

District 7
 Certcode 0306-0

**CERTIFICATE OF HIGHWAY MILEAGE
 YEAR ENDING FEBRUARY 10, 2019**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2019 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 KIRBY in CALEDONIA County
 on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,
 added 1985, is as follows:

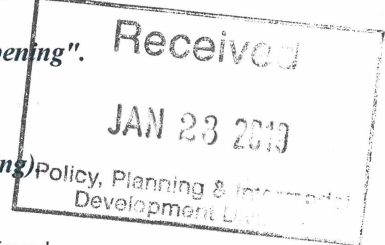
PART I - CHANGES TOTALS - Please fill in and calculate totals.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000				0.000
Class 2	4.010			4.01	0.000
Class 3	20.28		0.10	20.18	0.000
State Highway	0.967			.967	0.000
Total	25.257		0.10	25.157	0.000
* Class 1 Lane	0.000				
* Class 4	7.13		2.82	4.31	0.000
* Legal Trail	0.00	0.75		0.75	

* 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

- NEW HIGHWAYS:** Please attach Selectmen's "Certificate of Completion and Opening".
- DISCONTINUED:** Please attach SIGNED copy of proceedings (minutes of meeting)
 - 0.10 mi CL3 TH-21 (Raney Hill Rd) discontinued
 - 1.30 mi CL4 TH-19 (Wood Ln) discontinued
 - 0.54 mi CL4 TH-20 discontinued
 - 0.23 mi CL4 TH-14 (Shirley Ln/Dillon Dr) discontinued
- RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).
 - 0.75 mi CL4 TH-3 reclassified to Legal Trail (LT-1)
- 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.

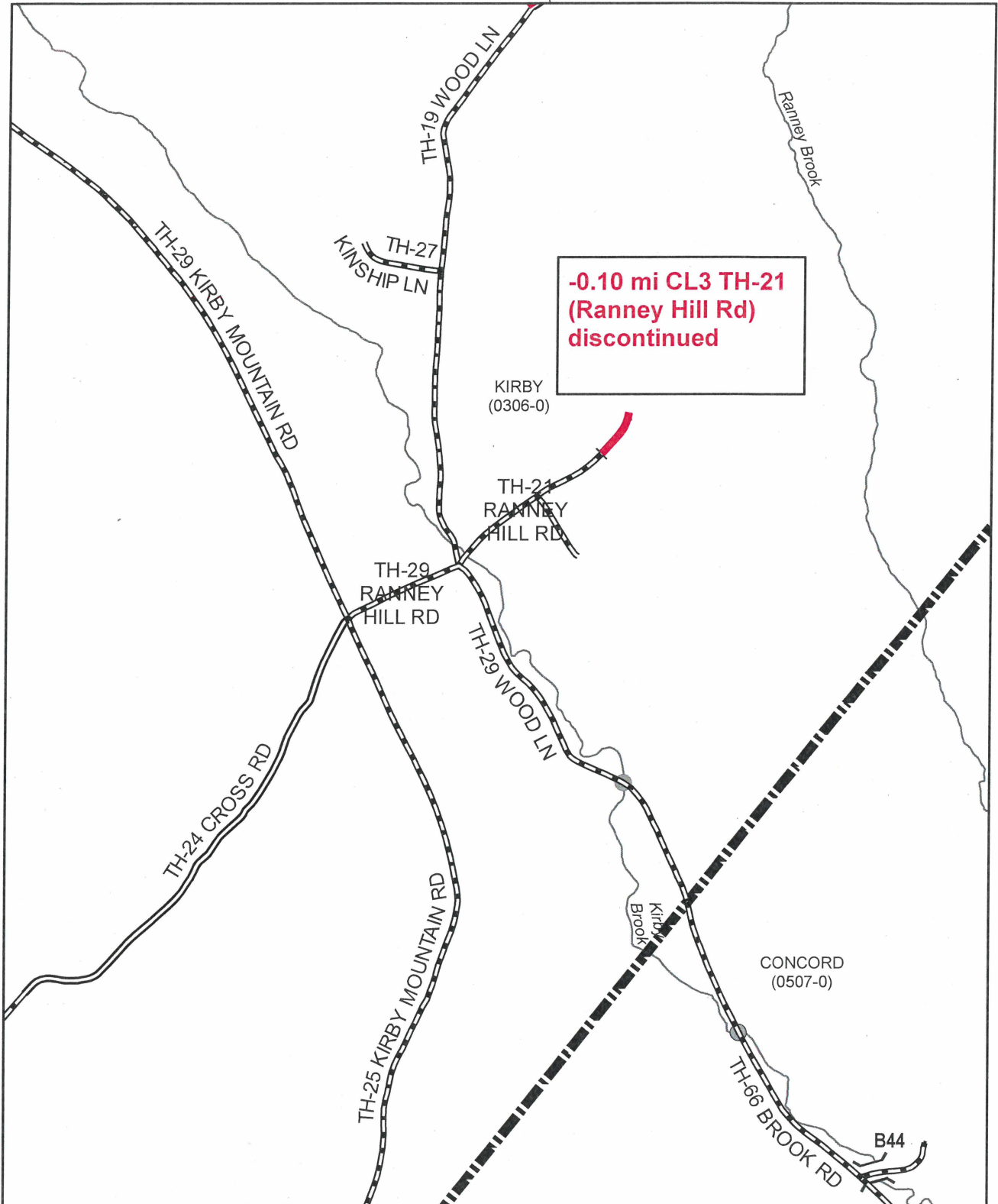
Selectmen/ Aldermen/ Trustees Signatures: _____

T/C/V Clerk Signature: Wanda Latham Date Filed: 1-7-19

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED: _____ DATE: 1/18/2019
 Representative, Agency of Transportation



**-0.10 mi CL3 TH-21
(Ranney Hill Rd)
discontinued**

KIRBY
(0306-0)

TH-21
RANNEY
HILL RD

TH-29
RANNEY
HILL RD

TH-29
WOOD LN

TH-24
CROSS RD

TH-25
KIRBY MOUNTAIN RD

CONCORD
(0507-0)

TH-66
BROOK RD

B44

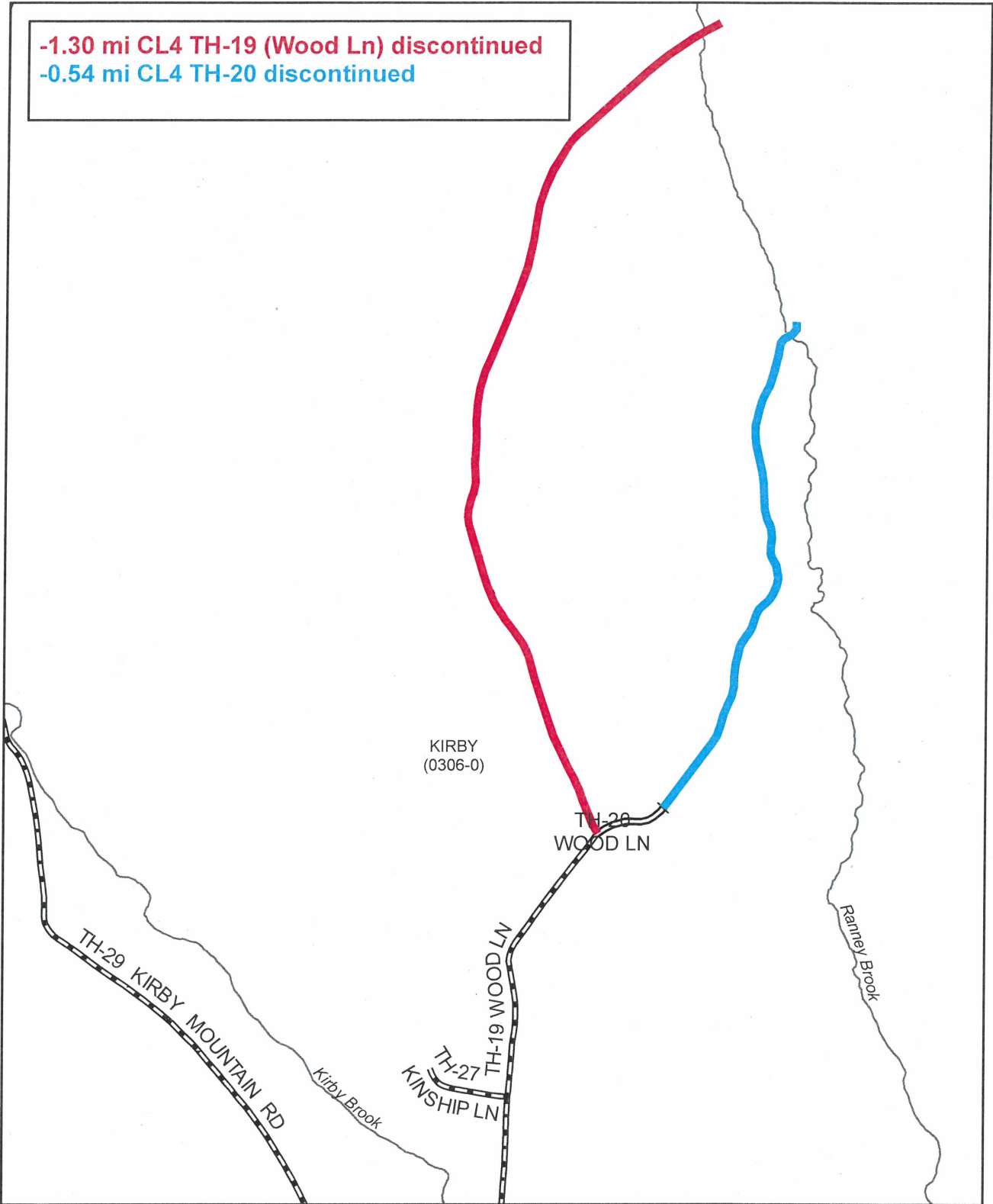
Mileage Certificate Changes 2019

KIRBY
(0306-0)

Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation -- April 16, 2019



-1.30 mi CL4 TH-19 (Wood Ln) discontinued
-0.54 mi CL4 TH-20 discontinued

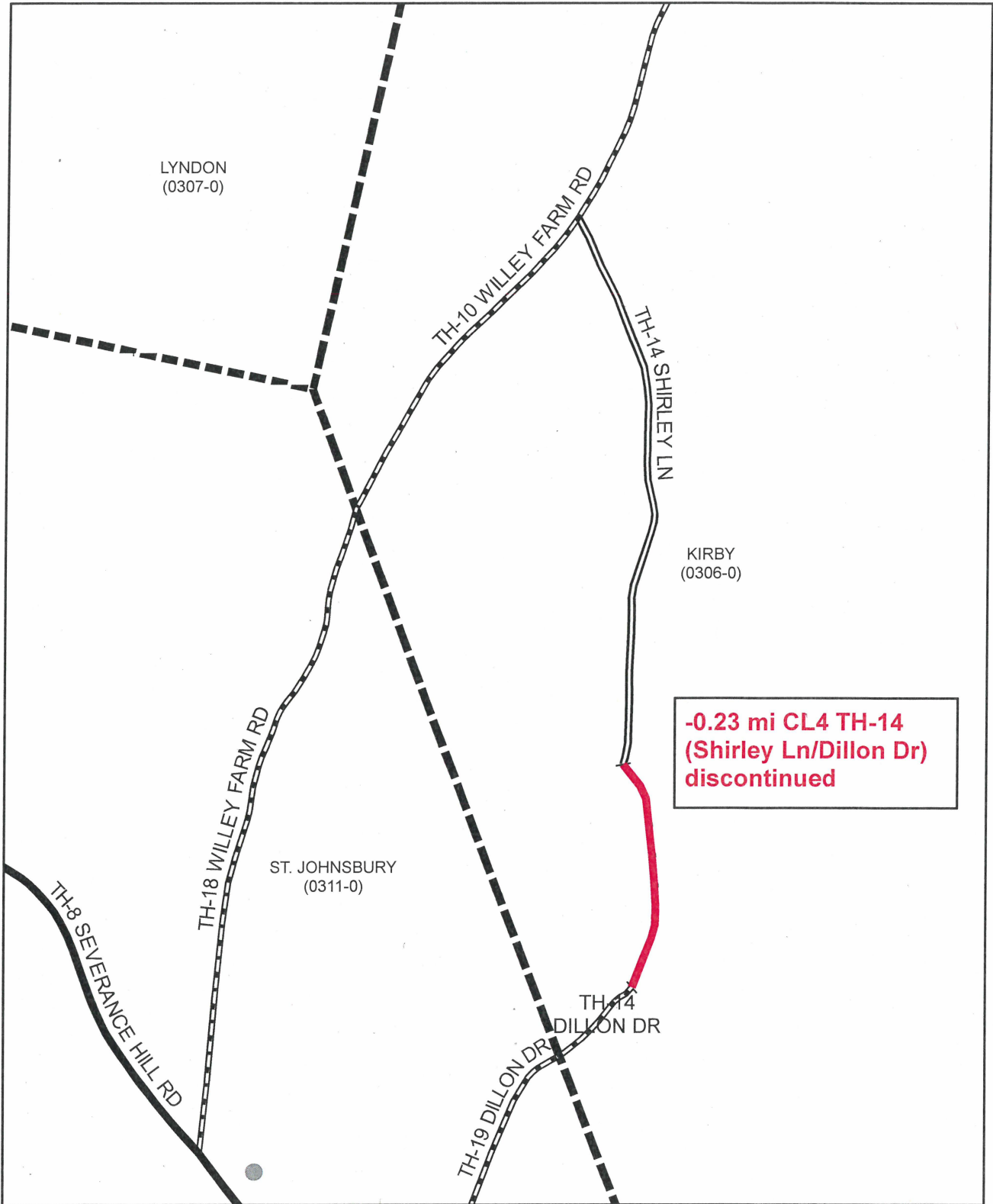


Mileage Certificate Changes 2019

KIRBY
(0306-0)

Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation -- April 16, 2019



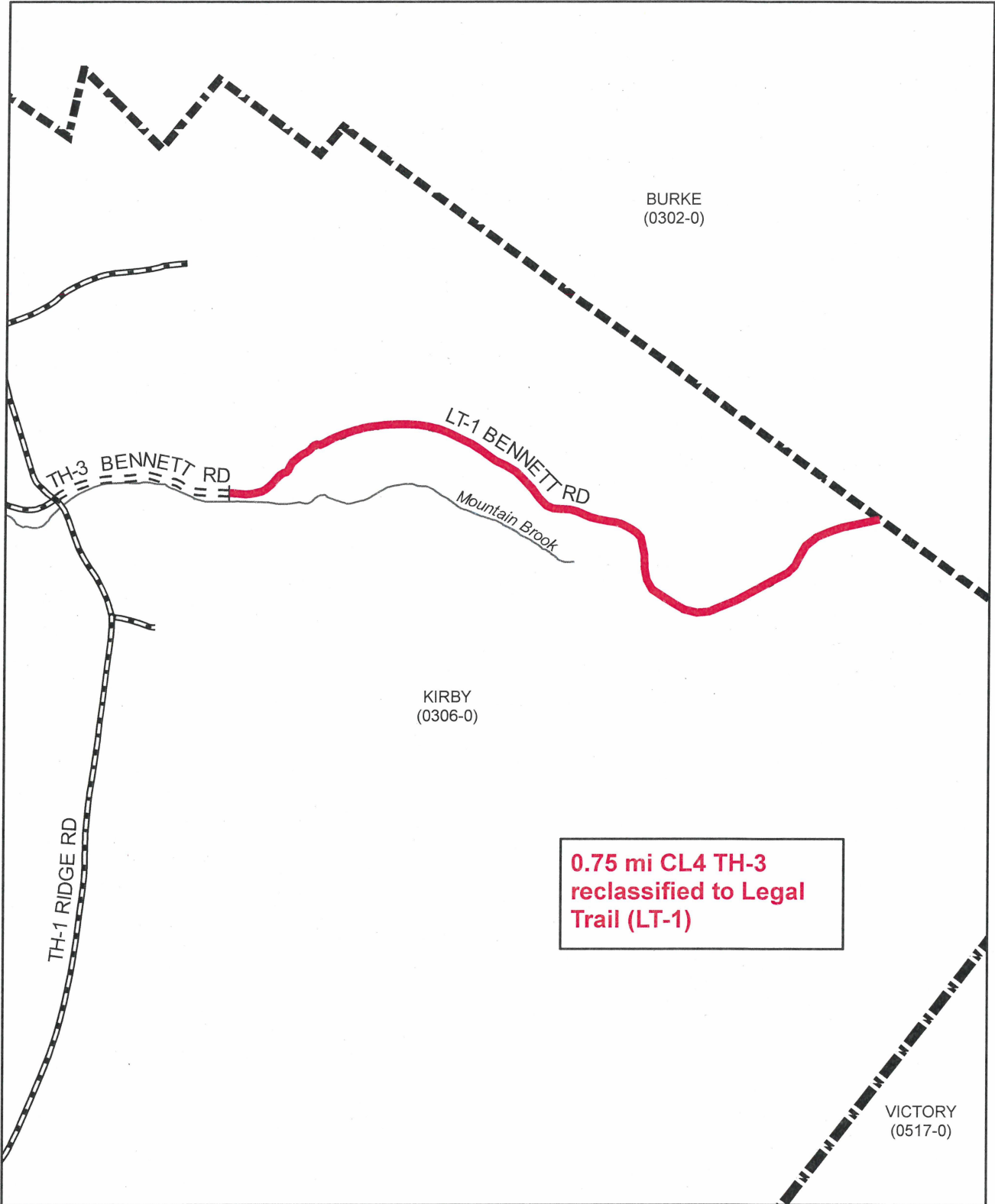


Mileage Certificate Changes 2019

KIRBY
(0306-0)

Mapping Section
 Division of Policy and Planning
 Vermont Agency of Transportation -- April 16, 2019



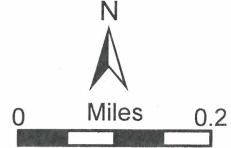


**0.75 mi CL4 TH-3
reclassified to Legal
Trail (LT-1)**

Mileage Certificate Changes 2019

KIRBY
(0306-0)

Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation -- April 16, 2019



Alley, Kerry

From: Alley, Kerry
Sent: Friday, April 26, 2019 10:31 AM
To: Wanda Grant
Subject: Re: Questions regarding the discntinuance of class 4 town highways #4 and #11

Hi Wanda,

Don't worry about timing. I've already processed the certificate, so any adjustments I make will have to be added to next year's certificate and map. This can wait until your road foreman is less busy. Crazy spring!

Hopefully the maps were finished this week, and have been sent with copies of the certificates (or will be soon), because we won't have the ability to print full sized maps internally after next Monday.

Thanks for checking in!

Kerry

Get [Outlook for Android](#)

From: Wanda Grant <townclerk.kirbyvermont@gmail.com>
Sent: Tuesday, April 23, 2019 10:58:53 AM
To: Alley, Kerry
Subject: Re: Questions regarding the discntinuance of class 4 town highways #4 and #11

Hi Kerry,

Just wanted to let you know that I have not forgotten about you. Our Road Foreman has been right out straight with storm damage and than he had a relative pass away. As soon as he has some time to look at the maps I will get back to you. Is there a date that you need this by?

Wanda Grant
Kirby Town Clerk

On Thu, Apr 4, 2019 at 9:02 AM Wanda Grant <townclerk.kirbyvermont@gmail.com> wrote:
Hi Kerry,

I only have an answer for you concerning TH #20 at this time. The endpoint should be location A on your map.

Our Road Foreman has been really busy with roads at this time and has not had time to look over the maps closely. Hopefully he will get to it next week.

As far as surveys, we do not have survey maps of the roads as to when they were laid out. There is probably a description in the old records but it would take a considerable amount of digging to try to find them.

I will get back to you as soon as I have something else to report.

Wanda Grant
Kirby Town Clerk

On Thu, Mar 28, 2019 at 6:29 PM Alley, Kerry <Kerry.Alley@vermont.gov> wrote:

Hello Wanda,

Attachments: Kirby-TH14.pdf Kirby-TH21.pdf
Kirby-TH14-B.pdf Kirby-LT1-A.pdf
Kirby-TH20.pdf Kirby-LT1-B.pdf
Kirby-LT1-D.pdf

Thanks for returning my call earlier today! I've made some rough maps that I hope will help illustrate my questions below:

TH-14

Is the alignment of TH-14 as shown by the VTrans data (black and white lines/symbology, as on the Town Highway Map) or the parcel data (red outlines)? Two of the attached maps show this area. Aerial imagery from 1962 suggests that TH-14 predates the existence of a drive to the property north of the pond (that the VTrans data follows). Are there surveys of this area that clarify the as-laid-out alignment of TH-14?

TH-20

The attached map showing TH-20 highlights the segment between two drives ("A" and "B") that might reflect the new endpoint of TH-20. However, neither location corresponds to 0.16 mi (shown as location "C") as described in the documentation. The mileages as measured by our mapping software is shown for clarification. Depending on where TH-20 ends, it's new measure might be something other than 0.16 mi.

TH-21

I just want to confirm that I've mapped the new endpoint of TH-21 correctly, as shown in the attached map. The new total length of TH-21 would be 0.15 mi, as shown in the map and specified in the documentation you provided.

Legal Trail

I've attached several maps showing the area around the Kirby-Burke boundary. Map A shows the VTrans alignment of what was TH-3 (now LT-1), the E911 alignment of Bennett Rd, and a third alternative "Pending" alignment that I thought might be closest to the original laid out highway. This "Pending" alignment matches what looks like the oldest (most eroded) roadway of the multiple options in the area, and continues all the way to the State Forest Road in Burke (unlike some of the others). It also most closely resembles a path drawn on the 1951 USGS Topo Map. Only the original documentation of laying out of TH-3 would be definitive, so if you have a copy of that, it would help clarify the proper way to map this Legal Trail!

Could you have someone look at my maps, and take a stab at answering my questions? The questions regarding TH-14 and TH-3 might be best answered with copies of the original laying out, if available. I've done my best to articulate my questions, but I would like to encourage whoever is answering the questions to contact me directly (phone or

email) for clarification if necessary. Sometimes it's easier to discuss such things when both people have the same maps in hand. The attached maps might be best viewed on a computer screen (as opposed to printed) so that the viewer can zoom in close.

Thanks again for helping me figure out how to map these changes!!

