

District 1, 2  
 Certcode 0216-0

**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 WINHALL 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            |               |                    | u             | 0.000           |
| Class 2        | 11.523           |               |                    | u             | 0.000           |
| Class 3        | 32.08            |               | 0.21<br>miles      | 31.87         | 0.000           |
| State Highway  | 12.289           |               |                    | u             | 0.000           |
| <b>Total</b>   | <b>55.892</b>    |               |                    | <b>55.682</b> | <b>0.000</b>    |
| * Class 1 Lane | 0.000            |               |                    | u             |                 |
| * Class 4      | 3.19             |               | 1.19 mile          | 2.00          | 0.000           |
| * Legal Trail  | 0.49             | 1.40          |                    | 1.89          |                 |

\* 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).
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).  
 0.21 mi CL3 TH-7 => 0.21 mi LT LT-2  
 1.19 mi CL4 TH-7 => 1.19 mi LT LT-2
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:

*[Handwritten signatures]*  
 T/C/V Clerk Signature: *[Handwritten signature]* Date Filed: *March 19, 2018*

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED: *[Handwritten signature]* DATE: *4/18/2018*  
 Representative, Agency of Transportation

Vermont Statutes Annotated

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

Received

MAR 26 2018

Policy, Planning & Intermodal  
Development Division

§ 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.

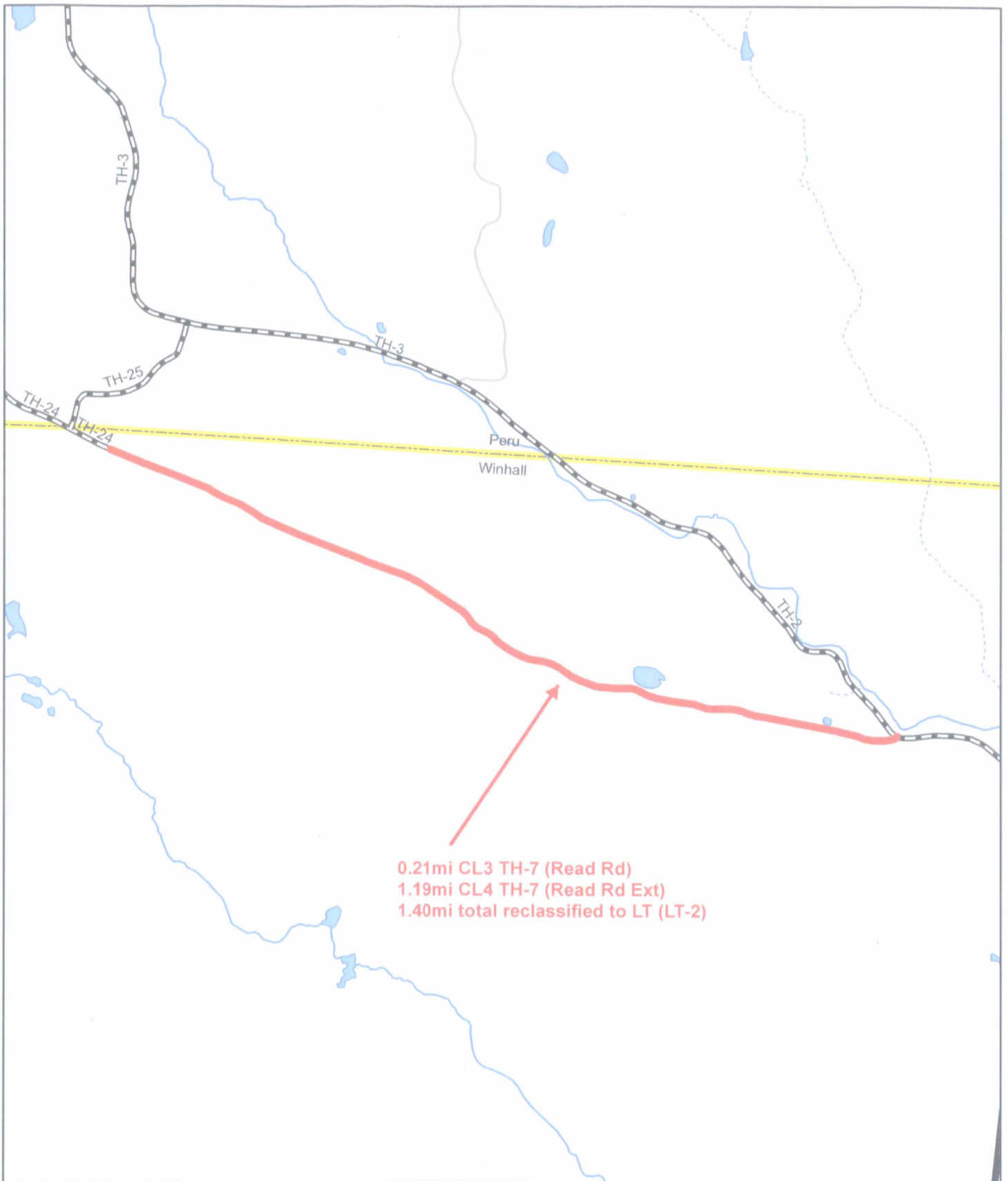
(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body 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>



**Mileage Certificate Change 2018**  
**WINHALL**  
 (CTUA: 0216-0)

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



To: Winhall File  
From: Sara Moulton, GIS Professional III  
Date: 24 October 2017  
Subject: Alignments of the Discontinued Portion of TH-21 (Ivy Hill Rd) and TH-44 (Jamie Ln)

On 19 October 2017, VTrans Mapping Section employees, Michael Trunzo and Kevan Grimaldi, performed a field inventory of TH-44 Jamie Ln. They confirmed that its alignment was not represented correctly on the town highway map. Based on their field review and my review of the documents in our office files, I've updated the VTrans GIS road centerline data. The resulting road alignments are shown on the attached three maps.

Need 2018 map for Winhall

see Winhall town file for details

No change in mileage.

Sara



**State of Vermont**  
**Division of Policy and Planning - Mapping Section**

1 National Life Drive  
Montpelier, VT 05633-5001  
<http://vtrans.vermont.gov>

Telephone: 802-828-2600  
Fax: 802-828-2334  
Email: [johnathan.croft@vermont.gov](mailto:johnathan.croft@vermont.gov)

*Agency of Transportation*

March 9, 2018

Chair, Selectboard  
Winhall  
c/o Town Clerk  
115 VT Route 30  
Bondville, VT 05340

To Town Clerk and Selectboard:

In early January, the Vermont Agency of Transportation mailed the annual Certificate of Highway Mileage to you for completion and return. To date, your town's certificate has not been received. We use this certificate to confirm highway mileage for the purpose of allocating state aid for town roads. If we do not receive a completed mileage certificate from you by March 31, we will assume there are no changes from last year's certificate and state aid will be based on those mileages.

The completed mileage certificate should be returned to:  
Vermont Agency of Transportation  
PPIDD - Mapping Section  
1 National Life Drive  
Montpelier, VT 05633-5001

Please feel free to contact me with any questions or comments regarding the Mileage Certificates or the process. I can be reached via telephone at (802) 828-2600 or via email at [johnathan.croft@vermont.gov](mailto:johnathan.croft@vermont.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Johnathan Croft".

