE	—
REFERENCE LINE	- - -
WIRE FENCE	— · — · — ·
STONE WALL	— — — — —
STREAM	~~~~~
OLD ROAD	— · — · — ·
IRON PIN	I.P.

CERTIFICATE
I, RALPH J. MICHAEL, LAND SURVEYOR REGISTERED IN VERMONT, HEREBY CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE OF THE LANDS SHOWN HEREON, AND THAT THIS PLAT IS A TRUE REPRESENTATION THEREOF

NOTES

BEARINGS ARE WITH RESPECT TO APPROXIMATE TRUE NORTH.
BOUNDARIES WERE LOCATED BY A STUDY OF THE LAND RECORDS OF TUNBRIDGE, AND BY PHYSICAL EVIDENCE OF FENCES.
LAND RECORD REFERENCES:

VOL.	PAGE	DESCRIPTION
33	422	SHAW TO DELANEY
33	242	SHAW TO DELANEY
32	226	BORTUGNO TO SHAW
31	360	ROWELL TO SHAW

AREA INCLUDED IN TOWN HIGHWAY RIGHT OF WAY HAS BEEN DEDUCTED. NET AREA = 205.3 ACRES

APPROX. VT. GRID
505,800
005,164



DATE: APRIL 25, 1974

MICHAEL ENGINEERING COMPANY PLYMOUTH VERMONT			
OWNER	ROBERT C. AND ROBERTA H. DELANEY		
LOCATION	TUNBRIDGE, VERMONT		
TITLE	FORMER ROWELL FARM (SO-CALLED)		
SURVEY	RJM	DESIGN	DRAWN ACJ
CHECKED	RJM	PROJ NO 74-15	DWG NO 74-15.1
SCALE: 1 INCH = 200 FEET			