Kerry

Kerry Alley | GIS Professional III

Vermont Agency of Transportation

1 National Life Dr | Montpelier, VT 05633

802-828-3666 | Kerry.Aley@vermont.gov

<http://vtrans.vermont.gov/planning/maps>

From: Wanda Grant <townclerk.kirbyvermont@gmail.com>

Sent: Thursday, January 17, 2019 10:11 AM

To: Alley, Kerry <Kerry.Aley@vermont.gov>

Subject: Re: Questions regarding the discontinuance of class 4 town highways #4 and #11

Hi Kerry,

Just to let you know that the Kirby Selectboard has decided to go through the whole hearing process again on discontinuing parts of TH #4 and TH #11. I will mail the necessary paperwork after we have completed the process.

Wanda Grant

Kirby Town Clerk

On Tue, Dec 18, 2018 at 2:56 PM Alley, Kerry <Kerry.Alley@vermont.gov> wrote:

Hi Wanda,

Your town attorney would be in a better position to give advice regarding Statute interpretation and potential issues for actions taken.

I'll be mailing the 2019 Certificates of Highway Mileage to Towns on January 2nd. Documentation of notice to adjacent Towns can be emailed to me, or sent with the Mileage Certificate when returned to us by February 20th. I will pre-load the Certificate with the changes ready for processing (i.e. those not discontinuing highways crossing a town boundary), along with a sticky note listing the remaining changes (TH-4 and TH-11) for which the notice to adjacent Towns is the only remaining documentation needed for us to process the change in our records.

Thanks again for passing this information along to the Selectboard,

Kerry

Kerry Alley | GIS Professional III

Vermont Agency of Transportation

1 National Life Dr | Montpelier, VT 05633

802-828-3666 | Kerry.Alley@vermont.gov

<http://vtrans.vermont.gov/planning/maps>

From: Wanda Grant <townclerk.kirbyvermont@gmail.com>

Sent: Tuesday, December 18, 2018 11:37 AM

To: Alley, Kerry <Kerry.Alley@vermont.gov>

Subject: Re: Questions regarding the discontinuance of class 4 town highways #4 and #11

Dear Kerry,

The Kirby Selectboard will not be meeting again until January 7, 2019. If I am reading the Statute right, all the Selectboard has to do is notified the adjacent Town that they have discontinued the roads in question?

Please let me know if this is correct or do they have to go through the whole hearing process again?

Thank you,

Wanda Grant

Kirby Town Clerk

On Mon, Dec 10, 2018 at 10:19 AM Alley, Kerry <Kerry.Alley@vermont.gov> wrote:

Good morning Wanda,

I am in the process of reviewing the documents you sent to the VTrans Mapping Section in August regarding the recent changes (including discontinuances) to several town highways in Kirby. I noticed that several of the changes involve highways that cross into neighboring towns, and was wondering if those towns were notified of the changes to TH-4 and TH-11? If so, could someone provide me with copies? If not, could you pass this message along to the Selectboard so that they can decide how to proceed? We require copies of this notification documentation in order to process the changes and update the Town Highway Map, as it is part of the legal process of discontinuance described in part c of State Statute [19 V.S.A. § 771](#):

§ 771. Procedure

(a) The legislative body of a municipality may discontinue a town highway after following the procedures of sections 708-711 of this title. The authority of the legislative body under this subsection shall extend to any town highway, regardless of whether the highway was originally laid out by the town, the former county court, the supreme court, a committee of the general assembly, a turnpike company, or was established in any other manner now or formerly authorized by law.

(b) Notwithstanding subsection (a) of this section, the legislative body shall not discontinue a class 1 or class 2 town highway without the prior approval of the secretary of transportation.

(c) Notwithstanding subsection (a) of this section, the legislative body shall not discontinue a class 3 or class 4 town highway extending into an adjacent municipality without notifying the legislative body of the adjacent municipality. If the legislative body of the adjacent town is aggrieved by a decision of the legislative body of the municipality in which the highway is located, it may appeal to the transportation board pursuant to subdivision 5(d)(9) of this title. (Added 1985, No. 269 (Adj. Sess.), § 1; amended 2005, No. 178 (Adj. Sess.), § 6.)

Please feel free to contact me if you or the Selectboard has any questions regarding my request,

Thank you,

Kerry

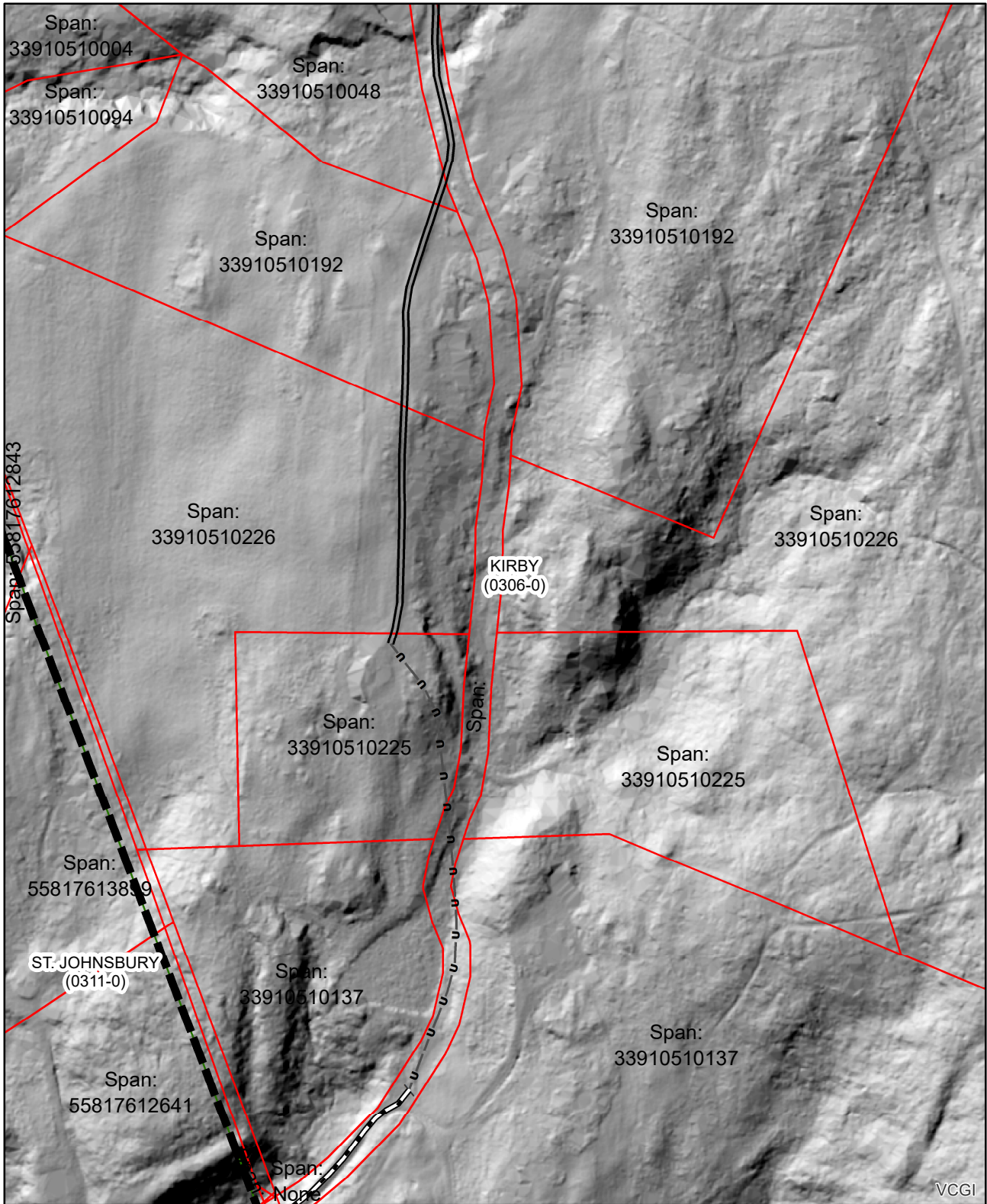
Kerry Alley | GIS Professional III

Vermont Agency of Transportation

1 National Life Dr | Montpelier, VT 05633

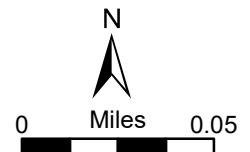
802-828-3666 | Kerry.Alley@vermont.gov

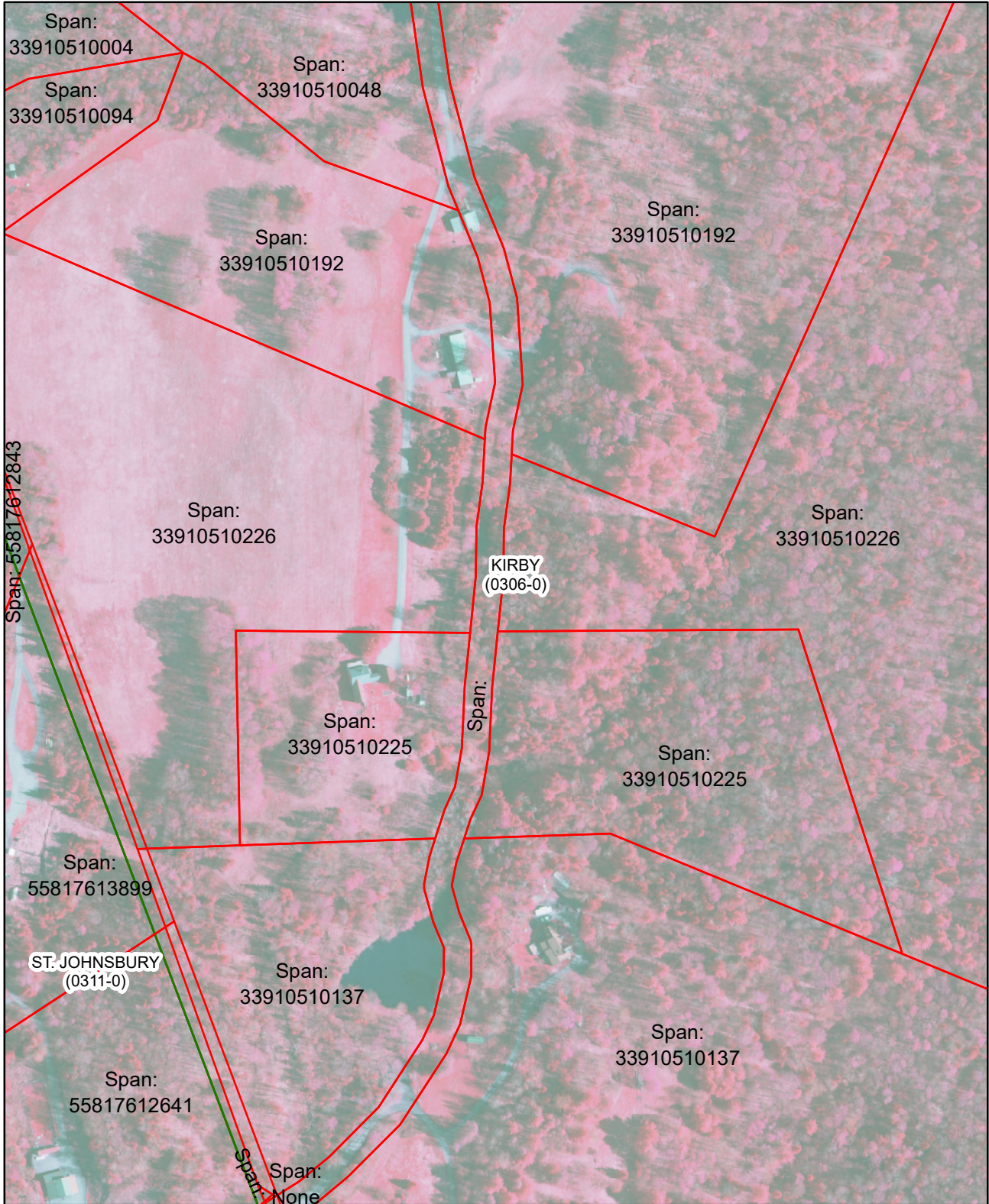
<http://vtrans.vermont.gov/planning/maps>



