

From: John Echeverria <JECHEVERRIA@vermontlaw.edu>

Date: April 11, 2024 at 1:16:28 AM EDT

Subject: Echeverria-Pratt Comments

Dear Trails Committee,

John will attempt to join the Trails Committee meeting this evening, assuming he can overcome his internet challenges. In any event, here are a few comments in advance of the meeting.

It is our understanding that the committee is considering attempting to open some trails, including Orchard Trail, to walking. We also understand that neither the committee nor the Town more generally intends to intrude upon our claim to exclusive landowner authority to determine whether and how to maintain or repair the legal trails, including cutting or removing downed trees and branches in the trails, pending resolution of the litigation.

Changing the status quo (Orchard Trail closed to public use) and attempting to open Orchard Trail to walking in advance of court resolution of the pending litigation is a bad idea and we oppose it. The Orchard Trail is currently not passable for walking (or other public uses) due to the downed trees and branches in the trail. Certainly no one could contend that it offers a convenient, pleasurable or safe recreational experience. We are also concerned that individual trail users would be tempted to engage in ad hoc trail maintenance and trespass onto our private property rights, fomenting yet more conflict in this already contentious debate. To reiterate our longstanding position, we believe that the Town lacks the legal authority to conduct or authorize any trail maintenance or repair without landowner permission and any trail maintenance or repair by individuals without landowner permission would constitute a trespass.

Based on our last look at the Cross Road, that trail is certainly no less potentially passable to walkers than the Orchard Trail, raising the prospect of unwarranted discrimination.

As you know, we and the O'Briens "share" a portion of the Orchard Trail. In informal conversation, John O'Brien (copied on this message) told me that his father and Edgar Dodge had an understanding that the boundary line between the two properties was in the center of the trail. Preliminary title research John E. performed did not reveal anything contradicting this understanding. We are not

yet clear in our own minds how landowner trail maintenance authority plays out in these circumstances, but we insist on maintaining our position with respect to trail maintenance along this shared boundary to the extent authorized by law.

Hopefully soon, the courts will resolve the legal dispute over trail maintenance and repair authority. In the meantime, we would be happy to resume maintaining and repairing the Orchard Trail, including removing downed trees and branches obstructing use of the trails, and embrace use of the trails for all manner of pedestrian activity and horseback riding, if the town can see its way clear to an agreement to reroute bicycle traffic around our farmyard.

Best,

John Echeverria and Carin Pratt