Johnathan Croft  
AOT GIS Database Administrator

JFC/kg

cc: Mileage Certificate File

## Town Highway/Legal Trails Addition/Reclassification/Discontinuance Checklist

The following includes a checklist of the documentation to be supplied to the Vermont Agency of Transportation (VTrans) when adding / reclassifying / discontinuing highways and trails. The documentation is subject to verification by VTrans.

Check the box  if the information is included as part of the documentation submitted.

- A description of the affected highway or trail  
Vt. Stat. Ann. tit. 19, § 305(e)
- A current town highway map with the requested deletions and additions sketched on it  
Vt. Stat. Ann. tit. 19, § 305(e)
- Minutes of meetings at which the legislative body took action with respect to the changes  
(include copies of the meeting minutes) Vt. Stat. Ann. tit. 19, § 305(e)
- Evidence of written notice to adjoining landowners  
(include a copy of the newspaper notice and a copy of the letter sent to adjoining landowners)  
Vt. Stat. Ann. tit. 19, § 709
- A copy of any surveys of the affected highway or trail  
Vt. Stat. Ann. tit. 19, § 305(e) Vt. Stat. Ann. tit. 19, § 704

N/A

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For Class 3 or Class 4 town highway additions

A Certificate of Completion and Opening

While not required by statute, a Certificate of Completion and Opening form is a helpful document for the record.

All records filed with the agency are subject to verification in accordance with 19 V.S.A. § 305 (a) and 19 V.S.A. § 305 (e).

Vermont Agency of Transportation  
Division of Policy, Planning and Intermodal Development, Mapping Section  
1 National Life Drive, Montpelier, VT 05633-5001



**State of Vermont**  
**Division of Policy and Planning - Mapping Section**

1 National Life Drive  
Montpelier, VT 05633-5001  
<http://vtrans.vermont.gov>

Telephone: 802-828-2600  
Fax: 802-828-2334  
Email: [johnathan.croft@vermont.gov](mailto:johnathan.croft@vermont.gov)

*Agency of Transportation*

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Chair, Selectboard  
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c/o Town Clerk  
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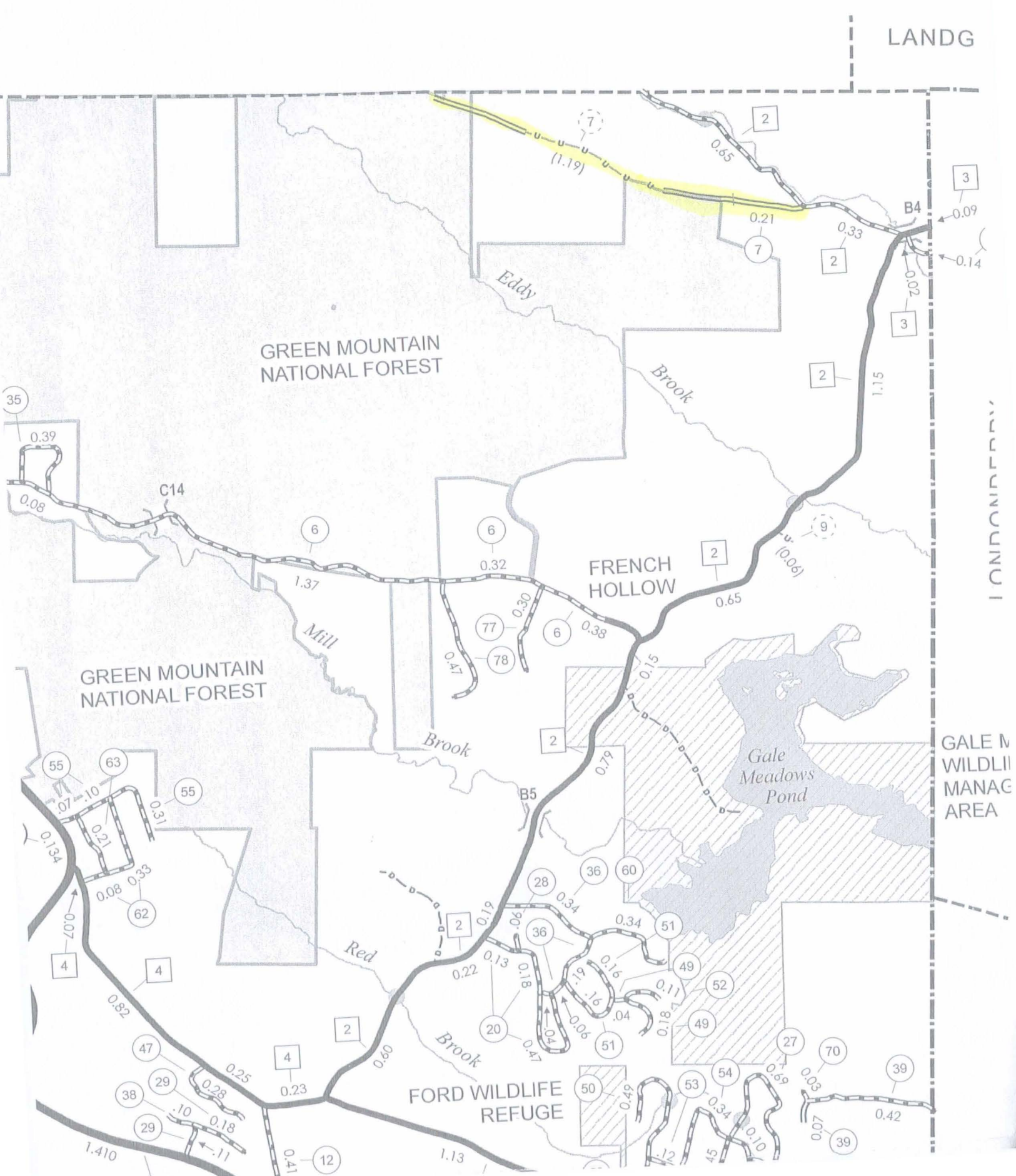
A handwritten signature in black ink, appearing to read "Johnathan Croft".

Johnathan Croft  
AOT GIS Database Administrator

JFC/kg

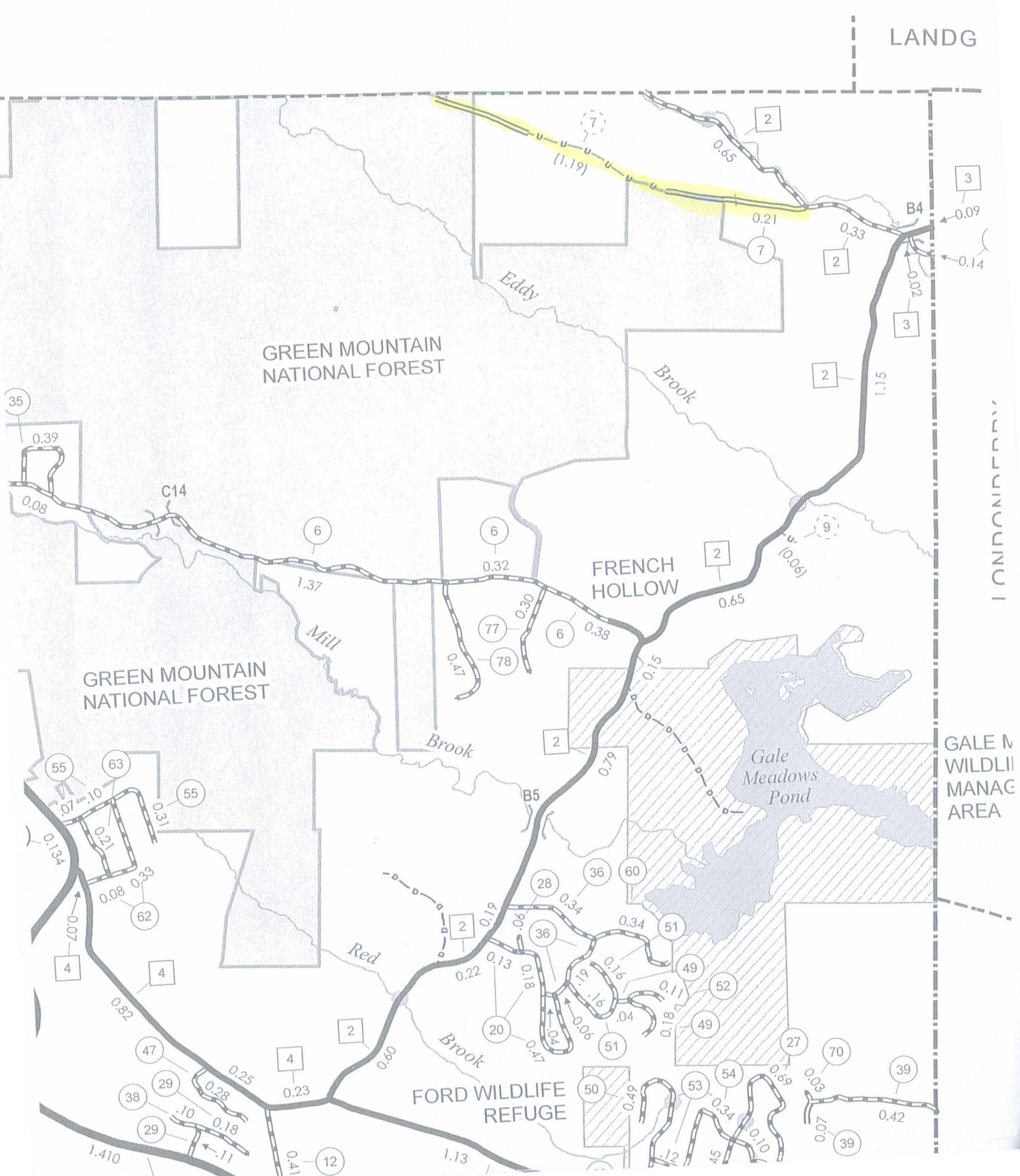
cc: Mileage Certificate File

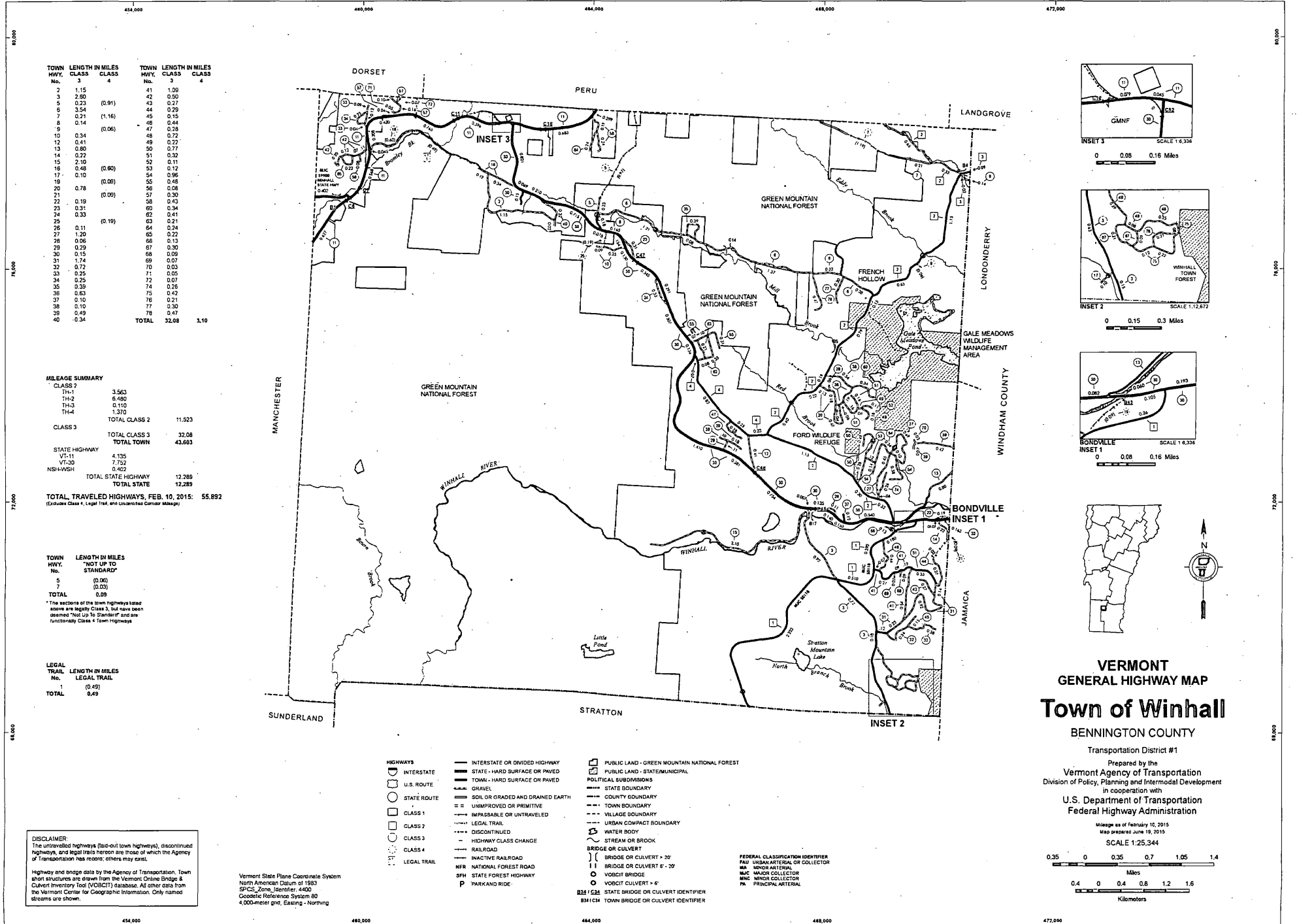
Trad Road





# Read Road





| TOWN HWY. No. | LENGTH IN MILES CLASS 3 | LENGTH IN MILES CLASS 4 | TOWN HWY. No. | LENGTH IN MILES CLASS 3 | LENGTH IN MILES CLASS 4 |
|---------------|-------------------------|-------------------------|---------------|-------------------------|-------------------------|
| 2             | 1.15                    |                         | 41            | 1.09                    |                         |
| 3             | 7.80                    |                         | 42            | 0.50                    |                         |
| 5             | 0.23                    | (0.91)                  | 43            | 0.27                    |                         |
| 6             | 3.54                    |                         | 44            | 0.79                    |                         |
| 7             | 0.21                    | (1.16)                  | 45            | 0.15                    |                         |
| 8             | 0.14                    |                         | 46            | 0.44                    |                         |
| 9             |                         | (0.06)                  | 47            | 0.28                    |                         |
| 10            | 0.34                    |                         | 48            | 0.72                    |                         |
| 12            | 0.41                    |                         | 49            | 0.22                    |                         |
| 13            | 0.80                    |                         | 50            | 0.77                    |                         |
| 14            | 0.22                    |                         | 51            | 0.32                    |                         |
| 15            | 2.10                    |                         | 52            | 0.11                    |                         |
| 16            | 0.48                    | (0.80)                  | 53            | 0.17                    |                         |
| 17            | 0.10                    |                         | 54            | 0.96                    |                         |
| 18            |                         | (0.05)                  | 55            | 0.48                    |                         |
| 20            | 0.78                    |                         | 56            | 0.38                    |                         |
| 21            |                         | (0.09)                  | 57            | 0.30                    |                         |
| 22            | 0.19                    |                         | 58            | 0.43                    |                         |
| 23            | 0.31                    |                         | 60            | 0.34                    |                         |
| 24            | 0.33                    |                         | 62            | 0.41                    |                         |
| 25            |                         | (0.19)                  | 63            | 0.21                    |                         |
| 26            | 0.11                    |                         | 64            | 0.24                    |                         |
| 27            | 1.20                    |                         | 65            | 0.22                    |                         |
| 28            | 0.06                    |                         | 66            | 0.13                    |                         |
| 29            | 0.29                    |                         | 67            | 0.30                    |                         |
| 30            | 0.15                    |                         | 68            | 0.09                    |                         |
| 31            | 1.74                    |                         | 69            | 0.07                    |                         |
| 32            | 0.72                    |                         | 70            | 0.03                    |                         |
| 33            | 0.39                    |                         | 71            | 0.05                    |                         |
| 34            | 0.25                    |                         | 72            | 0.07                    |                         |
| 35            | 0.39                    |                         | 74            | 0.07                    |                         |
| 36            | 0.63                    |                         | 75            | 0.42                    |                         |
| 37            | 0.10                    |                         | 76            | 0.21                    |                         |
| 38            | 0.10                    |                         | 77            | 0.38                    |                         |
| 39            | 0.49                    |                         | 78            | 0.47                    |                         |
| 40            | 0.34                    |                         |               |                         |                         |
| <b>TOTAL</b>  |                         | <b>32.08</b>            | <b>32.08</b>  |                         | <b>3.10</b>             |

**MLEAGE SUMMARY**

| CLASS 2              | TOTAL CLASS 2 |
|----------------------|---------------|
| TH-1                 | 3,503         |
| TH-2                 | 6,400         |
| TH-3                 | 0,110         |
| TH-4                 | 1,310         |
| <b>TOTAL CLASS 2</b> | <b>11,523</b> |

| CLASS 3              | TOTAL CLASS 3 |
|----------------------|---------------|
| STATE HIGHWAY        | 43,603        |
| VT-11                | 4,135         |
| VT-20                | 7,729         |
| NSH-VSH              | 0,402         |
| <b>TOTAL CLASS 3</b> | <b>52,289</b> |

**TOTAL TRAVELED HIGHWAYS, FEB. 10, 2015: 55,892**  
(Excludes Class 4, Legal Trail, and Unimproved Corner Mileage)

| TOWN HWY. No. | LENGTH IN MILES "NOT UP TO STANDARD" |
|---------------|--------------------------------------|
| 5             | (0.00)                               |
| 7             | (0.03)                               |
| <b>TOTAL</b>  | <b>0.03</b>                          |

\*The sections of the town highways listed above are legally Class 3, but have been deemed "Not Up To Standard" and are functionally Class 4 Town Highways

| LEGAL TRAIL No. | LENGTH IN MILES LEGAL TRAIL |
|-----------------|-----------------------------|
| 1               | (0.49)                      |
| <b>TOTAL</b>    | <b>0.49</b>                 |

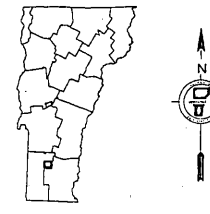
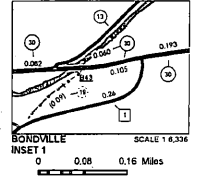
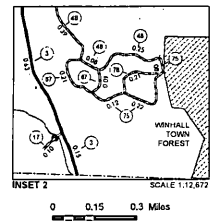
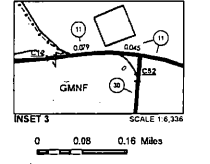
**DISCLAIMER:**  
The untraveled highways (tag-out town highways), discontinued highways, and legal trails herein are those of which the Agency of Transportation has record; others may exist.

Highway and bridge data by the Agency of Transportation, Town short structures are drawn from the Vermont Online Bridge & Culvert Inventory Tool (VOCBIT) database. All other data from the Vermont Center for Geographic Information. Only named streams are shown.

Vermont State Plane Coordinate System  
North American Datum of 1983  
SPCS\_Zone\_Identifier: 4000  
Coordinate Reference System 80  
4,000-meter grid, Easting - Northing

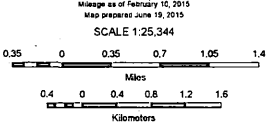
- HIGHWAYS**
- INTERSTATE OR DIVIDED HIGHWAY
  - STATE - HARD SURFACE OR PAVED
  - TOWN - HARD SURFACE OR PAVED
  - U.S. ROUTE
  - STATE ROUTE
  - CLASS 1
  - CLASS 2
  - CLASS 3
  - CLASS 4
  - LEGAL TRAIL
  - IMPASSABLE OR UNTRAVELED
  - LEGAL TRAIL
  - DISCONTINUED
  - HIGHWAY CLASS CHANGE
  - RAILROAD
  - INACTIVE RAILROAD
  - NFR NATIONAL FOREST ROAD
  - SPM STATE FOREST HIGHWAY
  - P PARK AND RIDE
- PUBLIC LAND - GREEN MOUNTAIN NATIONAL FOREST**
- PUBLIC LAND - STATE/MUNICIPAL
  - POLITICAL SUBDIVISIONS
  - COUNTY BOUNDARY
  - TOWN BOUNDARY
  - VILLAGE BOUNDARY
  - URBAN COMPACT BOUNDARY
  - WATER BODY
  - STREAM OR BROOK
  - BRIDGE OR CULVERT
  - BRIDGE OR CULVERT - 20'
  - BRIDGE OR CULVERT 6' - 20'
  - VOICBIT BRIDGE
  - VOICBIT CULVERT - 6'
  - STATE BRIDGE OR CULVERT IDENTIFIER
  - TOWN BRIDGE OR CULVERT IDENTIFIER

**FEDERAL CLASSIFICATION IDENTIFIER**  
 PA1 USDA ARTERIAL OR COLLECTOR  
 MA MAJOR ARTERIAL  
 MC MAJOR COLLECTOR  
 MI MINOR COLLECTOR  
 PM PRINCIPAL ARTERIAL



**VERMONT**  
**GENERAL HIGHWAY MAP**  
**Town of Winhall**  
 BENNINGTON COUNTY

Transportation District #1  
 Prepared by the  
 Vermont Agency of Transportation  
 Division of Policy, Planning and Intermodal Development  
 in cooperation with  
 U.S. Department of Transportation  
 Federal Highway Administration



TOWN OF WINHALL  
SELECTBOARD

In re: Reclassification of Read Road, Town Highway #7 To Legal Trail

**FINDINGS, CONCLUSIONS, AND DECISION**

The Winhall Selectboard met on Tuesday, August 1, 2017 at Read Road, Town Highway #7, to conduct a site visit and hearing on the Board's notice to consider the Reclassifying Read Road in its entire length to a Town Trail. In September of 2016 the Board considered the discontinuance of Read Road, Town Highway #7, and concluded that it was not justified by the public good, necessity nor convenience of the inhabitants to discontinue Read Road at this time and the Board decided it warranted further study. On its own motion, the Town of Winhall, through the Selectboard, warned the present hearing.

The Minutes of the August 1, 2017 Hearing with the associated Notice of Hearing and Exhibits A through D are hereby incorporated herein and made a part hereof.

Based on the testimony, exhibits, and other evidence offered at the hearing, the Board makes the following:

**Findings of Fact**

1. Town Highway #7, also known as Read Road (the class 3 portion) and Read Road Extension (the class 4 portion), begins on South Road adjacent to the lands of Jesser and runs through the lands of Crabtree, Judge, Zaino, and the National Forest and is a three rod road from the centerline as shown in metes and bounds on Exhibit D, a certain survey of record by Charles M. Stewart, surveyor, dated January 2, 2007, recorded July 5, 2007 in Map Pull#25 Town of Winhall Land Records, entitled "The Property of Signa L. Read, Trustee of the Signa L. Read January 5, 1998 Revocable Living Trust" which survey is referenced and used herein, Exhibit D.
2. There was evidence of the original laying out of this Highway by the Selectmen by Survey found at Page 5, Town Records 1810-1859, Exhibit C.
3. Witnesses testified and evidence was presented as noted in the August 1, 2017 Minutes, Notice of Hearing, and Exhibits A-D attached hereto and made a part hereof.
4. The costs to the Town of maintaining the Class 3 section, Read Road, and the associated plow time and maneuvering without a cul-de-sac and the future potential costs associated with any required maintenance of the class 4 section, Read Road Extension, so-called, supports the reclassification of Town Highway #7 to a Legal Trail where the Town will no longer be held responsible for any of the maintenance and the rights of the public are protected in its use into the future.
5. There was support for the conservation and recreational purposes associated with reclassifying to a Legal Town Trail wherein all public had continued have access to the Trail and to the National Forest it bounds.

Based on these findings, the Selectboard makes the following

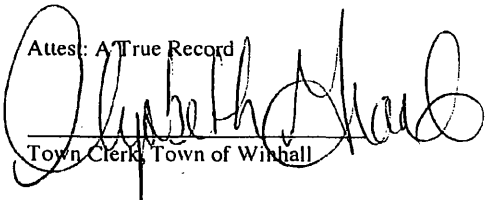
**Conclusions of Law and Decision**


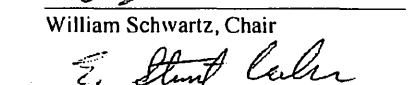
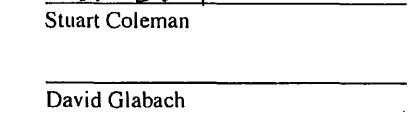
Based on the site visit and hearing and these findings and conclusions, the Selectboard makes the following conclusions of law and decision:

The public good, necessity, and convenience of the public justifies Reclassifying of Town Highway #7 to a Legal Town Trail.

The survey of the Reclassified road is as shown on a certain survey of record by Charles M. Stewart, surveyor, dated January 2, 2007, recorded July 5, 2007 in Map Pull#25 Town of Winhall Land Records, entitled "The Property of Signa L. Read, Trustee of the Signa L. Read January 5, 1998 Revocable Living Trust" which survey is referenced and used herein, Exhibit D.

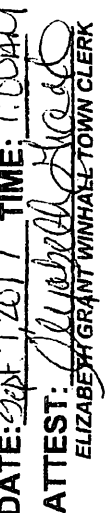
Dated this 6<sup>th</sup> day of September, 2017, at Winhall, Vermont.

Attest: A True Record  
  
Town Clerk, Town of Winhall

  
William Schwartz, Chair  
  
Stuart Coleman  
  
David Glabach

Appeal Rights

Any interested person affected by this decision may be entitled to appeal this decision in writing within 30 days of date it is signed to the Bennington Unit of the Civil Division of the Vermont Superior Court, upon payment of a fee, through V.R.C.P. 75.

WINHALL TOWN CLERK'S OFFICE  
BOOK: 210 PAGE: 87H  
DATE: Sept 7, 2017 TIME: 7:00AM  
ATTEST:   
ELIZABETH GRANT WINHALL TOWN CLERK

**Town of Winhall Selectboard  
Bondville, Vermont 05340  
Meeting Minutes for Wednesday, September 6, 2017**

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**PRESENT:** Bill Schwartz, Stuart Coleman, Dave Glabach; Lucia Wing (Secretary); Lissa Stark, (Town Administrator); Jeff Whitesell (Police), Trevor Dryden (Roads)

**ALSO IN ATTENDANCE:** Laura Gianotti, Valerie Pantorno, Doug Poulter (Lister)

**CALL TO ORDER:** Schwartz called the meeting to order at 5:00 PM.

**PUBLIC COMMENTS:**

Laura Gianotti came before the Selectboard for a community center update at the Old Town Hall. Coleman reported the building had been lifted and a new foundation poured. It was not clear when the project would be finished. Gianotti asked about installing a kitchenette; the Selectboard responded not at this time; the current permits do not provide for any kitchen use.

**LISTER DEPARTMENT:** The Selectboard and Board of Listers thanked Valerie Pantorno for her years of service as Lister Administrator and awarded her a gift in appreciation.

**OLD TOWN HALL UPDATE:**

After review, the Selectboard approved change order #1 and ratified Stuart Coleman's signing of change order #1 in the amount of \$6,000 re: Old Town Hall renovation project; *motion by Coleman; seconded by Schwartz; unanimous.* After review, the Selectboard authorized Coleman to sign change order #2 for radiant heat instead of baseboard heat for a cost-savings of \$441; *motion by Glabach; seconded by Schwartz; unanimous.*

**LOWER TAYLOR HILL ROAD/ ACCESS ROAD: UPDATE:**

The Town Administrator reported she had been in contact with Otter Creek Engineering who had been awarded the contract to study Lower Taylor Hill and the Stratton Mt. Access Road. A meeting with the engineering firm was scheduled for 4PM on Sept. 20<sup>th</sup> at the intersection of the Access Road and Route 30.

**POLICE/FIRE/RESCUE: REPORT:** (No report)

**ROAD & HIGHWAY UPDATE:**(No report)

**TRANSFER STATION REPORT:** (No report)

**FACILITIES REPORT:** (No report)

**ADMINISTRATIVE UPDATE:** The Selectboard reviewed upcoming VLCT course offerings.

**SUPERVISOR EVALUATIONS- POLICE, HIGHWAY, TOWN ADMINISTRATOR- EXECUTIVE SESSION:**

At 5:45 PM the Selectboard voted to go into executive session to hold supervisor evaluations for Chief Whitesell (Police); Trevor Dryden (Roads); and Lissa Stark (Town Administrator); *motion by Schwartz; seconded by Glabach; unanimous.* At 7:00 PM, the Selectboard voted to come out of executive session; *motion by Coleman; seconded Glabach; unanimous.*

**READ ROAD: DELIBERATIVE SESSION:**

At 7:00 PM the Selectboard voted to go into deliberative session to discuss Read Road; *motion by Coleman; seconded by Glabach; unanimous.* Out of deliberative session the Selectboard decided to reclassify Read Road to a Legal Trail. Findings will be distributed to adjoining landowners, posted to the Town website, and recorded as required by Statute

**PAYORDERS:**

After review, the Selectboard approved payorder/warrant #09/06/17 as presented; *motion by Coleman; seconded by Schwartz; unanimous.*

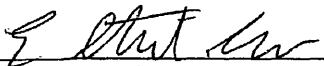
**APPROVAL OF PAST MEETING MINUTE(S):**

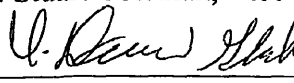
After review, the Selectboard approved the minutes of August 16, 2017 as presented; *motion by Coleman; seconded by Glabach; unanimous.*

As there was no other business, the meeting was adjourned at 7:15 PM; *motion by Schwartz; seconded by Coleman; unanimous.*

Lucia Wing, Secretary  
Winhall Selectboard

\_\_\_\_\_  
Bill Schwartz, Chair

  
\_\_\_\_\_  
E. Stuart Coleman, Vice-Chair

  
\_\_\_\_\_  
David Glabach, Member

**Winhall Selectboard**  
**Site Review, Inspection & Hearing Regarding**  
**Read Road Reclassification To Legal Trail, Tuesday August 1, 2017**

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**SITE REVIEW & INSPECTION OF READ ROAD:**

Present were, The Selectboard (represented by Bill Schwartz, The Chair, & Stuart Coleman, Vice Chair, as Dave Glabach was absent for medical reasons), Lucia Wing (Secretary), Trevor Dryden (Highway Foreman), Robert Crabtree (landowner who se property the legal trail adjoins and serves as access), A. Jay Kenlan (Attorney for Crabtree), Ryan Downey Jr. (Surveyor for Crabtree), Hunter Kaltsas (Excavating), Gene Morrison, Bob Whitney, and Deb Hodis (Horses for Hire). All met at the intersection of Read Road (Town Highway #7) and South Road at 5:00 PM per the Notice of Hearing on reclassifying Read Road to a Legal Town Trail (see attached Notice). The purpose of the site inspection was to walk Read Road in its entirety. A Public Hearing at approximately 6:30 PM at the Town Hall in Bondville would follow the inspection walk per the Notice.

**CALL TO ORDER:**

The Public Hearing was called to order at 6:20 PM at the Town Hall. All persons noted above at the Site Review with the exception of Hunter Kaltsas and with the addition of Marcel Gisquet (Chair, Winhall Planning Commission) were in attendance. Noticed Parties and Abutters not present at the Read Road site inspection or Public Hearing included Green Mountain National Forest, Green Mountain Power, Carolyn Crabtree, The Bank of Bennington, Roger D. Judge, Tracy or Sara Zaino, People's Bank, Edward or Margaret Jesser.

**PUBLIC HEARING:**

*Nicole Dernier*, Notary, swore in those present at the Hearing to give testimony.

First, *Marcel Gisquet* submitted a letter to the Selectboard as evidence stating the Planning Commission's support of the proposed reclassification of Read Road (Class 3) and Read Road Extension (Class 4) to a legal Town Trail (see attached Exhibit A).

A. Jay Kenlan questioned Gisquet about the Planning Commission's position regarding discontinuance of Read Road. *The Chair* objected to the questioning as it was not relevant to the Noticed Hearing of Reclassification but allowed Attorney Kenlan to continue. Gisquet responded the Planning Commission took no position on discontinuance; the WPC was responding in support of the notice to reclassify Read Road to a legal Town Trail.

Next, *Bob Whitney*, (nearby resident on South Road who often walked sections of Read Road), asked what it meant to be a "Legal Trail". *The Chair* responded that the difference was that Legal Trails retained the Town's right of way and public access to and use of the Road without the obligation of maintenance and that presently the Town maintained the first section of Read Road, a class 3 road (plowing, etc.) and provides no maintenance of the rest of the, class 4 Road, but that there has been concern that requirements of maintenance of class 4 roads may be imposed on the Town. As a legal trail the Town would have no obligations to maintain it; however, the Town of Winhall and public retained all rights to use it and that it is easier to reclassify a road in the future (to upgrade the road) than to start over and layout and take over a road anew.

*Robert Crabtree* responding through *Attorney Kenlan* indicated that he would not maintain Read Road, which he has done for the past year and one-half or so, if the Town reclassified it a legal Town Trail. *Attorney Kenlan* also stated that the road has light use and that *Crabtree* has offered to enter into agreement with some of those present that use Read Road and with the National Forest if Read Road could be discontinued and that *Crabtree* would have no incentive in putting his own money into a road he did not own and requested that the road be discontinued. *The Chair* noted, again, that this was not a discontinuance hearing but a reclassification hearing.

Next, *Deb Hodis* (Horses For Hire) stated she and others had helped maintain Read Road Extension for more than 29 years and used it frequently for horseback riding purposes. Her concern was that if the road were discontinued, gated, and made private, she and future generations would not have use of the access they currently enjoyed. *Attorney Kenlan* responded that *Crabtree* had every intention to draw up agreements with the public who used it currently allowing them to continue using it and added, again, that the public use of the road was light and could be addressed by individual written agreements with *Crabtree* if the road was discontinued. Selectboard member, *Coleman* inquired of *Attorney Kenlan* as to how that might work when an agreement, even recorded in the land records, might simply add litigation between parties to the use of the road and did not address all current users of Read Road or any future parties using the Road if not approved and agreed to by *Crabtree*. *Attorney Kenlan* responded that use would not be for others or future users if not agreed to by *Crabtree*. *Coleman* noted that the Legal Trail status would provide access for all members of the public. *The Chair* made the point again that discontinuance of Read Road was not the topic under consideration, reclassification to a legal Town Trail was the noticed hearing and read the Notice to the assembly for clarity.

Next, *Attorney Kenlan*, stated that he has had a few conversations with the National Forest Service and he believes that they are willing to sit down with him and discuss alternate access and conditional access for the National Forest Service if Read Road would be discontinued and that they have access on the other end of Read Road. It was noted that often the National Forest Service, through their contract loggers, maintain sections of the road as necessary for their maintenance of the National Forest which adjoins most of the class 4 part of Read Road and for maintenance of the trails for its purposes. Currently the Catamount Trail (Walt's Camp Road end) allows public access to the National Forest; in addition, the National Forest maintained a logging trail which was gated and not used by the public. Further discussion included, as noted in Exhibit A, that the National Forest occasionally swaps lands for other lands in a completely different location and the potential impacts on public or private use when ownership changes. *Attorney Kenlan* continued with another reason for Read Road discontinuance adding that *Crabtree* had future intentions of building a house on a portion of his land and was looking for security as well as privacy. Response was that *Crabtree* could gate his driveway and achieve the same result without discontinuing the road. Once again *The Chair* reminded those present that discontinuance was not under consideration. *Coleman* added that depending on what the Selectboard decided whether to reclassify Read Road a Town Trail or keep it a class 3 & class 4 road, the landowner had the right to petition the Town for a discontinuance hearing.

