

DRAFT

Town of Royalton, VT
ATV Ordinance Advisory Committee
6/15/2022 6:30 pm - Minutes - DRAFT
Virtual / In-person meeting
All recording timestamps are approximate

Committee Members: Sandy Conrad, Gidget Lyman, Tim Parker, Brad Sick, Dave Lewis, Ian Mackenzie, Peter Anderson, Bob Clavelle, Rick Schumann, Pamela Vesilind

Public: Demi Boles, Royalton Road Foreman; Royalton Police Chief Loretta Stalnaker

Meeting convened at approximately 6:40pm. Technical difficulties disrupted recording of the first part of the meeting.

APPROVAL OF AGENDA with no changes. Approved.

PUBLIC COMMENTS

Four comment letters were received by the Selectboard and/or ATV Committee: Nils Delaure, Michael Hogan, Stuart Ketchum, and Neil Goodwin (Appendix A)

ROADS DISCUSSION

Demi Boles, Royalton Road Foreman and Royalton Police Chief Loretta Stalnaker

Demi said he did not object to ATVs using any of the town highways.

Chief Stalnaker said she did not support ATVs riding on VT-14.

ORDINANCE

The committee continued to debate sections of the Vermont League of Cities and Towns model ATV ordinance. Debated sections included:

- Permitting youth (under 16-years-old) to operate ATVs on town highways, with adult supervision;
- Permitting access every day of the week during the ATV riding season;
- Permitting ATVs on town highways between 9:00 am to 8:00 pm during the riding season.

Approval of Minutes from June 1 meeting.

The meeting was adjourned at approximately 8:25 pm.

* * *

June 9, 2022

The ATV Ordinance Drafting Committee
Town of Royalton
Royalton Town Hall
PO Box 680
2460 Vermont Route 14
South Royalton, VT 05068

To Be Presented to the Select Board and to be read into the
Minutes of the Next meeting

Dear Sirs,

I understand that the Town is considering the granting of
permission to drive ATVs on town roads and I am writing to
register my strong objections.

The statistics alone should be enough to prevent the town
from granting permission. The vast majority of ATV
accidents take place on town roads rather than trails. From
1997 to the present time there has been an increase in
deaths and injuries with a 240% increase in injuries. And
75% of those injuries result in debilitating spinal cord
and brain injuries. Between 1982 and 2009 there were 10,281
deaths from ATV accidents nationwide. More than 25% of ATV
accident injuries were to those under 16 years of age.
Children account for 27% of injuries even though they are
only 15% of the riders.

There have been many recent recalls by manufacturers due to
design flaws and substandard safety equipment.

Town roads such as Broad Brook and the Oxbow are narrow,
winding and heavily traveled by automobiles, trucks and
utility equipment. There is often not enough room for two
vehicle to comfortably pass each other. To make travel on
these roads even more hazardous by allowing ATVs is
irresponsible to say the least – and all to accommodate a
very small number of recreational ATV drivers. ATVs were
designed for off-road and they should stay that way.

In addition to danger to the people who use the town roads
as they were designed to be used, there is the issue of
allowing ATVs in a crucial wildlife migration corridor. The
Two Rivers–Ottaquechee Regional Commission has been
monitoring wildlife movement between critical habitats in
the White Mountains and those in the green mountains. Their

studies have concluded that there is a critical corridor in a fairly narrow band of forest and mixed use land that passes through parts of Sharon, Pomfret, Royalton and Barnard. Roads, such as Broad Brook, the Oxbow, Otto Merrill Road, Moore Road, and many other minor roads pass through and interrupt this habitat. Adding ATV traffic and the noise, speed and reckless operation that too often comes with it, would further disturb this critical and unique wildlife corridor. The value of such corridors is self-evident and clear to naturalists, tourists, residents, and hunters alike.

By giving ATVs access to back roads, it increases the likelihood that many operators will venture uninvited and illegally onto private property. This has happened on several occasions on the property that I own on Broad Brook road. These trespassers have been opportunistic joyriders and lawless hunters. If you give them permission to drive on town roads there will be more of them finding and exploring and intruding into the network of private logging and agricultural roads in this area.

It has always been illegal to drive ATVs on town roads and there is no good reason to change that now. Whether it is safety to the public, to drivers of legal vehicles, safety of ATV operators themselves, increased pressure on critical wildlife habitat or the rights of private property owners, there are more than enough reasons to defeat this unwise minority-favoring proposal.

Sincerely,

Neil Goodwin
1845 Broad Brook Road
PO Box 383
South Royalton VT 05068

neilgoodwin@mac.com

Thursday, June 2, 2022

To the Royalton Selectboard:

My name is Stewart Ketcham and I reside on McIntosh Pond Rd. in South Royalton. This letter is written to the Royalton Selectboard for two reasons:

1. As a request to post the Class IV Pepperell Road for an extended period excluding traffic by wheeled vehicles which might further damage the road.
2. Additionally, I am requesting that the selectboard not designate the Class III access roads (McIntosh Pond and Jigger Hill) for ATV use at this time.

Last night I attended a meeting of the ATV Ordinance Committee and came to understand that my efforts might be better focused on the selectboard. I did recommend to the committee that they discourage ATV travel approval for both McIntosh Pond Rd and Jigger Hill Rd as access points to the Pepperell Rd, a Class IV Road, connecting the two Class III Roads (See next paragraph). The relevance is that Article VII on the March 2022 Town Meeting specified *"...in order to connect to recreational trails elsewhere."*

During the June 1 committee meeting I learned that Pepperell Road has been placed on the "back burner" for action. One reason is that it leads to Tunbridge which has none of their town roads designated for ATV traffic. The preservation of an unfragmented wildlife corridor between the Connecticut River Valley and the Green Mts. is another. (See Royalton Conservation Commission Position Statement on Proposed ATV Ordinance dated May 11, 2022 in the May 18 ATV committee minutes) The wet topography with a deteriorated road bed is an additional reason I am making a request for a "prolonged posting of this road banning wheeled vehicles which may aggravate the deterioration of the road surface". It is my understanding that *"any legally registered vehicle may travel on them unless otherwise posted"* and that they are also for the use of pedestrians, bicyclists and horseback riders. The abuse of the roadbed by some of those vehicles makes sections of Pepperell Road difficult for other users.

Prior to the meeting I walked Pepperell Rd. from end to end. I wished to see if the road was posted to prevent wheeled vehicle travel and to assess the condition of the road. A phone conversation today with Victoria Paquin explained that posted signs would have been placed at the beginning of the Class III Roads (as opposed to the ends of the Class IV Roads) and that they were likely already removed.

Knowing how wet Pepperell Rd. can be, I wasn't surprised to see deep wheel ruts and broad water holes at various places through the length of this road. This was not the case when I moved here in the mid 1980s when it was an easy walk on a good surface. I have placed annotated photos showing the deteriorated road condition in a Google Photo Album and shared with certain individuals.

Referring to the Topographical JPG file 01, you will note that the road lies at the base of the "Eastern Ridge" and that the land to the west is flat so accumulated water stays in the road. There is a section of road which is no longer passable: wheeled traffic follows trails on private land to the west for a short distance and returns on two legs of a triangle.

The landlocked property along this road which was formerly owned by Lynne McCarthy and now by the Vermont Land Trust is the location of the Calendar I historical site. This stone chamber has ancient origins and is considered a sacred and spiritual place by the indigenous peoples of Vermont. The Vermont Land Trust, which usually functions as an intermediary in transitioning land to protected status,

has been working with the Abenaki Nations people with the expectation that they will provide permanent ownership. Donna Foster is a land steward with the Vermont Land Trust and may be reached at [Donna Foster \(donna@vlt.org\)](mailto:donna@vlt.org) for more information.

The wet topography of Pepperell Road will require considerable effort and expense to bring it back to its former self with a road bed which will support wheeled vehicles without churning up mud holes. It is my understanding that state funds will not be available for this purpose unless the town selectboard authorizes ATV access to the approaching Class III roads and to Pepperell Road proper.

As the members of the Royalton Selectboard consider the findings of the ATV Ordinance Committee and evaluate a decision to designate access on Class III roads to Pepperell Rd I would encourage them to consider the following:

1. Since Tunbridge has no town roads designated for ATV use it makes no sense to designated connecting roads to Pepperell Roads
2. Pepperell Road is in sad shape, ATV activity is likely to make it worse
3. ATV activity may inhibit large game wildlife from moving through this corridor
4. Ownership of the property on which the Calendar I historic site is located is currently in limbo, and may ultimately be transferred to the Abenaki Nation for its spiritual nature to them
 - a. Damage has already occurred to the Calendar I chamber and it is very close to this road
 - b. At some point in the future the Town of Royalton may decide to “throw up” this road giving authority to a portion of this road to the Abenaki Nation. And they may wish to put “removable barriers” in place on the section abutting the Calendar I property. If it is already designated for ATV use, removing that designation may be more difficult.

Respectfully submitted,
Stewart Ketcham

MICHAEL J. HOGAN
P.O. Box 8
South Royalton, VT 05068
609 351 3144

June 1, 2022

Sent via Email Only

Dear Selectboard Members:

I am writing as a Royalton homeowner with regard to the ongoing work of the ATV Committee. I would like to share my observations after attending several committee meetings via Zoom. I do want to emphasize that the committee members are working very hard to accomplish a significant task within a short timeframe.

The committee has been asked to create and to recommend to the Selectboard an ATV ordinance about which the townspeople seem to be evenly divided—if the citizens' vote is considered to be a representative sample of the Royalton resident population.

While the committee is striving to do its best, it is having much difficulty due to many uncertainties and lack of information. Because of the absence of reliable data, the committee is making uncertain progress.

As you are aware, opening town roads to vehicles that are currently prohibited will significantly affect the quality of life for many town residents and their families who live on or nearby the roads and trails that are included in the proposed ATV route. In addition, such change in policy will potentially impact the financial exposure to the town for serious injury to ATV riders and residents on those roads and, conceivably, for injuries occurring on private property. Therefore, it is imperative that the Selectboard and the ATV committee expertly evaluate appropriate data for the safety of all parties: the ATV users, the traveling public, pedestrians, and the property owners who will be exposed to the adverse effects of this change to Royalton's land- and road-use policy, even if instituted on a trial basis.

During the ATV meetings the committee members and other attendees have discussed noise, conservation, and good planning principles, all subjects about which the committee, as a whole, has little if any expertise. The committee members often respond to questions with anecdotal comparisons and personal beliefs, without reference to informed, qualified expertise.

There has been no legal guidance (that I have observed, at least) regarding the ordinance drafting. Instead, the committee apparently is moving to use as a model an ordinance from another town or entity and to modify it, without having the benefit of understanding the legal ramifications of those modifications.

Preparing a comprehensive ordinance of this nature requires expertise on the environmental impact, including an analysis of the potential effects of noise and dust on residents of roadside homes and adjoining properties as well as effects on habitat. Traffic and road condition data are needed to ascertain impact on other vehicular traffic and pedestrians using the designated town roads. All of this information is vital to creating an effective ordinance that assures the quality of life to which Royalton's residents are entitled.

Significantly, while the committee is working to select which roads and accesses to approve, there are no written use-agreements with property owners—only second-hand representations of verbal “oks” from one or two property owners. Thus it seems quite possible that roads and trails will be selected and access points identified, but that after all of that work, the property owners will not agree to ATV access. This situation includes the attempt to connect the ATV system to Barnard, which apparently has not approved any locations for ATV access points to their roads or properties. This lack of certainty is self-defeating.

The ATV committee is well intentioned and is doing its best to meet the Selectboard's timeline. Ultimately, however, it is the Selectboard that is going to be responsible for authorizing significant changes to the use of the town's roads based on the committee's recommendation. Should there be a catastrophic injury or worse from ATV activities that the town is effectively sanctioning and endorsing, there is no telling what the financial impacts to the taxpayers and the property owners could be, even with the “insurance” coverage that is being touted. If the committee and the Selectboard have undertaken a thorough review with the help of legal, environmental, and safety expertise, the Selectboard will be in a much better position to defend its policy and the proposed ordinance changes—and perhaps to gain more public support along the way.

I would urge the Selectboard either to extend the timeframe for the committee's work and provide it with a budget to consult the needed experts, or to pause the committee's efforts until the Selectboard has done its own evaluation and consulting. The ATV committee deserves much credit, but it needs to secure qualified, independent guidance to assist in developing a meaningful ordinance.

Thank you very much for your consideration of my concerns.

Respectfully



Michael J. Hogan
Russ Hill Rd

From: Victoria Paquin <townadmin@royaltonvt.com>
Sent: Wednesday, June 15, 2022 12:48 PM
To: sandy.royalselex@gmail.com; Gidget Lyman; Robert Clavelle; Pamela Vesilind; Bradley Sick; Tim Parker; Peter Anderson; ian.countryfabrications.com; David Lewis; Rick Schuhmann
Subject: FW: ATV Ordinance committee comment

-----Original Message-----

From: Upper Lea Partners <upperleaplhc@gmail.com>
Sent: Wednesday, June 15, 2022 12:30 PM
To: Victoria Paquin <townadmin@royaltonvt.com>
Subject: ATV Ordinance committee comment

Please read this message into the formal meeting minutes of the ATV Ordinance Committee:

I am Nils Daulaire, owner of a South Royalton property that abuts Royalton Hill Road, Johnson Hill Road, and Davis Road.

I read with some surprise in the White River Valley Herald that in your June 1 committee meeting it was mentioned that the ATV proponents intended to ask me to use trails on my property (some of which I have made available to VAST over many years). I was surprised for two reasons: first, that I have been home and available for such a query ever since the original town vote, and have not been approached by the ATV proponents; and second, because I have been clear over many years in my conversations with Ridge Climbers snow machine club that any use of my trails by ATVs would cause me to close my trails to all motorized use; they have marked them accordingly.

To be entirely clear, I will not permit the local or statewide ATV clubs to enter or traverse my property, now or in the future.

I also note with concern that, contrary to the town road use plan originally proposed by the ATV proponents, there is now discussion about possibly using Johnson Hill Road, the upper part of Royalton Hill Road, and upper Davis Road as town road ATV thoroughfares. As an abutter of all three of these town roads, I wish to record my strenuous objection to this new proposal, and note that this is inconsistent with the terms originally laid out that was put to a town vote.

Sincerely,

Nils Daulaire
179 Upper Lea Road
South Royalton