**TH-14 Alignment?
KIRBY
(0306-0)**

Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation -- March 28, 2019

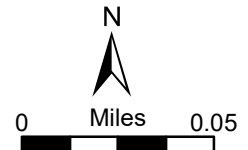


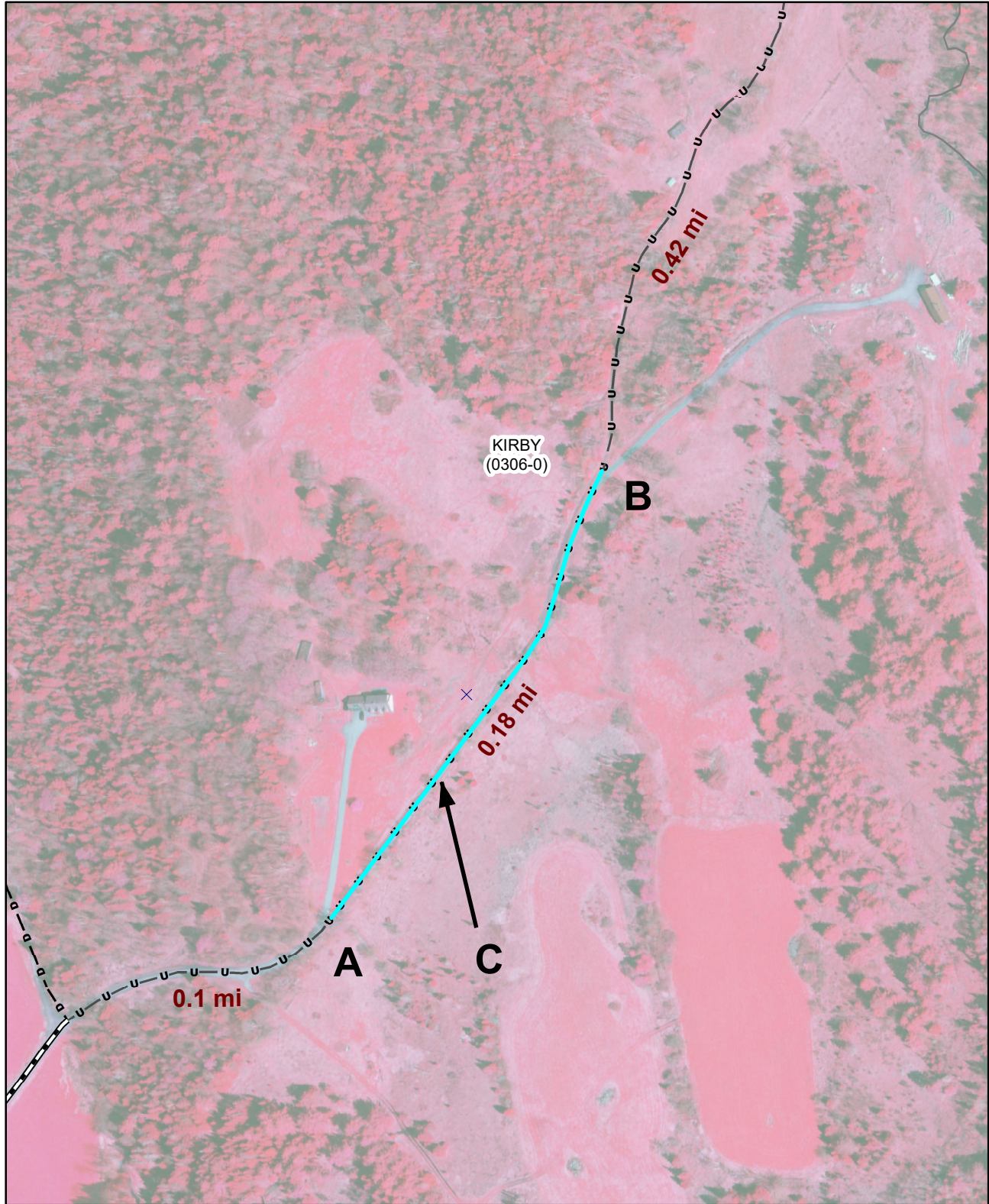


TH-14 Alignment? (Map B)

KIRBY
(0306-0)

Mapping Section
 Division of Policy and Planning
 Vermont Agency of Transportation -- March 28, 2019

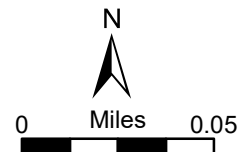


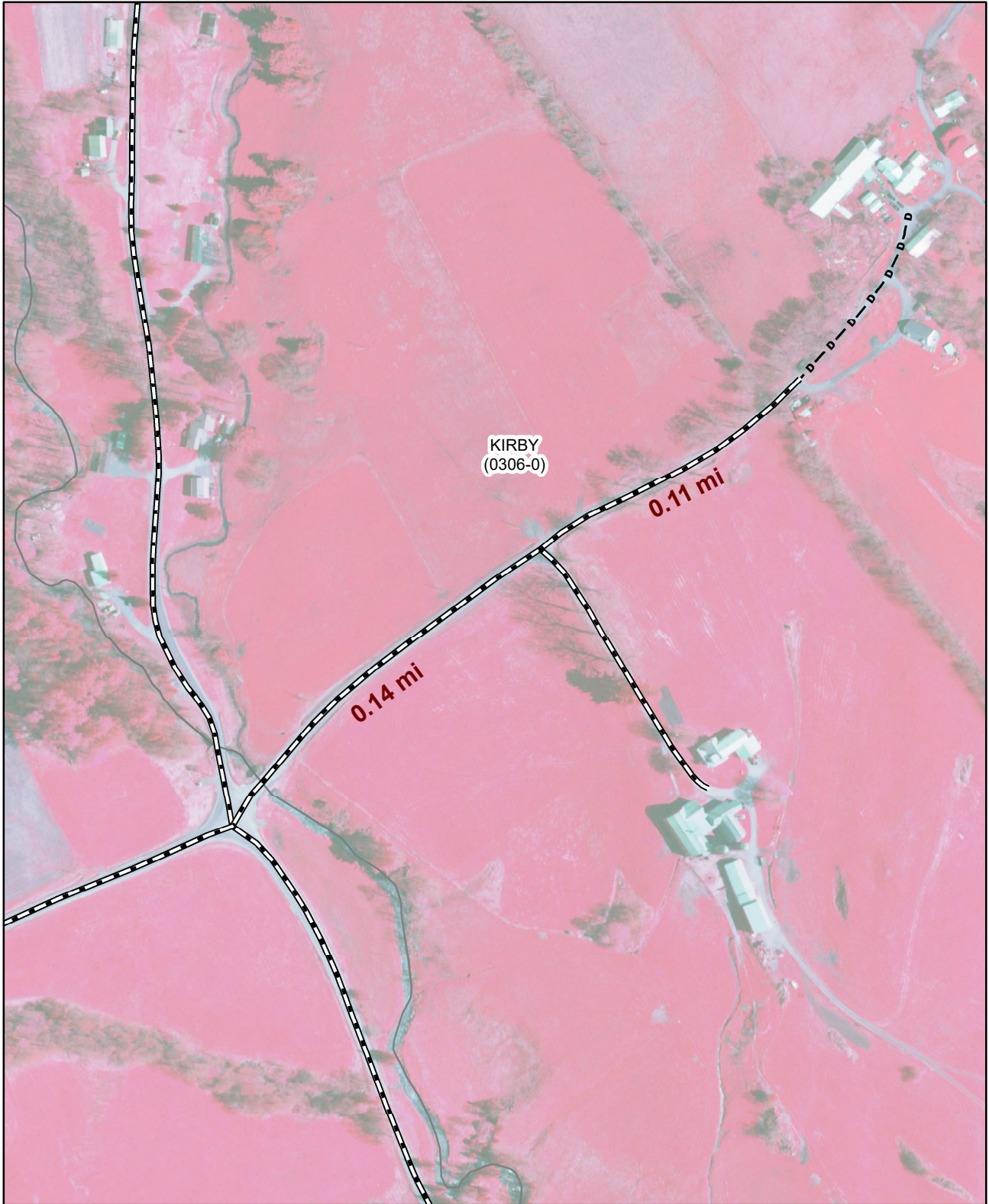


CL4 TH-20 Endpoint?

KIRBY
(0306-0)

Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation -- March 28, 2019

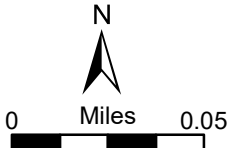


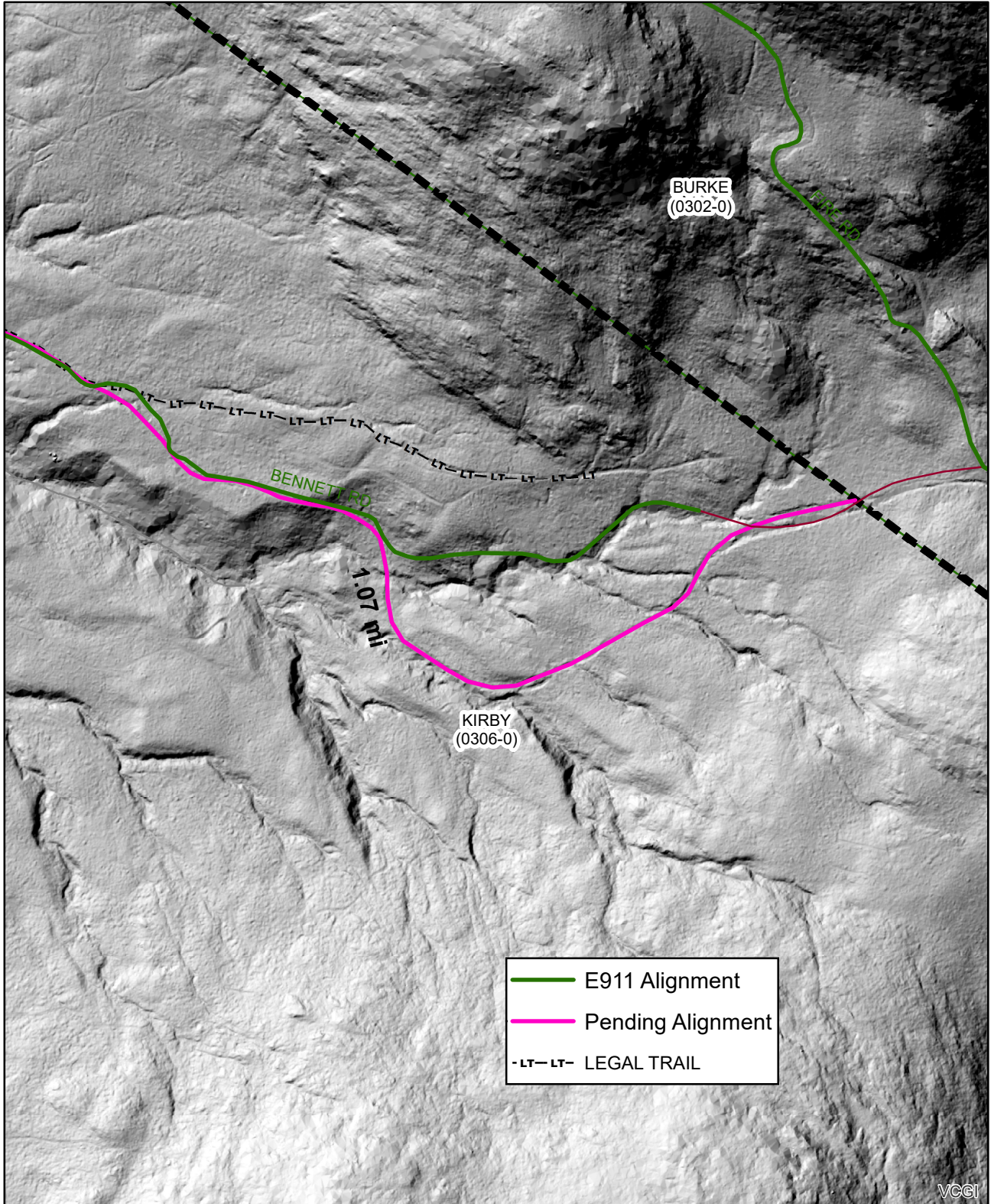


TH-21 Endpoint as Mapped?

KIRBY
(0306-0)

Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation -- March 28, 2019

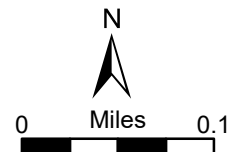


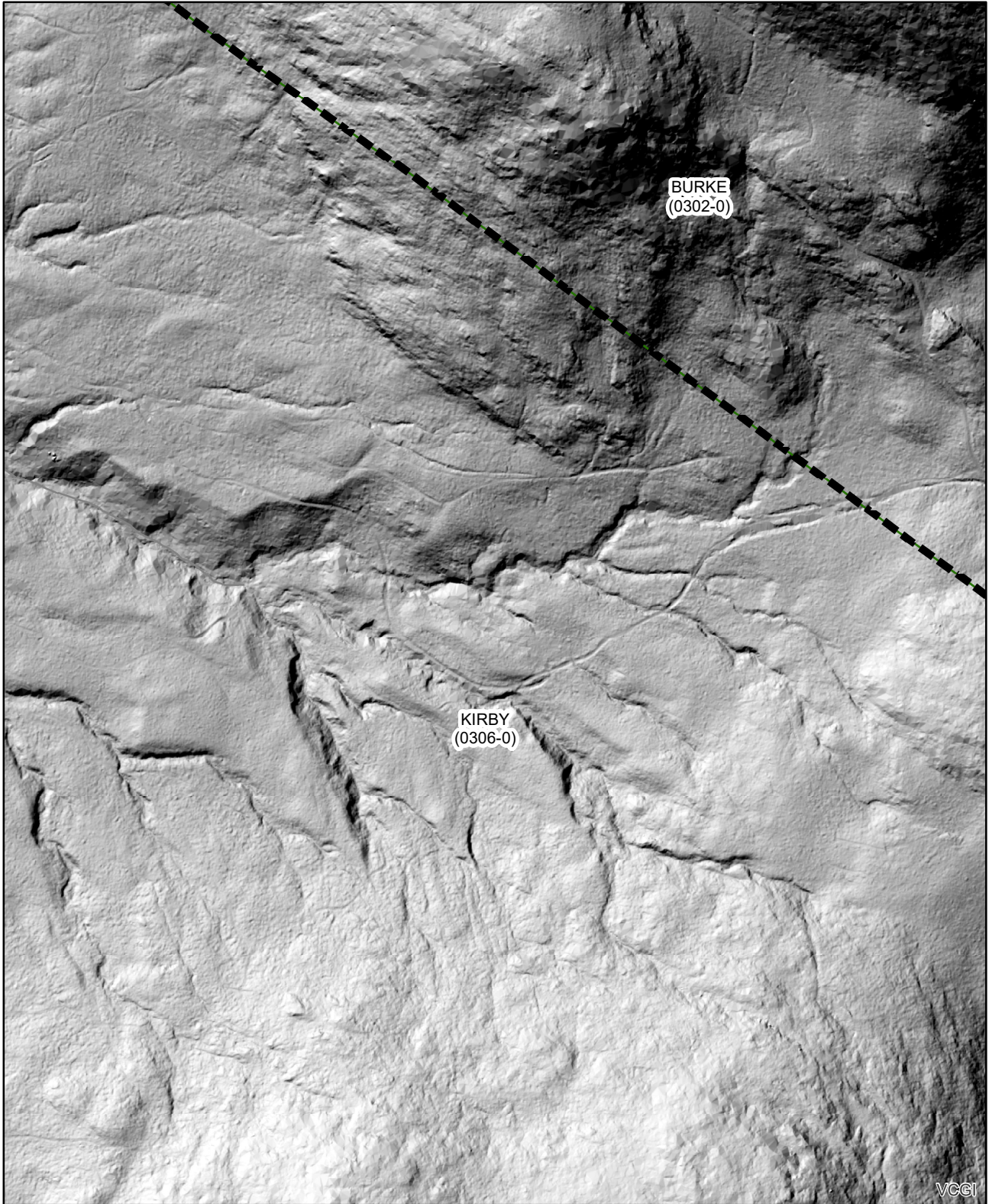


Legal Trail Alignment (Map A)

KIRBY
(0306-0)

Mapping Section
 Division of Policy and Planning
 Vermont Agency of Transportation -- March 28, 2019





BURKE
(0302-0)

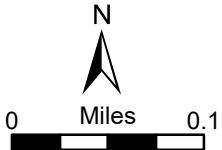
KIRBY
(0306-0)

VCGI

Legal Trail Alignment (Map B)

KIRBY
(0306-0)

Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation -- March 28, 2019

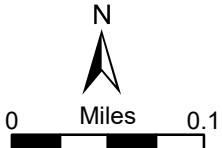


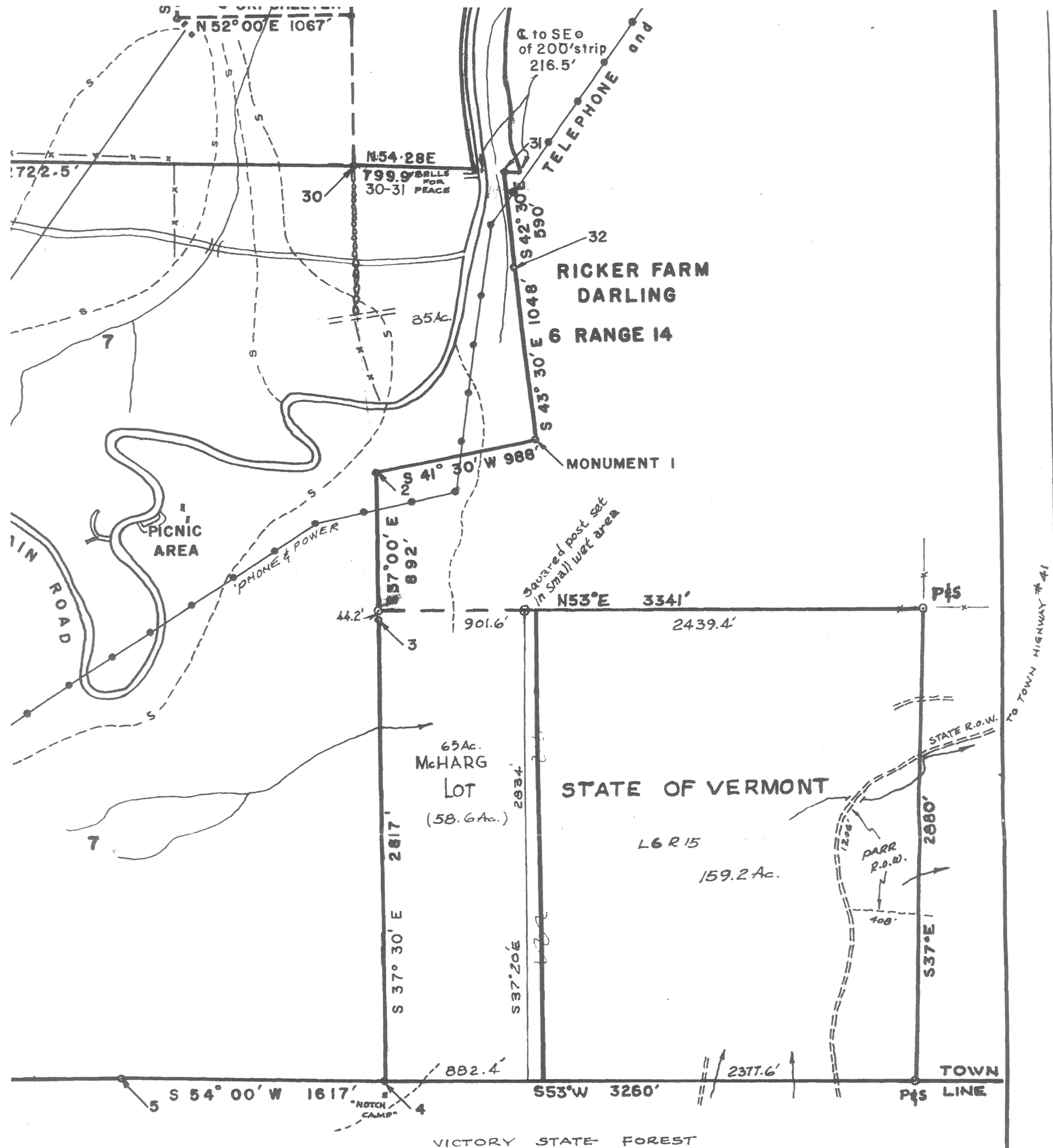


Legal Trail Alignment (Map D)

KIRBY
(0306-0)

Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation -- March 28, 2019



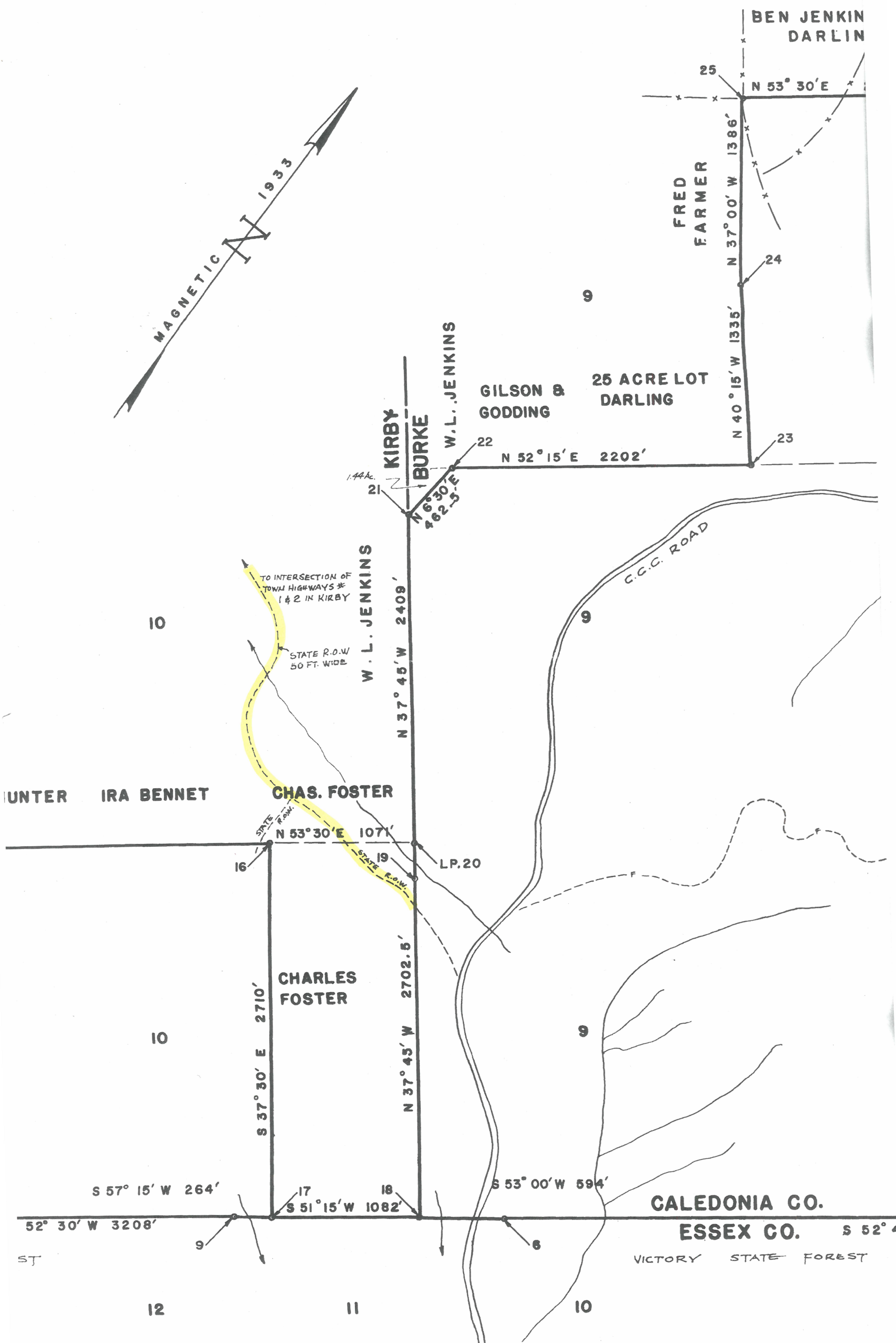
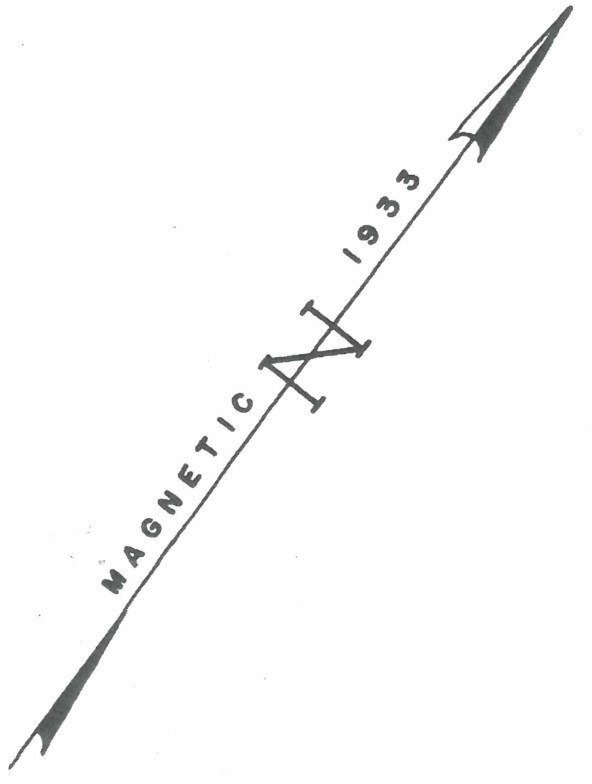


7

NOTE:
 SURVEY BY: H.H. SQUIRE
 1933 BOOK 10 (LOST)

STATE OF VERMONT DEPARTMENT OF FORESTS & PARKS PARK SERVICE Montpelier, Vermont			
Design by	DARLING STATE FOREST PARK BOUNDARY MAP		Scale 1" = 600 FT.
Drawn by A.H. MARGOTT			Revised P. MASSIE 12-26-58
Date 4-12-40			Drawing No. 5-27-5
Recommended	Date	Approved	Date

Revised



UNTER IRA BENNET

CHAS. FOSTER

CHARLES FOSTER

KIRBY BURKE

W.L. JENKINS

GILSON & GODDING

25 ACRE LOT DARLING

FRED FARMER

BEN JENKIN DARLIN

CALEDONIA CO.
ESSEX CO.

VICTORY STATE FOREST

ST

TOWN OF KIRBY
Founded 1790
346 Town Hall Road
Lyndonville, VT 05851
802-626-9386

August 28, 2018

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

Dear Sir or Madam:

Please find enclosed maps, notices and minutes concerning discontinuing several sections of the Town of Kirby Class 4 roads, a section of a Class 3 road, and the reclassification of a section of a Class 4 road to a trail.

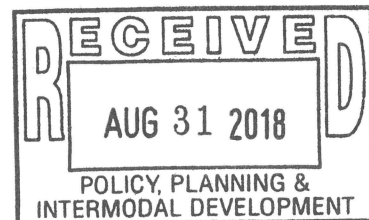
Please let me know if you need more information.

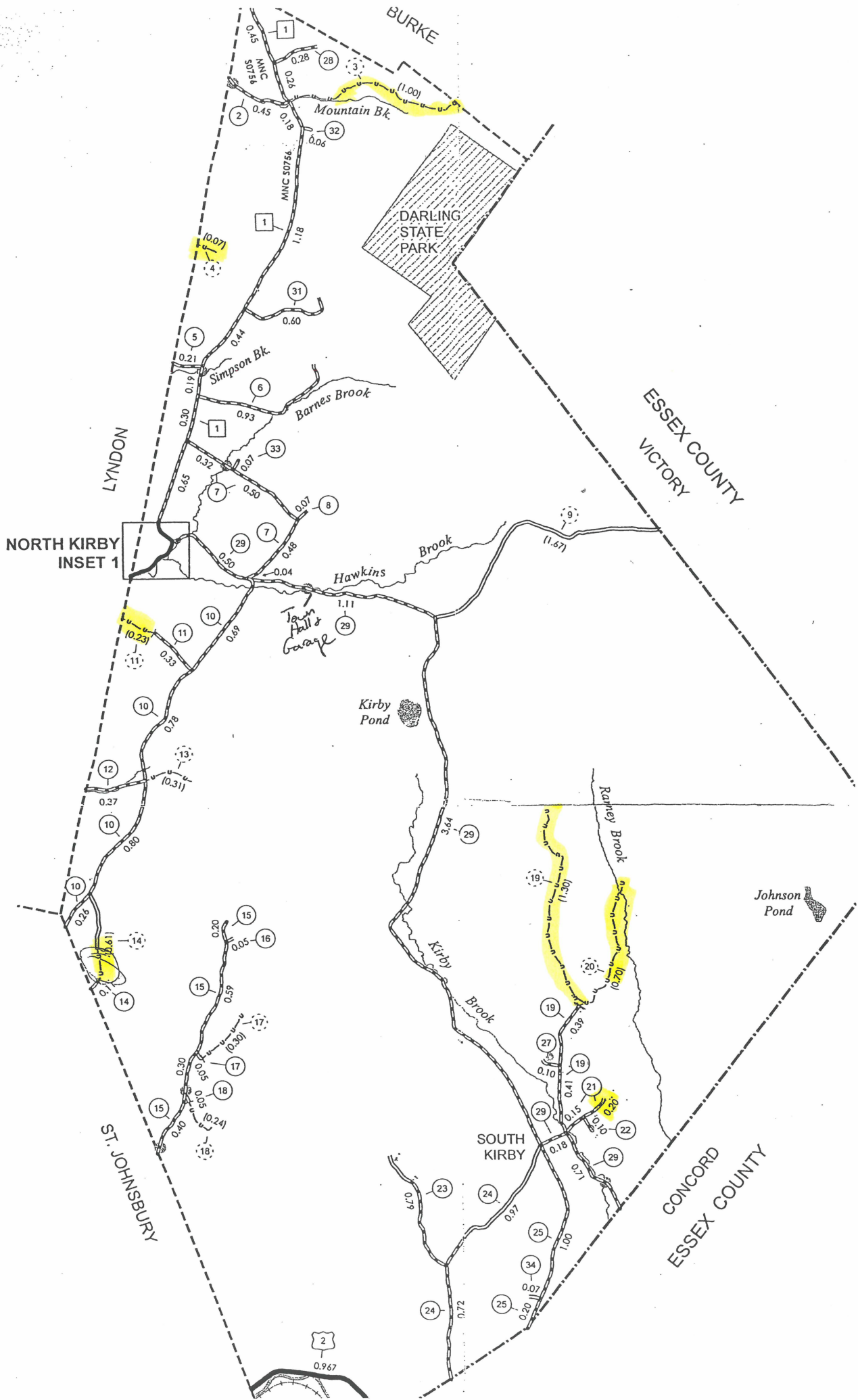
Sincerely,



Wanda L. Grant
Kirby Town Clerk

Enclosures





BURKE

Mountain Bk.

DARLING STATE PARK

Simpson Bk.

Barnes Brook

LYNDON

ESSEX COUNTY
VICTORY

NORTH KIRBY
INSET 1

Hawkins Brook

Tannery Hall's Gauge

Kirby Pond

Johnson Pond

Rainey Brook

Kirby Brook

ST. JOHNSBURY

SOUTH KIRBY

CONCORD
ESSEX COUNTY

2
0.967

foreign intelligence agencies, but the information provided wasn't conclusive enough to act upon, authorities said.

Holger Muench, the head of Germany's federal police agency BKA, told public broadcaster rbb-Inforadio it wasn't clear if the suspect had picked a specific tar-

**TOWN OF WHEELOCK
REQUEST FOR BIDS
FOR ROADSIDE
MOWING**

Two Passes – Approximately 28.15 miles
Close of Bids – July 5, 2018 3:30pm

Mail bids to:
**Town of Wheelock
PO Box 1328
Lyndonville, VT 05851**
Please write "mowing bid" on outside of envelope.

E-mail the News
THE CALEDONIAN-RECORD
news@caledonian-record.com

- Replacement of two basement windows and surrounding framing
- Build an extension to one interior stairwell to create a 3' platform, install door and frame, install guardrail on stairs, all to code
- Install one guardrail to code on exterior of building for existing ramp

Contact Carol Rossi for more specific description or to arrange a site visit, 802-626-9094. Bids must be received by 3:30pm on July 5, 2018. Submit proposals to Town of Wheelock by mail: PO Box 1328, Lyndonville, VT 05851; by email to wheelocktown@gmail.com; or deliver to Town Clerk's Office at 1192 Route 122, Wheelock.

