

WEST WINDSOR SELECTBOARD

Draft Minutes

May 28, 2012

Present: Glenn Seward, Tom Kenyon, Bruce Boedtger, Laura Stillson (Town Forest Committee member), Jim Lyall (Town Forest Committee member & trail maintenance employee), Hal Pyke (Planning Commission Chair)

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 8:00 AM.
- 2) Mt. Ascutney Property Owners Association (POA) issues with the Act 250 permit relating to trails on resort property – Glenn said he received calls from Darryl Dworkin and POA President John Bossen with objections to the trail location within the network at the resort. Glenn said he had a conversation with Mr. Dworkin a year ago and he thought they had worked things out by moving the trail approximately 30’ and agreeing to put limitations on motorized vehicles but apparently Mr. Dworkin has had a change of heart. Glenn said John Bossen indicated that there are 4 or 5 property owners on the upper loop who think the “Home Again” trail crosses their property and they are concerned about that. Glenn said it appears that we may have to have a full-blown Act 250 hearing and we have to figure out how to address these concerns. Glenn said he had an email exchange with Todd Enright regarding usage of the common land at the resort and it’s his opinion that, since they pay taxes on it, Snowdance has a lot of say in what goes on. Glenn said Todd is going to research the deeds and the common land language in the bylaws. Bruce suggested getting our facts together and calling April Hensel. Bruce said as long as we’re comfortable that the trails are all on Snowdance’s land, he thinks it’s not an Act 250 issue; it’s a legal issue between the town, Snowdance and the property owners. In order for April to schedule a hearing, Bruce said, the property owners have to have a pretty strong case. Bruce suggested asking April if she has received any other correspondence on this issue. Glenn said the property owners are going to contact their attorney tomorrow regarding this issue. Tom asked about the Dworkin’s standing. Bruce said they have standing as abutters but they have to have a legitimate issue under Act 250’s ten criteria. Glenn said Mr. Dworkin is asking John Bossen to start legal action because it affects 10 or more people within the POA. Glenn said apparently there are other people in Dworkin’s neighborhood that are not happy. Jim said it would be possible to move the trail further away from the Dworkin property. Glenn said John Bossen has indicated that the Home Again trail crosses his property. Glenn suggested asking John to point out where the trail crosses his surveyed property line. Bruce said that trail has been there forever. Glenn agreed that the trail has been there at least since the 1970s. Bruce said the Vermont 50 has been using that trail for more than 10 years without objection. Tom asked if it’s a case of adverse possession. Bruce said he thinks there’s a legitimate case for that. Tom suggested looking at Dworkin’s deed. Glenn said Mr. Dworkin’s claim is that the town is encouraging public use of private property. Glenn said there has been controversy about the location, ownership and control of common land at the resort for many years. Jim proposed some possible alternative trail routings. Glenn said he thinks the question is going to be whether or not the trails are open for public use or only for use by the property owners. Glenn said the ski area allowed public use of those trails for a long time. Glenn said he thinks Snowdance would have an interest in keeping the trail system intact. Glenn agreed to call April Hensel tomorrow. Bruce asked Jim to discuss trail maintenance with Elvin Kaplan.

Glenn noted an area near his house where access needs to be restricted with posts or rocks because people are starting to drive up there. Jim suggested a large rock. Bruce suggested a sign. Tom asked if anyone has researched the ownership of the common land. Glenn said there's one party that pays taxes on it. Tom said he doesn't think the common land belongs to each individual property owner. Hal said there are set asides in the resort's deed. Bruce said he has worked for a lot of ski areas and the owners always make sure they have the right to do whatever they want on the common land. Bruce said he thinks we're fine as long as we're not crossing any property lines. Glenn said he will ask John Bossen to provide documentation that the Home Again trail crosses his property. Tom said he doesn't think there are restrictions on what the common land can be used for. Glenn said he will see what Snowdance's position is tomorrow afternoon. Jim asked if the town has received a draft permit from April. Bruce said he will send Jim a copy. There was discussion about the need to remove two trees in the town forest. Those present agreed to ask Dennis Lemire if he'd like to cut them. Laura said she plans to remove some invasive species near the parking areas including buckthorn, honeysuckle, barberry, and multiflora rose. Jim said the gravel that was spread up there could be spread further to create more parking spaces. Tom asked who is going to develop the budget for the town forest next year. Glenn said the Town Forest Committee. Tom said he is getting concerned about the expenses. Bruce said he thinks the town will eventually need to purchase a motorized wheelbarrow for trail maintenance. Jim asked if the FAST Squad has an ATV. Tom said no, but they have a list of people who do. Jim said he needs to know how wide the trail access needs to be to allow an ATV through in emergency situations. Glenn said he will measure his and let Jim know.

- 3) Adjourn – **Glenn moved to adjourn at 8:56 AM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison