District 1
Certcode 0208-0

### CERTIFICATE OF HIGHWAY MILEAGE YEAR ENDING FEBRUARY 10, 2018

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2018 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of POWNAL

in BENNINGTON

County

on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305, added 1985, is as follows:

PART I - CHANGES TOTALS - Please fill in and calculate totals.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000			17	0.000
Class 2	11.850			И	0.000
Class 3	51.98		0.03 0.30	51.68	0.000
State Highway	12.616			И	0.000
Total	76.446	76-146		76.146	0.000
Class 1 Lane	0.000			и	
Class 4	9.08		,	И	0.000
Legal Trail	0.10			, <b>n</b>	

<sup>\*</sup> Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

### PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

- 1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
- 2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

   0.25 mi CL3 => -0.20 mi CL3 TH-32 (Levino 121)

   0.05 mi CL3 TH-61
- 3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).

  -0.05 mi CL3 TH-42 (Montgomery Rd) due to realignment and remeasurement
- 4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. [ ]
PART III - SIGNATURES - PLEASE SIGN: Selectmen/ Aldermen/ Trustees Signatures:
T/C/V Clerk Signature: Julio D. J. J. Pate Filed: 0-9-18  Please sign ORIGINAL and return it for Transportation signature.
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.  APPROVED:  Representative, Agency of Transportation  DATE:

