

## **Meeting on the Trails Committee's request to utilize the Class 4 section of Williams Hill as a trail**

### **Meeting held on 5-6-21**

This meeting was organized by Town Manager Josh Arneson to include representatives from the Trails Committee and neighbors in the Williams Hill Rd. area. The goal of the meeting was to better understand the issues and opinions regarding the Trails Committee's request in order to provide more information to the Selectboard when this topic appears on the Selectboard agenda. Selectboard Vice Chair David Sander attended this meeting.

Josh Arneson: Welcomed everyone to the meeting and reviewed that the Trails Committee has submitted a request to improve the Williams Hill right-of-way (ROW) to create a trail. This will be on a future Selectboard agenda, but for now I'm looking to get as much information as possible organized in advance for the Selectboard. I'd like to start the meeting by hearing from the Trails Committee regarding their request. Then I would like to hear from Lauck Parke since the Trails Committee named him specifically in their request. After that I would like to hear from others on the call who have concerns or opinions that have not yet been voiced.

Chase Rosenberg: We would like to build a single track non-motorized path within the Town ROW connecting Williams Hill Rd. to Palmer Ln. We don't have any plans around parking or changing the status of the road to a legal trail. But, we want to keep this a separate process: we would like to proceed with a trail, and if there is appetite for changing the status of the road then that could proceed separately.

Lauck Parke: I examined relevant case law. The Town must demonstrate 3 things.

- Search of Town or State records to see if there is adequate evidence to indicate that there is a legal ROW. It is important to recognize we are talking about Palmer Rd., not private Palmer Ln.
- Then a survey must be established to establish the precise location of the ROW.
- Then an ordinance which outlines the use of Class 4 roads.

Mr. Parke suggests Josh Arneson contact Paul Gillis. This community on both ends attempted to have the road thrown up three times since 1978. This is not a new issue.

Tyler Merritt: Was the road actually thrown up?

Lauck Parke: No it was not. In the 80's the Legislature stated it had to be approved by both Richmond and Hinesburg and then it had to go to the Legislature. The Legislature did not act on it. The other two times the Selectboards were less interested in even considering it at the Selectboard level.

Tyler Merritt: At this point it is still a Class 4 rd.?

Lauck Parke: That is the question I am raising. When I purchased the property Mr. Burnett brought up the 1837 gazetteer and it showed that the Ready's lived at the bottom of his property. The ROW that was used by Jay Ready vanished. It is unclear to me, and has been for some time, if the ROW continues and connects with Palmer Rd.

Tyler Merritt: There is a document that covers this road. It states that the Town recognizes the ROW.

Josh Arneson: It is on the map too.

Lauck Parke: One of the concerns that we had was that it was not a dotted line on the map, but that it was a solid line on Northern Cartographers. We started to have people show up at our driveway to try to use our driveway to access the Class 4 ROW. All manner of vehicles have shown up at my driveway. Reluctantly we put up a gate and put up a sign. When we bought this property, the road stopped at where our mailboxes are and there was a ravine. Redd Lawrence used this as a stump dump. All the debris was from the road crew trying to extend the road for a place to turn around. We did have to block our lower driveway to keep people from using the driveway. We faced a lot of ugliness. The signs will remain.

Josh Arneson: Where does Williams Hill Rd. run if not in your driveway?

Lauck Parke: I assume the ravine is Williams Hill, but that is hearsay. So that is why I feel we need a survey to clarify the road. When it gets to the clearing it is unclear that there is any ROW except for the private ROW that goes in that area that is for Palmer Ln. All the documents go to when Donnie wanted to build a cabin. The Town refused him access on the ROW so he built a private driveway and extended Palmer Rd. Patty Gilbert bought two parcels and subdivided and also created another lane in that area. The document is all about the maintenance because the Leavitt's Driveway is the Richmond Hinesburg Town Line. Hinesburg plows several hundred feet into Richmond and turns around at Donnie Palmer's sugarhouse. Most of this is based on hearsay, and so we need to figure out if there is a ROW and if so where it is.

Chase Rosenberg: The map sources, the state maps, confirm there is a ROW. Maps also show that it should not go through Lauck's driveway. And it goes above the Palmer Ln.

Lauck Parke: The private driveway is Palmer Ln. on maps. Hinesburg town trucks turned around at the sugarhouse. Then people would try to go past the sugarhouse to look for a way to connect to the rest of the road.

Tyler Merritt: There are two stone walls that show the old road.

