

WEST WINDSOR SELECTBOARD

Draft Minutes
December 2, 2013

Present: Selectboard members Glenn Seward, Tom Kenyon & Bruce Boedtke; Planning Commission members Barbara Truex & Al Keiller; Conservation Commission members Ted Siegler, Laura Stillson, Barbara Gerstner, Mark Nowlan, Win Johnson, Chris Nesbitt & Andy Harrington; Town Forest Committee members Rudy Gross, Cathy Boedtke, Jim Lyall & Dennis Lemire; members of the public Shannon Harrington, Bill & Sylvia Young, Shelley Seward, Lindsay Robbins, Mike Skalla, Betty Lemire, Sue Greenall, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Public Comment – Dennis Lemire commented that there haven't been problems with noise or erosion in the past when ATVs have used the town forest trails. Dennis said the town forest belongs to everyone and, just because ATV riders are in the minority, they should not be thrown under the bus. Dennis asked that the Act 250 amendment be allowed to go forward. Bill Young noted that ATV riders are only asking for 3 miles of trails. Bill added that the forest was given to the town for recreational use and riding ATVs is a recreational use. Conservation Commission (CC) Chair Ted Siegler said the CC discussed ATV use at one meeting but did not vote on a recommendation so he is only speaking for himself. Ted said he does not have a problem with elderly residents riding ATVs in the town forest but he would have a problem with opening it up for general motorized use. Ted suggested that the town issue permits for limited use by residents only. Mark Nowlan agreed. Barbara Gerstner agreed and suggested a one-year trial period. Planning Commission (PC) Chair Barbara Truex said the PC discussed the issue and agreed that a one-year trial period would be appropriate. Barbara did note that ATVs ranked quite low on the PC's recreation survey. Town Forest Committee (TFC) Chair Rudy Gross submitted a synopsis of the TFC's public forums and survey to the Selectboard and noted that 59 respondents were in favor of ATV use, 18 were in favor of restricted ATV use, and 92 were not in favor of ATV use. Rudy noted that quiet users gave many reasons why the town forest should not be open to ATVs, and ATV riders did not give as many reasons why it should be open. Speaking for himself, Rudy suggested a one-year trial for local residents only. Rudy said that the TFC voted 4 to 1 in favor of allowing some degree of ATV use. TFC member Cathy Boedtke said she doesn't think the promotion of the non-motorized trail system has been given enough time yet. Cathy cautioned against a one-year trial, saying that it's hard to close the barn door once you've opened it. Cathy encouraged a long-term perspective. Barbara Truex noted that the Town Plan supports non-motorized use. Barbara also suggested that, if the land behind the former talc plant is donated to the town, allowing ATV use should be a top priority. TFC and CC member Laura Stillson said she has been researching conflicts between "quiet users" and motorized users of multi-use trails. Laura said studies show that quiet users are disrupted by motorized users but motorized users are not disrupted by quiet users. Laura also noted the issue of "disproportionate use"; a hiker will not cover as much territory per hour as an ATV rider. Laura said there are state and federal management plans that address the various conflicts involved with multi-use trails and, if the Selectboard decides to allow ATV use, she would like to discuss effective management practices. TFC member Jim Lyall said that the mountain bike trails were laid out for beauty and wilderness and he would like them to remain quiet. On the other hand, Jim said, he sees the need for people who cannot otherwise enjoy the forest to have access. Ted Siegler said the CC is concerned about the protection of wetlands and wildlife habitat, but they are also concerned about trail access. Ted added that he doesn't think a one-year trial is a good idea and would prefer to see permits issued for limited use by residents only.
- 3) Discuss & decide on a policy regarding the use of ATVs in the Town Forest – Tom said he has always been an advocate for accessibility but he agrees that a one-year trial is not a good idea.

