

E-Mail from Leon Smith Regarding Trails of Washington Street Extension

From: Leon H Smith <fareedlhs@hotmail.com>

Sent: Sunday, October 09, 2022 5:04 PM

To: Kathleen Ramsay <KRamsay@townofmiddlebury.org>

Cc: Brian Carpenter <brian@champlainvalleyequipment.com>

Subject: Concerns regarding the Town's ROW and trails on private posted land

Good evening,

While I shared these concerns and observations with Brian, et al, along with others regarding the Means Woods and its adjacent town parcels, I thought it appropriate to address these issues separately, as I feel they need to be addressed in the short-term. As I told Brian, while I fully respect the Parkers right to post their property (it is their land and they pay the taxes on it), I have some concerns.

First, posted signs have been placed within the right of way of the Town's legal trail - on Bushey's Corner and along the trail through the woods. It should be made abundantly clear that the posting of the property in no way prohibits public access and use of the legal trail. The signs should be posted with proper setbacks from the trail. And it would be good to clarify exactly where the legal trail/ROW is located and exactly how wide it is. 3 rods? As seen on the attached pic (Bushey's Corner), the trail currently hooks around through the Malcolms' property (as the trail grew up and folks began using the Malcolms' meadow) who have to date never had an issue with the public's use. Yet, the Town trail appears to go straight through the Parkers driveway. I further note that items (railroad ties, for example) have been placed by the Parkers in the path of the trail. Are the Parkers' obligated to move these items? Should anything be placed so as to block or inhibit access? At the same time, I recognize that the Parkers have property rights. I just don't feel that those rights should in anyway conflict with the public's right to the trail. It should also be clarified exactly what can and can't happen within the Town's right of way. Could someone park there (essentially using the Parkers' driveway) and then take a walk on the trail? I wouldn't think that would be appropriate, but it should be clarified. Can motorized vehicles, such as electric bikes, be used on the trail? Is the legal trail open at night? Granting the Parkers the use of the ROW/trail opened up a whole lot of issues, some of which were raised when it was under consideration. Pedestrian and other public use was greatly complicated and made less safe on the corner by the granting of the driveway.

Second, there are trails located on the Parkers' property (including the former Dutton parcel recently acquired) that are connected to the Town's legal trail and are accessed through the 4 acre town parcel (see Trails North and Trails South attached). As the Parkers have now posted their property, are the trails now closed to the public? I would hate to run afoul of trespassing by using the trails. I note that the Addison County Bike Club (apparent stewards of the trails) does not have an agreement in place with the Parkers ("9. George met with Jeremy Parker to see if we can get a landowner agreement in place. Jeremy is reviewing the agreement." - see ACBC minutes for September 2022 here: <http://addisoncountybikeclub.org/news/acbc-board-meeting->

[september-2022-meeting-minutes/](#)) Do they have an agreement with the Town for use of the 4 acre parcel and other Town lands? And are these trails only for mountain bikes, or for other recreational uses such as hiking and snowshoeing as well? If the trails are not public, should they be connected through the Town's parcel? [I add that there is another trail on Chipman Hill that crosses two private parcels and when the ACBC was made aware of that by Marc Lapin (see their minutes from August - <http://addisoncountybikeclub.org/news/acbc-board-meeting-august-2022-meeting-minutes/>), the minutes state: "No action needed as no one is raising any concerns." Are the property owners even aware?]

Several other issues obviously arise from the two I have raised above. For example, are groups, such as ACBC, authorized to be making trails, maintaining trails, installing bridge, removing brush, establishing drainage, etc. on Town parcels, let alone private parcels? Who is liable for any injuries and property damage resulting from a group's activity?

I plan on attending the SB meeting on Tuesday and the Means Woods meeting on Thursday, to discuss the issues addressed her and those more specific to Means Woods, etc.