NOTICE – TOWN OF KIRBY

The Kirby Selectboard will be holding a hearing on July 2, 2018 at 7:30 pm at the Kirby Town Hall to consider the following:

- Discontinuance of Class 4 sections of TH #19 & 20 (Wood Lane)
- Discontinuance of upper section of Ranney Hill Road – from intersection of Lone Pine Road to top of hill
- Discontinuance of impassable section of Shirley Lane/Dillon Drive (TH #14)
- Discontinuance of impassable section of Willoughby View Road
- Discontinuance of Town Farm Road
- Reclassifying Bennett Road from a Class 4 to a trail

Site visits will be held on June 26, 2018 as follows:

- Intersection of TH #19 & 20 (Wood Lane) at 3:00 pm
- Intersection of Ranney Hill Road and Lone Pine Road at 3:10 pm
- End of Shirley Lane (#14) near Timothy Peters' house at 3:45 pm
- End of Class 3 section of Willoughby View Road near Houghton's Farm at 4:00 pm
- Town Farm Road – where enters Kirby at 4:20 pm
- Intersection of Bennett Road and Ridge Road at 4:45 pm

All are welcome to attend both the site inspections and the hearing.

6/21/18

- AMMONIA
- ARTS AND CRAFTS SUPPLIES
- BLEACH
- CLEANERS (INCLUDES: DRAIN, OVEN, FLOOR, WINDOW, TOILET, RUG, ETC.)
- DISINFECTANTS
- METAL & FURNITURE POLISH
- MOTHBALLS
- MERCURY THERMOMETERS
- NAIL POLISH & REMOVER
- NI-CD, LITHIUM, MI-MH, AND BUTTON CELL BATTERIES
- SPOT & STAIN REMOVERS
- ALKALINE BATTERIES *

GARDEN SUPPLIES:

- CREOSOTE
- DIOXINS
- FERTILIZERS
- FLEA KILLERS
- FUNGICIDES
- HERBICIDES
- INSECT SPRAYS
- MURIATIC ACID
- NO-PEST STRIPS
- PESTICIDES
- RODENT KILLERS

GARAGE:

- ANTIFREEZE
- BRAKE FLUID *
- CORROSIVES

- GASOLINE/DIESEL OIL
- KEROSENE
- LEAD-ACID CAR BATTERY
- LIGHTER FLUID
- OIL-BASED PAINT
- LATEX-BASED PAINT
- PAINT THINNER
- PROPANE CYLINDERS
- SEALANTS
- STAINS/STRIPPERS
- SWIMMING POOL CHEMICALS
- TRANSMISSION FLUID *
- WOOD PRESERVATIVES
- USED MOTOR OIL AND FILTERS

* ALSO ACCEPTED AT OIL AND PAINT STORES YEAR ROUND

PLEASE DO NOT

- ASBESTOS
- EXPLOSIVES, INCLUDING POWDER, AMMUNITION
- FLARES
- INFECTIOUS WASTE
- PRESCRIPTION MEDICATIONS
- RADIOACTIVE WASTE, INCLUDING SMOKE DETECTORS
- UNKNOWN GAS CYLINDERS
- EMPTY CONTAINERS

**CONTACT THE NEKWMD IF YOU HAVE ITEMS YOU CANNOT
DISPOSE OF PROPERLY**
802-626-3532 or 800-734-4602 or www.nekwmd.com

The NEKWMD hazardous waste collection program is made possible in part by a grant from the Vermont Agency of Natural Resources. This year's grant totaled \$73,747.

THE RECORD • THURSDAY, JUNE 21, 2018

NATION & WORLD

**Beer May Lack Fizz In Europe
Amid Carbon Dioxide Shortage**

LONDON (AP) — No beer at But industr publication

WORLD BRIEFS

**In reversal, Trump signs order
stopping family separation**

out his right eye and forced his fe
\$13,500 ransom for his life. He

Business such as
House took action
atters, fax ma-

TOWN OF KIRBY
Founded 1790
346 Town Hall Road
Lyndonville, VT 05851
802-626-9386

**NOTICE OF HEARING
ON DISCONTINUANCE OF CLASS IV HIGHWAYS
PORTIONS OF: TH #19 & TH #20 (WOOD LANE), RANNEY HILL ROAD,
SHIRLEY LANE / DILLON DRIVE (TH#14), WILLOUGHBY VIEW ROAD AND
TOWN FARM ROAD
AND RECLASSIFYING
BENNETT ROAD FROM CLASS IV TO A TRAIL**

SELECTBOARD, KIRBY, VERMONT

The Selectboard of the Town of Kirby hereby give notice to the persons named below as owners or persons interested in lands and rights that may be affected by a decision of said Selectboard to discontinue the following highways:

1. TH #19 & TH #20 (Wood Lane) – Class IV portions (1.3 miles & .7 mile)
2. Ranney Hill Road – from intersection of Lone Pine Road to end - top of hill (.2 mile)
3. Shirley Lane / Dillon Drive (TH #14) – the impassable section located between Shirley Lane and Dillon Drive
4. Willoughby View Drive – the impassable section (.23 mile)
5. Town Farm Road – the impassable section (.07 mile)

And reclassification of:

6. Bennett Road – from a Class IV Road to a Trail (1 mile)

The Selectboard will meet on Tuesday June 26, 2018 at the following places and times to conduct site inspections of these highways:

1. TH #19 & TH #20 (Wood Lane) - Intersection of TH #19 & TH #20 at 3:00 p.m.
2. Ranney Hill Road – Intersection of Ranney Hill Road and Lone Pine Road at 3:10 p.m.
3. Shirley Lane/Dillon Drive (TH #14) – End of Shirley Lane near Timothy Peters' house at 3:45 p.m.
4. Willoughby View Road - end of the Class III section near Walter and Ruth Houghton's Farm at 4:00 p.m.
5. Town Farm Road - where it enters Kirby at 4:20 p.m.
6. Bennett Road - at the intersection of Ridge Road and Bennett Road at 4:45 p.m.

The Selectboard will meet at the Kirby Town Hall on Monday July 2, 2018 at 7:30 p.m. to conduct a hearing on the question of discontinuance / reclassifying these highways.

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 these highways pass, listed below, as well as the municipal planning commission and Commissioner of Forest, Parks and Recreation. A copy is to be posted in the office of the Town Clerk, and published in The Caledonian-Record (a local newspaper of general circulation in the area) not less than 10 days before the time set for the hearing.

Any other pertinent information relating to the proposed highways is available at the Kirby Town Clerk's office during business hours.

The following persons are hereby notified of the public hearing:

Rodney Wood	Charles & Sarah Roys
Mary Kay Wood & Dennis Wood	Richard & Susan Ranney
James & Jennifer Wood	Kirby Mountain Maple
Andrew Fisher	Houghton Family Trust
Troy & Heather Ranney	Karen Moore & Heather Leavitt
E-A-K Trust	Shawn & Jennifer McGarvin
Victor & Tracy Sherbrook	Timothy Peters et al
Timothy & Leslie Peters	Heather Heigis
Michael & Nancy Heineman	Burke Mountain Farms
Timothy W. Camisa & Michael Rooney	
Benjamin Mirkin, Chairman Kirby Planning Commission	
Commissioner of Forest, Parks and Recreation	

Dated at Kirby, Vermont this 24nd day of May, 2018.

Wala Z. Hart

Kirby Town Clerk

KIRBY SELECTBOARD'S HEARING-DISCONTINUANCE & RECLASSIFICATION OF
ROADS
JULY 2, 2018

The Selectboard conducted site visits on June 26, 2018 as follows:

- At 3:00 pm met at intersection of TH #19 & 20 (Wood Lane). Those present were: Roger Wood, Troy Ranney, Richard Ranney, Keith Isham and David Chase. Reviewed road.
- Met at intersection of TH #21 (Ranney Hill Road) & TH #22 (Lone Pine Road). Those present were: Richard Ranney, Troy Ranney, Rodney Wood, Keith Isham and David Chase. Reviewed road.
- Met at TH #14 near Timothy Peters house (390 Shirley Lane) at 3:41 p.m. Those present were: Keith Isham and David Chase. Reviewed road.
- Met at end of Class 3 section of TH #11 near Houghton's Farm (340 Willoughby View Road) at 4:00 p.m. Those present were: Keith Isham and David Chase. Reviewed road.
- Met at Lyndon/Kirby town line on TH #4 (Town Farm Road) at 4:25 p.m. Those present were: Keith Isham and David Chase. Reviewed road.
- Met at intersection of TH #1 (Ridge Road) & TH #3 (Bennett Road). Those present were: Heather Heigis, John and Bonnie Finnigan, Keith Isham and David Chase. Reviewed road.

Hearing was held on July 2, 2018 at the Kirby Town Hall.

Those present were: Selectpersons Steven Baker, Keith Isham and David Chase

Interested persons: Heather, Peter, & Max Heigis, Troy Ranney,
Pete & Kathy Upson, Jennifer Wood, Roger
& Joy Wood, John Finnigan & friend,
Rodney Wood & friend, Michael Heinemann,
and Dennis Wood

Visitor Sandy Ladd (representative from R.R. Charlebois, Inc.)

Secretary Wanda Grant

Chairman Steven Baker called the meeting to order at 7:31 p.m. and stated that the meeting was being recorded. He then read the following brief explanation as to why the Town is looking into discontinuing sections of TH #19 (Wood Lane), TH #20 (Wood Lane), TH #21(Ranney Hill Road), TH #14 (Shirley Lane/Dillon Drive), TH #11 (Willoughby View Road), TH #4 (Town Farm Road), and reclassifying TH #3 (Bennett Road) from a Class 4 to a trail:

"The decision to look at discontinuing or reclassifying portions of TH #19 & TH #20 (Wood Lane); TH #14 (Shirley Lane); TH #11 (Willoughby View Road); TH #4 (Town Farm Road); and TH#3 (Bennett Road) are due to the new State's Clean Water Act which mandates that the Town apply for a Municipal Roads General Permit (MRGP). Part of the process to apply and receive this permit is to bring hydrologically connected roads up to certain standards. This will include Class 4 roads. The roads that are being discussed tonight have portions that are in impassable condition and would cost the Town a lot of money to bring up to the required standards.

The portion of TH #21 (Ranney Hill Road) that the Town is looking at discontinuing is due to turn around problems."

The Board then heard from interested persons for Bennett Road and the following was discussed:

- The Heigis/Upson house is located on Bennett Road. The gate to the house is located approximately ¼ mile from the intersection with Ridge Road. There are 3 culverts located along that section. It was asked - if the Town reclassifies this road as a trail, would the landowners now be responsible for the maintenance in order to get to the house? It was noted that this section is in good shape; however, to keep it passable

could be costly for landowners because they do not have the experience or equipment to do this.

