

Decision and Order of the Selectboard

Of the Town of Wallingford, VT

Denial of a Request to Discontinue a Portion of Mears Meadow Trail

On June 14, 2017 at 6:00 p.m., the Wallingford Selectboard held a site inspection and at 6:40 p.m. convened a hearing for the purpose of taking testimony of interested persons and others on whether the public good, necessity and convenience of the inhabitants of the municipality would require a portion of Mears Meadow Trail, Legal Trail # 5, located on the Dean McGee property, parcel i.d. #4000730, be discontinued in the Town of Wallingford, VT.

During the site inspection, the Selectboard and others traveled Mears Meadow Trail from Bear Mountain Road to Mr. McGee's property. The Board observed the point at which Mr. McGee would like the trail discontinued as well as surroundings, an abutting property and an access route for a neighboring parcel. Selectboard members present at the site visit and hearing were Bill Brooks, Gary Fredette, Rose Regula, Mark Tessier, and Nelson Tift.

Others present at the site visit and hearing were Sandi Switzer, Dean McGee, Jeanette Wolff, Jerry Wolff, Mary Blake, Daniel Blake, Janet Kennedy-Farmer, and Derek Farmer. Clement Abatiell participated in the hearing via speakerphone.

At the outset of the hearing, Selectboard Chair Bill Brooks swore-in all witnesses and those expected to testify. Dean McGee outlined his reasons for requesting the discontinuance. Mr. McGee testified Mears Meadow Trail enters and ends on his property. He said Mears Meadow Trail does not access any other trails. He testified he would like to control public use of his property and preserve the land for future generations of his family. He said there were no distinct markers indicating trail boundaries for the public. Mr. McGee indicated discontinuance of the portion of Mears Meadow Trail on his property would allow him to control use of his property and preserve it for his family.

Jeanette Wolff proclaimed she was not opposed to the request as long as she had access to her abutting property.

Daniel Blake testified the general public does not use Mears Meadow Trail. He said only Mears Meadow Trail area property owners use it. Mr. Blake testified Mears Meadow Trail was a recreational trail utilized by neighbors in a respectful manner. He said he had witnessed neighbors hiking and riding horses on the trail. Mr. Blake testified he accessed Spring Lake and the Abatiell property from the trail.

Mary Blake testified she had never seen anyone utilize Mears Meadow Trail other than nearby landowners.

Janet Kennedy-Farmer testified her and her husband, Derek Farmer, were in effect gatekeepers of Mears Meadow Trail and she was unaware of any problems arising from use of the trail. Ms. Kennedy-Farmer said Mears Meadow Trail had historical significance and was part of the town's history. She said she had witnessed neighbors hike and walk their dogs on the trail. She testified her own family used the trail. She was unaware of any use of the trail by members of the public who live outside of Wallingford.

Derek Farmer testified his family lived year round on Mears Meadow Trail. He said he had not heard of any issues related to public use of the trail.

Clement Abatiell testified via speakerphone that only local residents and not strangers used the trail. Mr. Abatiell indicated discontinuance would impact neighbors.

The hearing closed at 7:45 p.m.

At 7:46 p.m., the Selectboard entered deliberative session. The deliberative session recessed at 8:22 p.m. A second deliberative session was convened on July 17, 2017 at 8:34 p.m. The deliberative session ended at 8:52 p.m.

The Selectboard utilized the following information in reaching a decision: Sworn testimony from the June 14, 2017 hearing, Town of Wallingford municipal property maps, VTrans General Highway Map, Certificate of Highway Mileage, Vermont Statute Title 19, Chapter 007, Section 710, a statement from state GIS Mapping Specialist Sara Moulton regarding location of the trail, a statement from Green Mountain National Forest Realty Specialist Patricia D'Andrea regarding lack of jurisdiction over the trail, a Vermont Survey Consultants, LLC survey of the trail dated 12/02/10 and notifications from the town of Shrewsbury and the Green Mountain Club that the trail does not extend into Shrewsbury.

Based on these documents as well as sworn statements presented at the hearing, the Selectboard makes the following Findings of Fact:

- 1) Mears Meadow Trail is a legal trail that is .78 miles in length based on VTrans maps.
- 2) Mears Meadow Trail ends within the Dean McGee property based on VTrans maps.
- 3) Mears Meadow Trail has been a trail for decades based on State of Vermont Certificates of Highway Miles dating back to 1965.
- 4) Green Mountain National Forest has no jurisdiction over the trail based on communication from Patricia D'Andrea, Realty Specialist for Green Mountain and Finger Lakes National Forests.
- 5) Green Mountain Club has no trail that extends from the McGee property in Wallingford to Shrewsbury based on a 07/10/17 email and map from Dave Hardy of the Green Mountain Club.
- 6) There is public use of the trail based on testimony from Daniel and Mary Blake, Janet Kennedy-Farmer, Derek Farmer and Clement Abatiell.

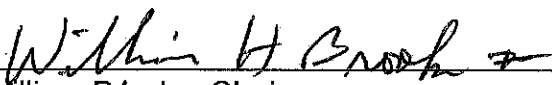
- 7) Mears Meadow Trail property owners have no knowledge of issues arising from public use of the trail based on testimony from Daniel and Mary Blake, Janet Kennedy-Farmer and Derek Farmer.
- 8) The Town of Wallingford does not expend resources, financial or otherwise, on legal trails based on the municipal Trail Policy.


The Wallingford Selectboard weighed the testimony of Dean McGee as well as Daniel and Mary Blake, Janet Kennedy-Farmer, Derek Farmer, and Clement Abatiell along with exhibits in reaching a decision. The Wallingford Selectboard concluded the general public utilizes Mears Meadow Trail, no reports have been lodged with the town regarding issues arising from public use of Mears Meadow Trail, Mears Meadow Trail has a long history of use as a recreational trail, and there would be no cost savings to the town to discontinue a portion of Mears Meadow Trail.

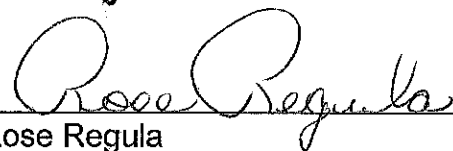
The Wallingford Selectboard hereby Orders as follows:

- 1) The request to discontinue a portion of Mears Meadow Trail (Legal Trail #5) is denied.
- 2) It is not in the public's good, necessity and convenience of the inhabitants of the municipality to discontinue the portion of Mears Meadow Trail on the Dean McGee property.
- 3) This Order shall be filed with the Wallingford Town Clerk for recording.
- 4) No party will be entitled to damages as a result of this denial of discontinuance request.

Signed the Wallingford Selectboard on August 7, 2017:

  
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William Brooks, Chair

  
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Gary Fredette

  
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Rose Regula



Mark Tessier



Nelson Tift, Vice Chair