Next *Ryan Downey Jr.* (Licensed Surveyor) submitted the 1940 Winhall Town Highway Map indicating Read Road as 1.4 miles in length (see attached Exhibit B) and a 1847 written Survey of Read Road form when the road was laid out which describes the road by degrees and rods and as a 3-rod wide (see attached Exhibit C). Discussion followed about a 3-rod road versus a 4-rod road. *Downey* gave testimony as a State Licensed Surveyor that he was certain the 1847 Survey was of Read Road and that it was a 3-rod wide road. Official Notice was taken of the 1997 revised 2007 Charlie Stewart survey for Signa Read which shows the entire length of Read Road in metes and bounds as it existed on the ground in 1997 and it is noted as recorded in the Town of Winhall Land Records (see attached Exhibit D).

*Trevor Dryden*, Highway Foreman, testified that the Town of Winhall Highway Department currently plowed and maintained Read Road to where it intersected with Read Road Extension; at that point, the plow turned around. *Dryden* continued and stated that as a Legal Trail the Highway Department would stay on South Road and not have to go up and back down with plowing or otherwise maintain that, Class 3, section of Read Road.

*Attorney Kenlan* reiterated that he thought the correct action for the Town of Winhall to take was discontinuance of Read Road and not reclassify it a legal trail.

*Crabtree* testified that, as *Attorney Kenlan* stated, he has no incentive to maintain the road if it is reclassified as a Legal Trail and that he has been very generous with the use of his land by others and his maintenance of the road. *The Chair* inquired as to whether or not *Crabtree* was aware that Read Road was a Class 3 and Class 4 Road at the time of his purchases of lands adjoining Read Road and *Crabtree* stated that he was but that he thought it a "simple matter" to discontinue the Road. *The Chair* responded, acknowledging that the Board considered discontinuance at the request of *Crabtree* and that is why there was a hearing for discontinuance in September of 2016 and that a site visit and hearing resulted in a determination that discontinuance was not in the best interests of the public.

The Selectboard agreed to admit all evidence as submitted. They recessed the public hearing and would enter into deliberative session at a later date (with findings within 60 days per statute); *motion by Schwartz; seconded by Coleman; unanimous.*

Lucia Wing, Secretary, Winhall Selectboard

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William Schwartz, Chair

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Stuart Coleman

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David Glabach



**Notice of Hearing**  
**On Reclassifying Read Road (T.H. 7) to a Legal Town Trail**  
Select Board of Winhall, Vermont

The Select Board of the Town of Winhall hereby gives notice to the persons named below as owners or persons interested in lands and rights that may be affected by a decision of said Select Board to reclassify Read Road (Town Highway #7) in its entirety from its junction with South Road to its terminus to a Legal Town Trail.

The Select Board, affected landowners, and any member of the public will meet at the intersection of Read Road and South Road at 5:00PM on Tuesday, August 1, 2017 for a site inspection and walk of the portion of the highway, and then meet at the Town Offices at 115 Vermont Route 30 at approximately 6:30PM to conduct a hearing on the question of the reclassification.

As required by law, notice of this site inspection and hearing is being provided by certified mail to each of the persons owning or interested in lands through which the highway passes, listed below, as well as the Winhall Planning Commission. A copy is to be posted in the office of the Town Clerk, and published in the Vermont News Guide, not less than 10 days before the time set for the hearing.

If the Select Board determines that the public good, necessity, and convenience of the inhabitants of the Town require the reclassification of this highway, the Board will decide that matter in deliberative session. Damages are not available for reclassification of highways.

The following persons have been notified of the public hearing:

- Winhall Planning Commission
- Robert E. Crabtree, Jr. & Carolyn L. Crabtree
- The Bank of Bennington (reference Crabtree)
- Roger D. Judge
- Tracy L. Zaino & Sara E. Zaino
- People's United Bank (reference Zaino)
- Edward A. Jesser & Margaret V. O'Grady-Jesser
- Robert B. Whitney
- Green Mountain National Forest
- Green Mountain Power

Winhall Select Board:  
William Schwartz, Chair  
E. Stuart Coleman, Vice Chair  
David Glabach, Member

Winhall Planning Commission  
115 VT Route 30  
Bondville, VT 05340

**RE: Reclassification of Read Road (Class 3) and Read Road Extension (Class 4) to Town Trail**

Dear Selectboard Members,

The Planning Commission would like to offer their comments on the above referenced topic. The PC received the Notice of the proposed reclassification and discussed it at their regular meeting on July 18, 2017. A review of the available maps was also made.

It was concluded that the proposed action would benefit the Town financially in that it would eliminate the need to maintain it and yet still allow landowners along it to maintain it for their use. In addition, Read Road has served as an access to the National Forest for all manner of outdoor and recreational activity that people enjoy and should continue to have access to.

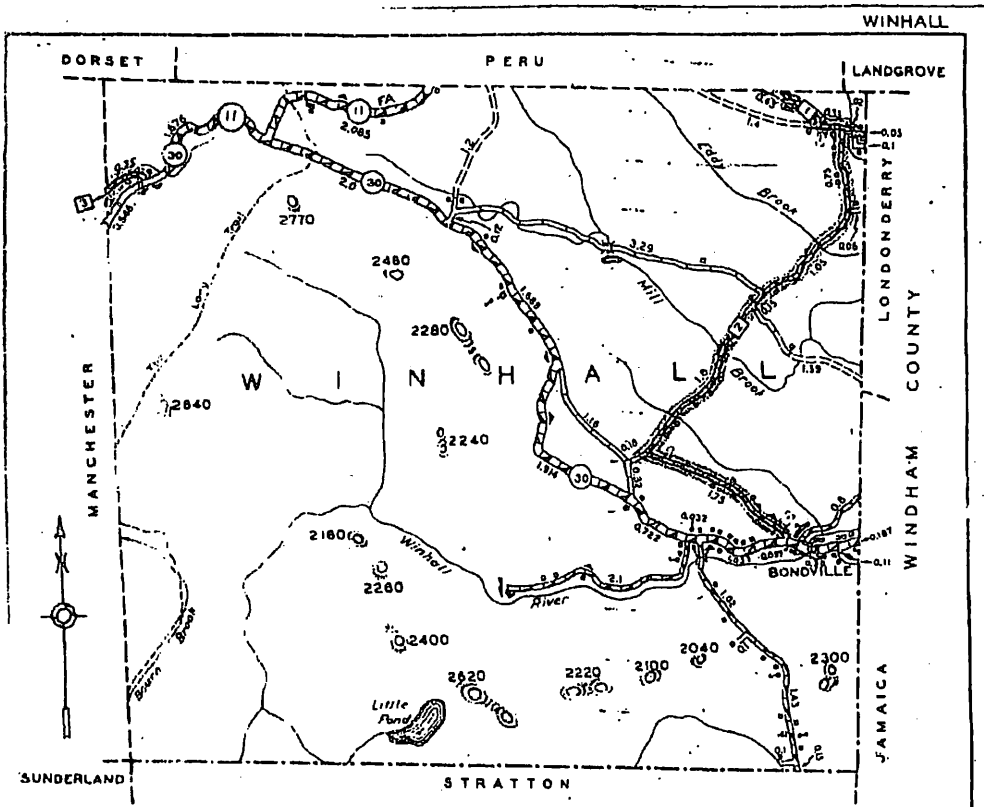
In our view, the most compelling reason to retain it as a Town ROW is that none of us can foresee the needs of future residents for access to the lands the road serves. Such ROW's are easy to divest of but very difficult to come by. The National Forest has in the past taken land out of the NF to obtain other lands they may have a greater interest in. Having a Town ROW in place in such a circumstance would be a benefit for potential future growth in that area.