### **Vermont Statutes Annotated**

## FEB 13 2018

**Development Division** 

Received

### 19 V.S.A. § 305. Measurement and inspection

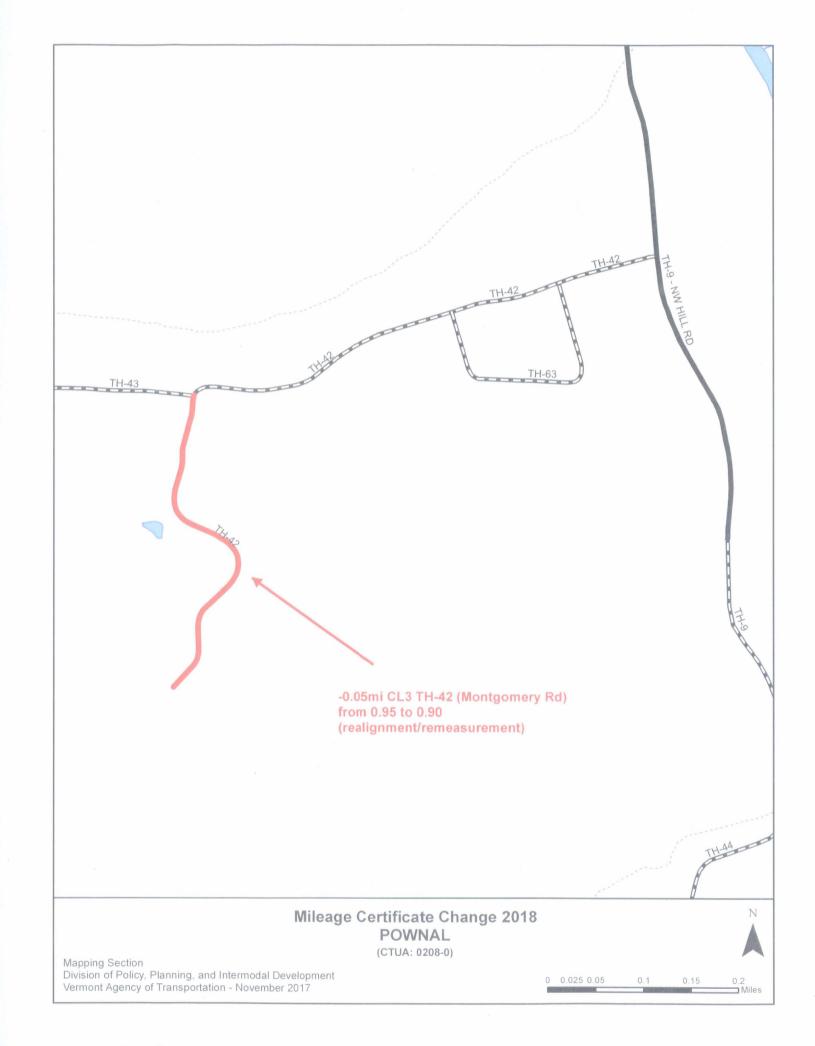
Policy, Planning & Intermodal

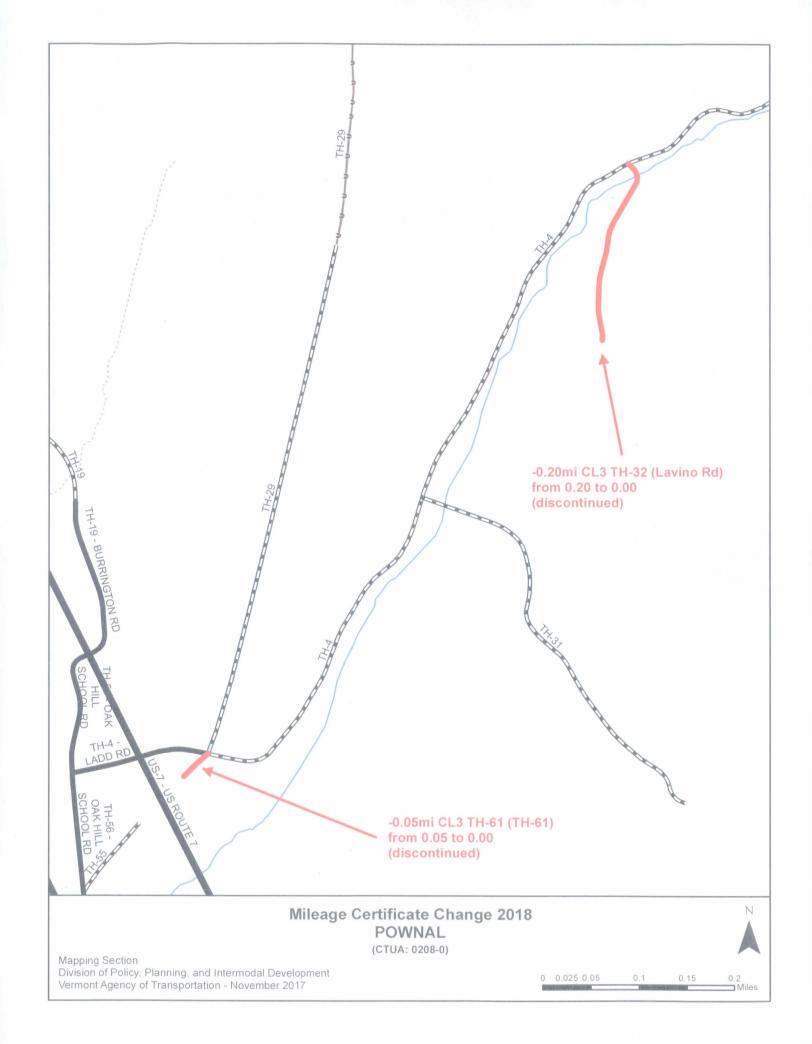
### § 305. Measurement and inspection

- (a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.
- (b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.
- (c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.
- (d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.
- (e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.
- (f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description, or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.
- (g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate.

Excerpt of 19 V.S.A. § 305 - Measurement and inspection from Vermont Statutes Online located at – https://legislature.vermont.gov/statutes/section/19/003/00305

December 2017







State of Vermont
Division of Policy, Planning and Intermodal
1 National Life Drive
Montpelier, VT 05633-5001
http://vtrans.vermont.gov/

preload

Agency of Transportation

:@vermont.gov

preloaded 2017-12-6

November 13, 2017

Ron Bisson, Selectboard Chair Town of Pownal, c/o Town Clerk PO Box 411 Pownal, VT 05261

Dear Mr. Bisson,

While reviewing the road centerlines in the Town of Pownal against current orthophotography, the VTrans Mapping Section noticed that there was a realignment on a portion of TH-42 (Montgomery Road). On September 12, 2012, Michael Trunzo of Mapping performed a review of this highway through a field inventory and determined the following:

Class 3 TH-42 (Montgomery Road) mileage was reduced by 0.05 from 0.95 to 0.90.

A map of the realigned section has been included to provide context of the mileage change.

Based on the current alignments of TH-42, the mileage change will be reflected as remeasurements and preloaded on the 2018 Certificate of Highway Mileage for Pownal. The Certificate is expected to be mailed to the town in early January and return to VTrans by February 20<sup>th</sup>.

Please feel free to contact me with any questions or comments regarding these changes, or mapping in general.

Sincerely,

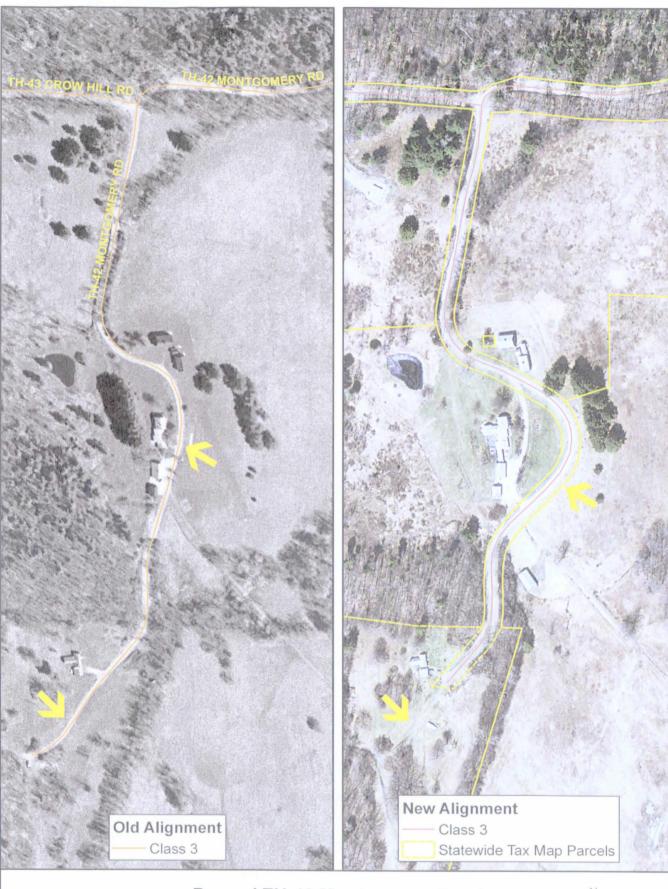
Johnathan Croft

**VTrans Mapping Section Chief** 

JFC/sem

Enclosures

cc: Robert Faley – District Transportation Administrator – District 1
Christopher Taft – District Project Manager – District 1



## Pownal TH-42 Montgomery Road

Mapping Section
Division of Policy, Planning and Intermodal Development
Vermont Agency of Transportation - November 2017

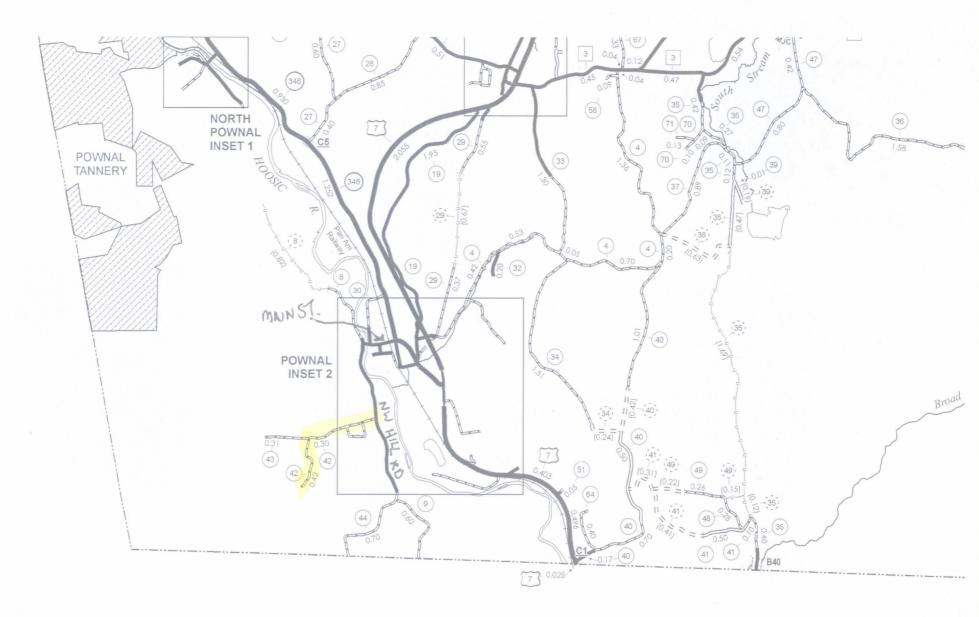


### ROAD INVENTORY FORM

VERMONT AGENCY OF TRANSPORTATION
PLANNING DIVISION
MAPPING AND ROAD INVENTORY SECTION

PARTY CHIEF MICH	LAEL .	TRU	N2	_0		TOWN POWNAL	
RECORDER KERRY ALLEY						COUNTY HWY. DIST. NO	
TOWN OFFICIAL						nl -42 -	
TITLE						SHEET NO.   OF   DATE 9/12/17	
SURFACE TYPE & WIDTH	SHOULDER TYPE XX WIDTH	SIDEWALK TYPE X X X X X X X X X X X X X X X X X X X	-	CONDITION	ROAD CLASS	REMARKS MONTGOMERY RD NEW ALIGNMENT	
						END	
						0 900 +SUBARU	0.38
						0 798 > REJOIN ORIGINAL  LINE  0 684 > LEAVE ORIGINAL	
						T43 0 522	0.30
						T63 < 0,224	0.11
						T63 C 0 108	0.11
						TH-9	





MASSACHUSETTS

# HMS Bust Reporting Sheet

Date 8/20/12	Filled Out By MICHAEL			
Town POWNAL  Town Highway # 47	Map Year Highway Class_3			
Data Layer ROSMALL				
Correction needed:				
🕰 RDS Needs Update				
Surface Water Name				
☐ Map or Cartographic Fix				
☐ Bridge/Transtruc Fix				

Correction Description:

☐ Public Land Fix

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# TOWN OF POWNAL POWNAL SELECTBOARD

In re Discontinuance of T.H. 32 (Lavino Road) and T.H. 61 (Renners Drive).

The Pownal Selectboard convened a hearing subject to proper warning and notice on December 9, 2017, to hear all persons interested in the discontinuance of T.H. 32 and T.H. 61, a proposal made by the Selectboard. Present were Nelson Brownell, Chair; Suzanne Caraman, and Bruce Martel, Selectboard members. Ron Cote, Road Foreman Joel Burrington, and Administrative Assistant Linda Sciarappa were also in attendance.

The board met at the town office and promptly recessed to conduct a site visit to each of these highways, then returning to the office for the hearing. Based on the evidence presented to the board at the hearing, the board makes the following

### Findings of Fact

- 1. T.H. 32 (Lavino Road) and T.H. 61 (Renners Drive) are Class 3 town highways in Pownal.
  - 2. Renners Drive no longer serves any public purpose nor any residence.
- 3. The original dwelling on Renners Drive having been demolished and removed from the property.
- 4. A new dwelling has been constructed on the property which is served by a driveway that does not include Renners Drive.
- 5. Lavino Drive is a paved driveway leading to a dwelling and a small camp, and is approximately 1,000' in length.
  - 6. This road solely benefits the owner of the property and serves no public purpose.
- 7. The cost of maintenance of Renners Drive and Lavino Drive is not a reasonable use of public funds.

Based on these findings, the board makes the following

### Conclusion of Law and Decision

The public good, necessity, and convenience of the inhabitants of Pownal justify the discontinuance of T.H. 32 and T.H. 61.

This decision shall be recorded in the Pownal land records, and a copy sent to Ron Cote.

### Appeal Rights

Any person interested in this decision may appeal it to the Bennington Unit of the Civil Division of the Vermont Superior Court in writing within 30 days of the date below.

WYAL SELECTBOARD

eson Brownell, Chair

Suzanne Caraman

Bruce Martel

Attest:

Idlie Weber, Assistant Town Clerk

Dated this 28th day of December, 2017.

Pownal, VT Town Clerk's Office

Secember 30

of o'clock 30 and recorded incBook

n Book | TO Page

Attest:\_

# POWNAL SELECTBOARD TOWN OFFICE POWNAL, VT

### SATURDAY, DECEMBER 9, 2017 MINUTES OF PUBLIC HEARING

Board Members Present: Chairman Nelson Brownell, Suzanne Caraman, Bruce Martel

Absent: Jason Olansky and Ronald Bisson excused

Also Present: Ron Cote, Road Foreman Joel Burrington, Administrative Assistant Linda

Sciarappa

Chairman Nelson Brownell opened the public hearing at 9:10 a.m. for a site visit to TH32 Lavino Rd. and TH61 Renners Drive. All individuals listed in attendance left for the site visit and returned to the Pownal Town Office at 9:35 a.m.

There was only one landowner present to offer testimony. Ronald Cote was sworn in by Linda Sciarappa, Public Notary.

### **Renners Drive:**

Ronald Cote-property owner Parcel ID# 004-57 100 Ladd Rd.
Pownal, VT 05261

Ronald Cote was concerned about what would happen to the road once it was discontinued: would the road be abandoned and would this affect his property value. He stated he had moved his mailbox from the roadside and installed it at his new driveway. If the town were to abandon the road he would prefer the Town add topsoil over the approximate 325 feet and seed it. He would then maintain the area.

### **Hearing Closed**

Mr. Martel moved and Ms. Caraman seconded to close the hearing at 9:45 a.m. The motion carried unanimously of the board members present.

### Renners Dr. TH61

By consensus of the board members present, deliberative session was held in open session. The same individuals were present for discussion regarding Mr. Cote's request for top soil, seed and the road revert back to the landowner. Linda Sciarappa had inquired prior of Pownal Lister, Barbara Schlesinger if discontinuance would impact the Grand List. The Lister's response was that it would not be significant.

### BS17-36DEC09

Page 2

Factors taken into consideration were:

- Renners Drive solely benefits the property owner.
- The original dwelling had been demolished and removed from the property.
- A new dwelling was constructed on the property in another location.
- A new driveway was installed.
- The mailbox was relocated to the new driveway.
- The graveled road length is .05 mile.
- State highway aid has little impact on town revenues.

Mr. Martel moved and Ms. Caraman seconded to discontinue Renners Dr. and to return the road to the property owner. The motion carried unanimously of the board members present. The town agrees to add top soil over the graveled road and seed in Spring, 2018. The property owner agrees to maintain the grassed area going forward.

Mr. Cote left deliberative session at 9:47 am.

### TH32 Lavino Rd.

At 9:48 am, Ms. Caraman moved and Mr. Martel seconded to deliberate in executive session. The motion carried unanimously of the board members present. Also present was Linda Sciarappa and Road Foreman Joel Burrington. At 9:55 am, Ms. Caraman moved and Mr. Martel seconded to come out of executive session. The motion carried unanimously of the board members present.

Ms. Caraman moved and Mr. Martel seconded to discontinue Lavino Rd. and return the road to the property owner. The motion carried unanimously of the board members present.

Factors taken into consideration were:

- Lavino Road is a paved driveway leading to a dwelling and small camp, approximately 1,000' in length.
- There is no outlet.
- Lavino Road solely benefits the property owner.
- No one has lived in either dwellings for quite some time.
- State highway aid has little impact on fown revenues.

Ms. Caraman moved and Mr. Martel seconded to adjourn at 9:56 am. The motion carried unanimously of the board members present.

BS17-36DEC09 Page 3

Respectfully submitted, Linda Sciarappa, Administrative Assistant

Pownal Selectboard:

Nelson Brownell, Chairman Suzanne Caraman, Clerk Bruce Martel

### **NOTICE OF HEARING**

### RE: DISCONTINUANCE OF TWO TOWN HIGHWAYS IN POWNAL, VERMONT

Pursuant to the provisions of 19 V.S.A. § 708(a), the Selectboard of the Town of Pownal, on its own motion, hereby gives notice, in accordance with 19 V.S.A. § 709, that the Selectboard will meet at the Town Office in Pownal, a public place in the Town, at 9:00 a.m. on December 9, 2017, for a site visit, and then recess to the Town Office for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Pownal shall discontinue Town Highways 32 (Lavino Road) and 61 (Renners Drive).

If after examination of the premises and hearing any and all interested persons, the Selectboard judges that the public good, necessity and convenience of the inhabitants of the Town of Pownal require that said highway be discontinued, it will be so ordered. No damages are available for discontinuance of highways or trails.

Dated at Pownal, Vermont, this 9th day of November, 2017

Nelson Brownell, Chairman

Jason ØJansky

Suzanne Caraman

Ronald Bisson

**Bruce Martel** 

Attest: A True Record

Assistant Town Clerk, Town of Pownal

### **CERTIFICATION**

I, Julie Weber, Assistant Town Clerk, Town of Pownal, Vermont, hereby certify that on November 9, 2017, I caused the within and foregoing notice of hearing to be posted at the Town of Pownal Town Clerk's Office, and caused copies thereof to be mailed by certified mail, return receipt requested, to:

1. #004-53 Owner #1 Putney, Marguerite Lavino
Owner #2 Lavino, James D. & Lauren K.
PO Box 1078
Manchester, VT 05254-1078

Ann Greenwood
Alton & Westall Realty
77 Water Street
Williamstown, MA 01267

- 2. #004-57 Owner #1 Cote, Ronald Owner #2 Cote, Beth 100 Ladd Rd. Pownal, VT 05261
- 3. #004-57 Bank of Bennington 155 North Street Bennington, VT 05201
- 4. Comcast Corporate Office 1701 John F. Kennedy Blvd. Philadelphia, PA 19103-2838
- 5. Fairpoint Communications Headquarters 521 E. Morehead Street Charlotte, NC 28202
- Green Mountain Power Operations
   2152 Post Rd. Rutland, VT 05701

7. Vermont Secretary of Transportation
1 National Life Dr.
Unit 33
Montpelier, VT 05602

I further certify that I caused the within and foregoing notice to be published in the November 15, 2017 issue of the Bennington Banner, a newspaper circulating within the Town of Pownal, Vermont.

Dated at Pownal, Vermont this 9th day of November, 2017.

Julie Weber, Pownal Assistant Town Clerk

#### NOTICE OF HEARING RE: DISCONTINUANCE OF TWO TOWN HIGHWAYS IN POWNAL, VERMONT

Pursuant to the provisions of 19 V.S.A. § 703(a), the Selectboard of the Town of Pownal, on its own motion, hereby gives notice, in accordance with 19 V.S.A. § 709, that the Selectboard will meet at the Town Office in Pownal, a public place in the Town, at 9:00 a.m. on December 9, 2017, for a site visit, and then recess to the Town Office for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Pownal shall discontinue Town Highways 32 (Lavino Road) and 61 (Ranners Drive).

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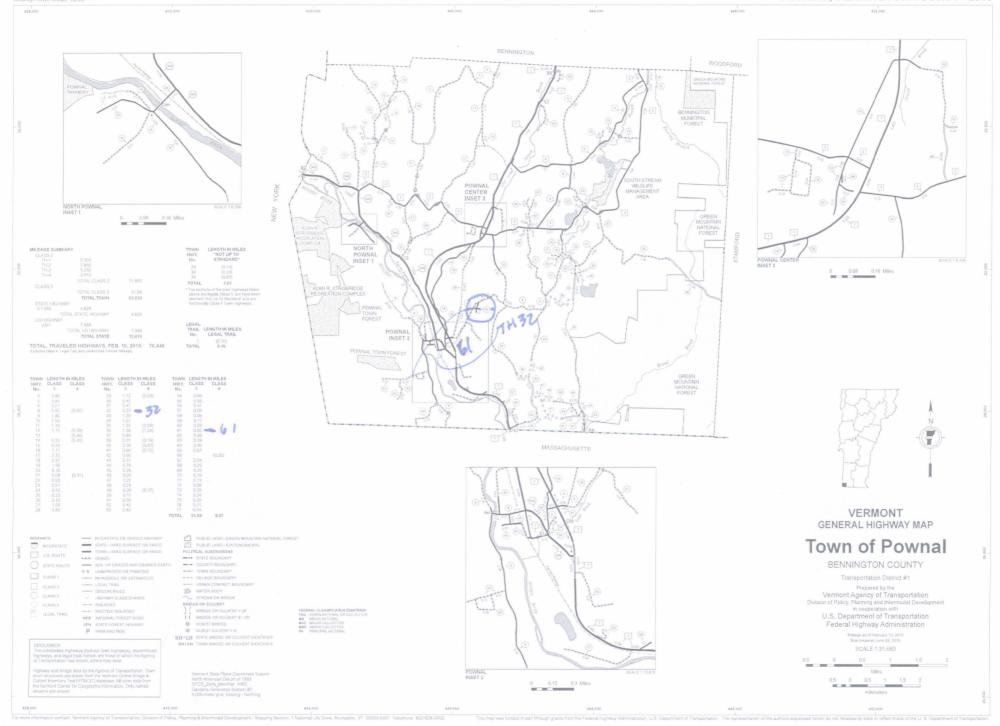
Dated at Pownal, Vermont, this 9th day of November, 2017.

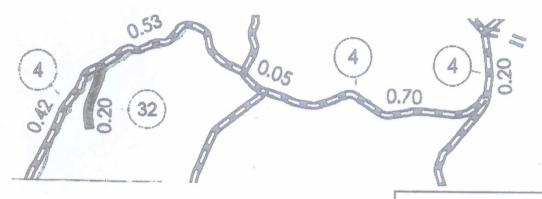
Neison Browneil, Chaliman Jason Olansky Suzanne Caraman Ronald Bisson Bruse Martel

Attest: A True Record Julis M. Webber Assistant Town Clerk, Town of Pownal 11/15/17

## Thank you,

Nancy McLean
Public Notice Coordinator
New England Newspapers, Inc.
75 South Church Street
Pittsfield, MA 01201
413-496-6260, 1-800-245-0254 opt #3





HWY#

NAME

4

LADD RD/ NILES SCHOOL

32

LAVINO RD



TH #32 - LAVINO RD

2 UNOCCUPIED DWELLINGS

1 CAMP

1 HOUSE

SAME OWNERSHIP

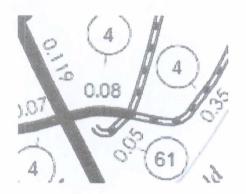
Class

Mileage

3

.20

Tenants in common



HWY#	NAME
4	Ladd Rd
61	Renners Drive



TH #61 – RENNERS DRIVE	Class	Mileage
0 Dwellings	3	.05
Dwelling that was historically serviced removed in 2016.		