Lauck Parke: The white dotted line that says Palmer Rd. is actually a ski trail that I built for our daughters. The blue lines are property lines. The white lines that show Palmer Rd. is all on private property from the "L" on Palmer Rd. to the north. I long ago gave up and started to turn people away out of frustration.

Tyler Merritt: But there is a public ROW.

Lauck Parke: Where is the record? Where are the documents that say the road was given to the Town?

Tyler Merritt: What were you contesting when you tried to have the road thrown up?

Lauck Parke: Two quiet dead ends roads. You are changing the use of the road. The ROW has not seen any activity for well over 100 years.

Josh Arneson: On the map it looks like there is a ROW between the lots, as they don't touch in the middle, and there appears to be a lane framed by the blue lot lines. Is this the ROW?

Lauck Parke: A survey is needed to look at the ROW. You need to correct the map so it does not go on my ski trail. How did that Palmer Rd. line appear on my property?

Josh Arneson: I don't know.

Lauck Parke: Then it is possible that the ROW got on there by accident. A search of Town records is necessary. We need to have that white line removed from state map so it does not just become a road, when it should not be.

John Linn: I have an ANR map that shows Palmer Rd. in another area. The property lines on ANR maps are not correct.

Lauck Parke: the map in the Trails Committee request contradicts the other map that Josh just showed. We need to have this resolved so we don't delineate private trails as public roads. The way to clean up the maps is to search the records. If we could do that, that would be the ordinance part. I can think of six Class 4 roads that have the same issues, Old County Ln, Thompson Rd. Christmas Tree Ln, Old Jericho Rd. The SB should consider them all together and establish an ordinance per statute.

Joan Hathaway:

- This is a wildlife corridor. There was a cell tower discussed and there was concern then. We have bears moose, turkeys, salamanders, and lot of other wildlife. We do not want to see that disrupted.
- We have had problems with ATVs using the land without permission. I know more people have posted their property to keep motorized vehicles out. A lot of times ATVs don't respect the sign. They have even intruded on private property.
- There have been rumors that the bike path off of Wortheim Ln. has generated complaints about people partying there and public urinations.

Jane Vossler: I heard you say there is no plan for parking. What does that mean? How would people get to this trail? What about walkers? I would have concerns about parking.

Stephanie Rogers: Paul and I are concerned about an increase in traffic on the road. People will need to drive here. We already have a problem getting out of our driveway. This was approved

by Redd Lawrence who was the road commissioner at the time. But getting out of the driveway is harder and harder. We've had an accident exiting our driveway and we were responsible because we were exiting a private driveway. We can't see cars coming up or down the road.

Otie and Erik Filkhorn: We stand with Lauck. The care and dedication they put in to following due process is commendable. I was just looking at a map showing different bike trails and there are tons of trails in the community already. While you may say it will only be respectful cyclists, what comes with extra traffic is not conducive to a quiet neighborhood. It will take a ton of work to clean up the debris.

Willie Lee: I live on Collins' Mtn. Road so I'm somewhat of a neighbor. I apologize for what has been happening off of the other trailhead and will try to stop that. We have no intention of any type of parking. Our intent is to build and maintain non-motorized pathways to connect communities to recreate throughout the town. We do have a lot of trails, but one of the reasons we'd like to open this up is it would increase recreational opportunities for those here on the hill. It would not force people here to go out and use main roads. This would allow for access to dirt roads in Hinesburg. Your concerns are also my concerns. This is not just for more bike trails. We want to provide opportunities for non-motorized recreation. We connected the ends of Snipe Ireland and Snipe Island Rd. and this connection allows people to recreate in places off of main roads and it has connected neighborhoods.

John Linn: The lack of parking is a detriment and not an attribute. Any firetruck turnaround right now needs to go into Lauck's driveway. If there is one car in the turnaround then a firetruck cannot turn around there. There is just not space with existing turnaround if one vehicle parks there. This trail is different than a private trail and it is a Class 4 road, that means everyone can ride it even on a motorized vehicle. I can't do that if this is a trail. You are opening up a Class 4 road which means people are entitled to use it.

Tyler Merritt: It is already listed as a Class 4 road. So people end up on the Palmer Ln. driveway and then go up the ski trail. I think the solution is to turn it to a legal trail and ban motorized vehicles.

Stephanie Rogers: It is in the gazetteer as a public trail.

Joan Hathaway: Jack and Audrey Linn and others are opposed.

Josh Arneson: Thank you all for your time and your comments on this topic. I will let you know when this is on the agenda for the Selectboard.