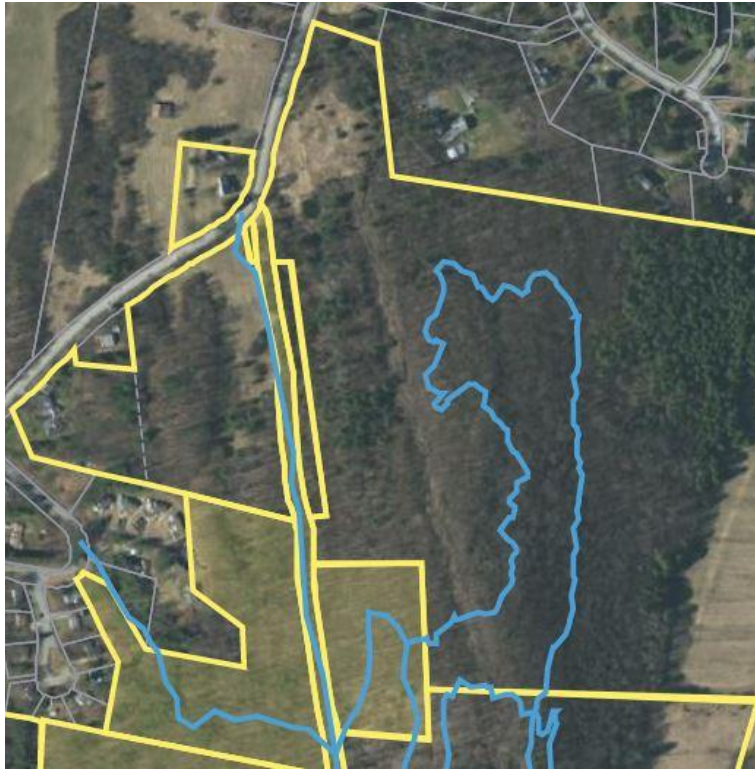
Please feel free to pass this e-mail and its attachments along to the other members of the Selectboard.

Leon H Smith

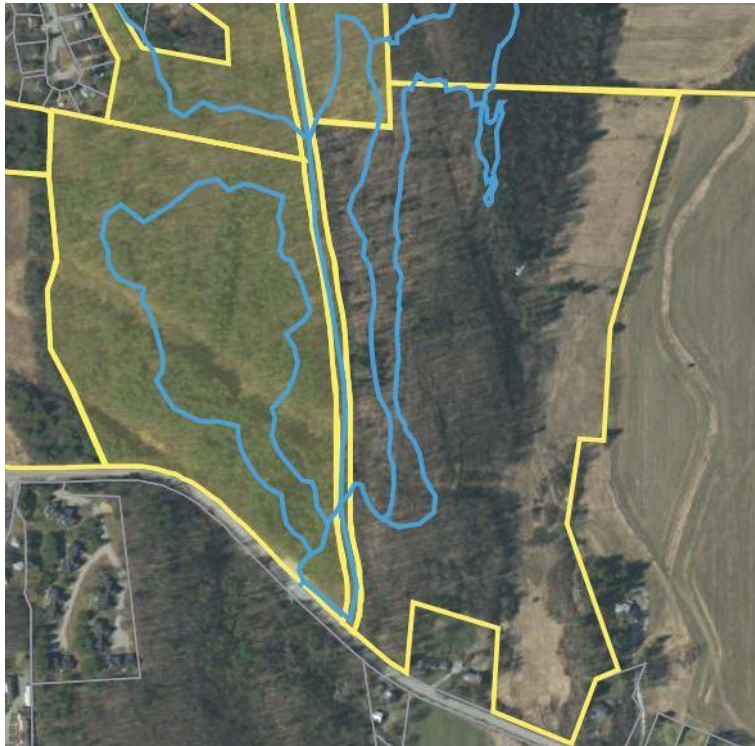
PS I have privately conversed with Michael Reeves and Nancy Malcolm. Nancy said she would await the Town's response.



Bushey's Corner – Washington Street Extension



Trails North



Trails South