So, by resolution of the Winhall Planning Commission at their meeting on 7/18/17, the PC unanimously supports the reclassification of Read Road to a Town Trail.



Winhall Planning Commission

# Exhibit B



## WINHALL

SCALE: 1 INCH = 1 MILE  
-1940-

### LEGEND

- |  |                                      |  |                       |
|--|--------------------------------------|--|-----------------------|
|  | U.S. NUMBERED ROUTE                  |  | PAVED ROAD            |
|  | STATE HIGHWAY                        |  | SURFACE TREATED ROAD  |
|  | NUMBERED STATE AID HWY.              |  | GRAVEL ROAD           |
|  | STATE AID HWY WITH SELECTED TOWN NO. |  | GRADED & DRAINED ROAD |
|  | FEDERAL AID HIGHWAY                  |  | UNIMPROVED ROAD       |
|  | TOWN HIGHWAY                         |  | PRIMITIVE ROAD        |
|  | FARM UNIT                            |  | UNTRAVELED ROAD       |
|  | DWELLING (OTHER THAN FARM)           |  | CHURCH                |
|  | SCHOOL                               |  | CAMP                  |
|  | BUSINESS                             |  | CEMETERY              |
|  |                                      |  | TRAIL                 |

NOTE: VACANT CULTURAL FEATURES SHOWN IN OUTLINE FORM.

|                         |              |
|-------------------------|--------------|
| TOWN HIGHWAY.....       | 15.03 MILES  |
| STATE AID HWY. NO. 1    | 1.05 "       |
| STATE AID HWY. NO. 2    | 5.50 "       |
| STATE AID HWY. NO. 3    | 0.35 "       |
| STATE AID HWY. NO.      | -            |
| TOTAL STATE AID.....    | 6.90 "       |
| STATE HIGHWAY NO. VI.30 | 8.013 "      |
| STATE HIGHWAY NO. VI.11 | 4.260 "      |
| STATE HIGHWAY NO.       | -            |
| TOTAL STATE HWY.        | 12.273 "     |
| TOTAL ALL SYSTEMS       | 39.203 MILES |

VERMONT HIGHWAY DISTRICT NO. 1

BENNINGTON COUNTY

R-O-A  
BK-41  
PS-70-2

Survey of A road from John Browns to ...  
 Disposition of a road set out due east from ...  
 32 rods from A-49 W 156 rods  
 31 rods from A-49 W 64 rods  
 30 rods W 60  
 62 rods W 46  
 67 rods W 60  
 94 rods to the center-section W 54

page 54  
 2d of the survey is divided to Jay Brown  
 before over-section of the poor twenty four  
 rollers for the support of Miss Read the  
 present year  
 2d of the survey is divided to Jay Brown  
 William the sum of eight Dollars for  
 the removal of a stone Walling family to  
 Southborough Mass to Mrs Mellers Brothers  
 4th of the survey (Deeded)  
 to Jay Brown

from line  
 Surveyed April 14th 1831 by John Brown Surveyor  
 Read here three rods of land in the center  
 corner of  
 John Brown  
 John Brown  
 John Brown  
 John Brown  
 John Brown

Strenuous of New England, Winwood, VT hereby certifies that this map was prepared by the flood line photographic process.

*CF Jeyl*

This plan meets the requirements of 27 V.S.A. 1022.

*Charles Stewart*

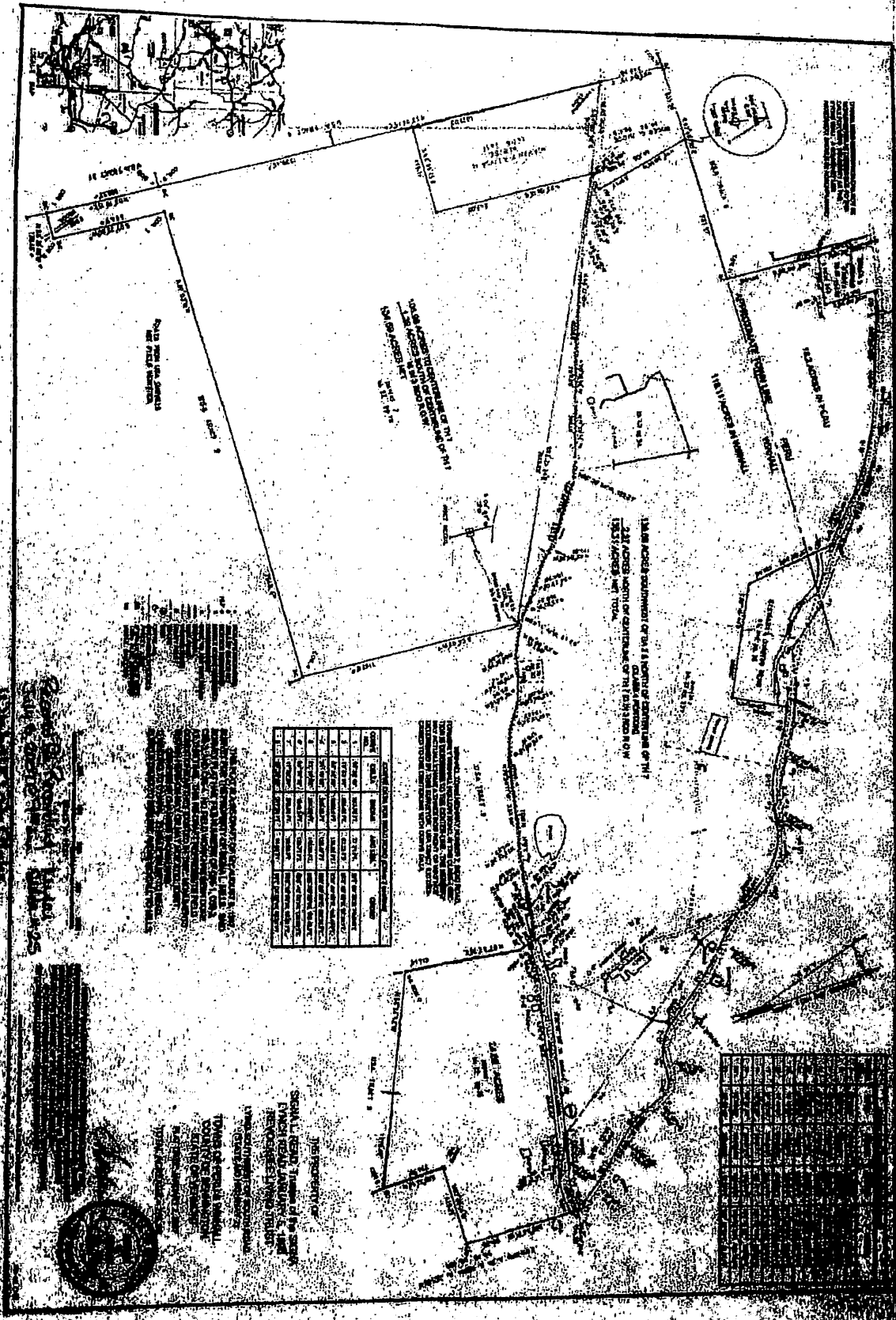


EXHIBIT D