Glenn said he owns an ATV, lives adjacent to the trail system, is an avid motor sports enthusiast, and - as former Operations Manager for the ski area - is very familiar with the mountain. Glenn said after researching this issue, listening to the various points of view, and considering what's best for the town as a whole, he would like to make the following points: Snowdance & Orange Lake are co-permittees on the Act 250 permit and they are not interested in the risk of having ATVs on their property; neighboring property owners have concerns about ATV use; restrictions would be difficult or impossible to enforce since many ATVs are not registered; and the town's insurance company is concerned about increased claims exposure. Glenn said he is concerned about legal defense costs in the event of an accident or lawsuit; State Biologist Mary Beth Adler is concerned about deer habitat; State Biologist Eric Sorenson is concerned about fracturing of habitat and wildlife corridors, damage to rare and endangered plant species, increased soil erosion, and an increase in invasive plant species; Wetlands Ecologist Rebecca Chalmers is concerned about vernal pools, wetlands, hydric soils, streams, rare and endangered species, and deeryards; and Tii McLane's Forest Management Plan clearly outlines the fragile nature of the property. Glenn added that he is concerned about the cost of increased maintenance; the cost of consultants to dispel the concerns of the aforementioned experts in connection with an Act 250 permit that would most likely be unsuccessful; and safety implications for young riders given that many of the proposed trails have a gradient in excess of 20%. Glenn said he disagrees with the argument that, because we all pay taxes, we should all be able to do what we wish on the property. Glenn said ATVs are not allowed in state parks or on state highways, which we all pay taxes to support. Glenn noted that respondents to the Planning Commission's 2012 survey, which was restricted to West Windsor residents, were opposed to ATV use in the town forest by a margin of 2 to 1. Glenn said he fully supports ATV use, but not in the town forest. Glenn recommended that the town consider allowing ATV use on the talc plant property if it is deeded to the town after the reclamation is completed. Glenn said Dick Webster has offered his property for ATV use. Glenn suggested that ATV users work with private landowners to create an ATV trail similar to the VAST trail for snowmobilers. Glenn said he would like to make a motion. Tom objected. **Tom made a motion that, as of December 2, 2013, the West Windsor Selectboard has adopted the following policy concerning the use of ATVs in the West Windsor Town Forest: The use of ATVs is prohibited in the West Windsor Town Forest. However, ATVs may be used for organized search and rescue operations under the auspices of the local fire department or the state police; ATVs may be used for approved trail and road maintenance projects if authorized by the Selectboard; and use of an ATV may be granted with specific conditions by the Selectboard to West Windsor residents if the individual is physically challenged and use of the ATV would allow the enjoyment of the Town Forest by that individual.** Bruce said the TFC asked the Selectboard to apply for an Act 250 permit for ATV use. Bruce said if the other co-permittees are not in favor of doing that, it's a moot point. Bruce said the most recent surveys confirm past surveys showing that the majority of people do not favor ATV use. Bruce noted the Town Forest Committee's mission statement, which talks about the enjoyment of the forest in a quiet, natural, serene setting. Bruce said he's not opposed to ATV use in general, but the town forest is a special place surrounded by state lands that do not allow motorized vehicles. Bruce said non-motorized trails can be a magnet for attracting young people to our community. Bruce said he is not in favor of pursuing an amendment to the Act 250 permit to allow ATV use. **Glenn offered an amendment to Tom's motion to allow for the investigation of the possibility of handicapped access and the associated implications thereof.** Tom said he did not realize that getting an Act 250 permit would restrict us from doing anything in our town forest. Tom said he thought the permit was only for the trails. Tom asked if we're going to have to get an Act 250 permit to do logging in the forest. Tom objected to Snowdance and Orange Lake having input on the use of the town forest. Glenn said the town did not willingly pursue an Act 250 permit; we were forced into it by a concerned citizen. Glenn said Snowdance and Orange Lake are concerned about the difficulty of controlling ATVs if they're

allowed on adjacent land. Glenn said an ATV rider on town forest property would probably want to continue onto Mile Long Field, which is not town property, and Snowdance wants to know how the town would control that. Tom said his motion would only allow for ATV access by permission of the Selectboard. Glenn said he is concerned about enforcement, but in favor of investigating the possibility of allowing handicapped use. Glenn asked how eligibility would be determined; if it would be based on whether the person gets social security disability, or whether they have a handicapped plate on their car. Bruce said ADA use is a separate issue, which the Selectboard will have to research and discuss with counsel. Bruce said we need to understand ADA requirements for accessing public lands with motorized vehicles before we take action on that portion of Tom's motion. Tom asked Glenn to repeat his motion. **Glenn moved to prohibit ATV use in the town forest with the exception of emergency services and maintenance activities, and not to apply for an Act 250 amendment as requested by the town forest committee. Additionally, Glenn moved to investigate the possibility of handicapped access to the town forest by ATVs and the associated implications thereof. Tom accepted Glenn's motion as a friendly amendment. Bruce seconded the amended motion, which passed unanimously.**

4) Adjourn – **The Selectboard adjourned by consensus at 7:15 PM.**

Respectfully submitted,

Martha Harrison