- It was noted that this road is used by a lot of hikers, bikers, skiers, horseback riders, ATV riders, etc. Landowners asked if they could put up a gate at end of road. They did not feel it was right that they would have to maintain road and others would get to use it. There was also a question of liability issues if someone got hurt. Would landowners be responsible if they are maintaining road?
- It was noted that a gate could not be installed as a trail is still a public right-of-way.
- The Selectboard stated that maintenance would probably be up to the landowners as the Town does not have to maintain trails. However, the Town might be willing to help out. It was noted, however, that Board members change and in the future the Board might change their position.
- It was noted that the landowners could be held responsible if someone was hurt. One solution mentioned was to put up a sign stating that this is an unmaintained trail.
- It was noted that even if reclassified as a trail, landowners would have to get permission from the Town to do work on trail.
- Mr. Finnigan stated that he would like the road be kept as a Class 4 road. He also stated that he has hire Mr. Wagner to install a culvert and smooth out part of the road. It was noted that he would have to get permission from the Selectboard before this work could be done whether it remains a Class 4 or is reclassified as a trail.
- The Selectboard mentioned several times that the reason the Town wanted to do this was due to the new State Clean Water Act. It could cost the Town a lot of money if they have to bring these roads up to the new standards.
- It was noted that part of Bennett Road could remain a Class 4 Road (up to gate to Heigis/Upson house) and the rest could be reclassified to a trail.
- Mr. Finnigan stated that his property is located past the gate so would be on the trail part. He changed his position and stated that he would be willing to have the Board reclassify this section to a trail if the Town would be willing to grade his section once a year.

At this time the Board decided to make their decision. David Chase made the motion to keep the section of Bennett Road from the intersection of Ridge Road to the Heigis/Upson gate as a Class 4 and reclassify the rest of the road as a trail. Motion seconded by Keith Isham. So voted.

Mr. Finnigan asked if he could still do the work he had planned on. The Board stated that he probably can as long as the work would not affect the Class 4 section of the road and as long as he gave the Board something in writing showing his intentions so that they can review it.

The Board also noted that they will look into the possibility of drafting guidelines for trails.

The Board then asked for comments on TH #19 & 20 (Wood Lane). The following was discussed:

- Jennifer Wood read a letter that was prepared for the Selectboard before she knew she would be able to attend the meeting. The letter follows:

Date: 06/30/2018

To: Town of Kirby, Select Board

From: Jim & Jennifer Wood

Re: Discontinuance of roads.

Dear Select Board:

As we are unable to attend the hearing on the matter of discontinuing roads we would like to express our opinion through this letter.

As our community looks to the future it is important that we maintain the potential for growing our tax base. While we understand that some of the roads proposed for discontinuance could ultimately become a liability, they also have the potential to become an asset at minimal expense to the Town. Once discontinued, the public's right to travel these roads has been lost, potentially forever. While we can envision an immediate future for our community based on current trends, we have no way of knowing what may happen in the distant future. Limiting future options by throwing up public assets we feel is a shortsighted approach.

Of the two roads in particular that we have party status to we are also opposed to discontinuing them.

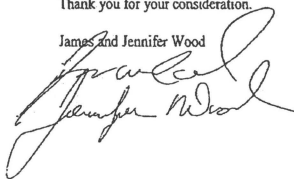
First is the road to and continuing in front of our house. The town has a very limited responsibility on this particular road. In addition, we have improved and maintained this road largely at our own expense, and our immediate plans are to do so. While the town has been good enough to occasionally plow up to our house, we realize this can be a public issue. It has been done historically as it is as much a benefit/convenience for the town as it is a benefit to us. Also, while the Town is ultimately responsible for the stream crossing at the end of the class three highway, we made arrangements with the Town to absorb the majority of the cost of said crossing, taking care of the installation of a culvert which the Town provided. Note that at the time had the Town managed a FEMA event properly there would have been no expense to either the Town or us.

The second road is at the bottom of our hill and extends through the Ranney property, along our Quarry property, through Rodney Wood's property, to the Roys property. As landowners we can see where the discontinuance of this public way could cause an undo burden upon us. While we would retain a right of way, the current town road is impassable and travel is largely upon the Ranney property. I have been involved in situations such as this where a landowner can block the use of their property and require the original traveled way be utilized for other owner's access. As the current situation has been created by historical use of the Ranney family and the lack of enforcement/guidance by the Town as to maintaining the public way to a minimum standard, we feel it would be unfair to us, and other owners with rights to this traveled way to be in a position of major expenditures to improve this road to a passable condition.

In either of these cases, it is not that anyone is asking for anything from the Town except a bit of mutual co-operation. The road in front of our house has been upgraded and maintained by us, Roger and Joy Wood, and Kirby Mountain Maple. We are not seeking any sort of re-imbursement. In the case of the road to our Quarry lot, we are not requesting any work to be done by the Town, only that the actual public way be retained to provide landowners future options.

Thank you for your consideration.

James and Jennifer Wood



- The Selectboard reminded those present that the Town is going through this process because of the expense that the Town could face due to the State's Clean Water Act. Even though the landowners do not want the Town to put a lot of money into upgrading these roads, the Town will have no option if they remain Class 4 because of the new standards.

- It was noted that TH #19 is impassable and landowners have actually been traveling on the Ranney property in order to get to their properties. They are afraid that they will lose access to their properties if the Town discontinues this road. It was noted that by statute they retain their right-of-way over the Town road even if the Town discontinues the road, however, at present they are not using that road to get to their properties. If the Ranneys should stop them from using the present entry and the road remains a Class 4, the Town would have to make the Town road passable for them so they could still get to their properties. Troy Ranney stated that the Ranneys are willing to continue to allow the landowners to access their properties over the Ranney property but they do not want it open to the general public. It was suggested that the landowners get a written right-of-way from the Ranneys so that they can continue to use the present access to their properties. Troy Ranney stated that he was okay with giving the landowners a written right-of-way.
- Jennifer Wood, Roger Wood, and Joy Wood indicated that they are alright with the Town discontinuing TH #19, but would like the Town to keep TH #20 as a Class 4 from the intersection of TH #19 & 20 to Jim and Jennifer Wood's driveway and to then discontinue the rest of the road.
- It was noted that the State has told the Town that they should look into discontinuing some Class 4 roads because it will cost the Town a lot to bring them up to the new standards. The Class 4 section of TH #19 was one of the roads that the State suggested that the Town discontinue.
- It was asked if the Town is looking into discontinuing the Victory Road. The Selectboard stated not at this time. They are looking basically at discontinuing sections of Class 4 roads that are listed on the Town's highway map as being untraveled or impassable.

Keith Isham made the motion to discontinue the Class 4 section of TH #19 (Wood Lane). Motion seconded by David Chase. So voted.

David Chase made the motion to keep the section of TH #20 from the intersection of TH #19 to James and Jennifer Wood's driveway as a Class 4 and to discontinue the rest of TH #20. Motion seconded by Keith Isham. So voted.

At this point the Selectmen asked for comments concerning TH #14 (Shirley Lane/Dillon Drive). The following was discussed:

- It was noted that a trout pond is located in the middle of the road in one section of TH #14.
- The Board stated that they are only looking at discontinuing the "untraveled/impassable" as stated on the Town's Highway Map. The rest of Shirley Lane (Class 4) and Dillon Drive (Class 3) will remain as they presently are.

David Chase made the motion to discontinue the section marked "impassable or untraveled" of TH #14 as shown on the Town's Highway Map. Motion seconded by Keith Isham. So voted.

At this time the Selectboard asked for comments on TH #11 (Willoughby View Road) and TH #4 (Town Farm Road). There were no comments or discussion.

Steven Baker made the motion to discontinue the Class 4 section of TH #11. Motion seconded by David Chase. So voted.

Keith Isham made the motion to discontinue TH #4. Motion seconded by David Chase. So voted.

At this time the discontinuance of the upper section of Ranney Hill Road (TH #21) from the intersection of Lone Pine Road to the upper end was discussed as follows:

- The Town has had problems with the turnaround area at the end of Ranney Hill Road. Not enough room to turnaround.
- Troy Ranney stated that he will furnish a turnaround area for the Town truck at his driveway near the top of the hill.

David Chase made the motion to discontinue the section of TH #21 from Troy Ranney's driveway to the end of the road located at Richard Ranney's resident. Motion seconded by Keith Isham. So voted.

The hearing was adjourned at 8:37 p.m.

Respectfully submitted, *Wanda L. Grant* Wanda L. Grant, Secretary

Town of Kirby, Vermont
Selectboard
Findings of Fact

RE: Discontinuance of Wood Lane (TH #19 & 20)

Date of Site Visit: June 26, 2018

Date of Hearing: July 2, 2018

The Kirby Selectboard conducted a site visit on Wood Lane (TH #19 & 20) on June 26, 2018 with Keith Isham, David Chase, Roger Wood, Troy Ranney, and Richard Ranney present.

The Kirby Selectboard held their hearing on July 2, 2018 at 7:31 p.m. at the Kirby Town Hall with Steven Baker, Keith Isham, David Chase, Heather Heigis, Peter Heigis, Max Heigis, Troy Ranney, Pete Upson, Kathy Upson, Jennifer Wood, Roger Wood, Joy Wood, John Finnigan & friend, Rodney Wood & friend, Michael Heinemann, Dennis Wood, Sandy Ladd, and Wanda Grant present. The following relating to Wood Lane (TH #19 & 20) was discussed:

- Jennifer Wood read a letter that was prepared for the Selectboard before she knew she would be able to attend the meeting. The letter follows:

Date: 06/30/2018

To: Town of Kirby, Select Board

From: Jim & Jennifer Wood

Re: Discontinuance of roads.

Dear Select Board:

As we are unable to attend the hearing on the matter of discontinuing roads we would like to express our opinion through this letter.

As our community looks to the future it is important that we maintain the potential for growing our tax base. While we understand that some of the roads proposed for discontinuance could ultimately become a liability, they also have the potential to become an asset at minimal expense to the Town. Once discontinued, the public's right to travel these roads has been lost, potentially forever. While we can envision an immediate future for our community based on current trends, we have no way of knowing what may happen in the distant future. Limiting future options by throwing up public assets we feel is a shortsighted approach.

Of the two roads in particular that we have party status to we are also opposed to discontinuing them.

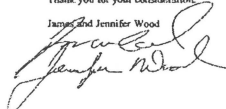
First is the road to and continuing in front of our house. The town has a very limited responsibility on this particular road. In addition, we have improved and maintained this road largely at our own expense, and our immediate plans are to do so. While the town has been good enough to occasionally plow up to our house, we realize this can be a public issue. It has been done historically as it is as much a benefit/convenience for the town as it is a benefit to us. Also, while the Town is ultimately responsible for the stream crossing at the end of the class three highway, we made arrangements with the Town to absorb the majority of the cost of said crossing, taking care of the installation of a culvert which the Town provided. Note that at the time had the Town managed a FEMA event properly there would have been no expense to either the Town or us.

The second road is at the bottom of our hill and extends through the Ranney property, along our Quarry property, through Rodney Wood's property, to the Roy's property. As landowners we can see where the discontinuance of this public way could cause an undo burden upon us. While we would retain a right of way, the current town road is impassable and travel is largely upon the Ranney property. I have been involved in situations such as this where a landowner can block the use of their property and require the original traveled way be utilized for other owner's access. As the current situation has been created by historical use of the Ranney family and the lack of enforcement/guidance by the Town as to maintaining the public way to a minimum standard, we feel it would be unfair to us, and other owners with rights to this traveled way to be in a position of major expenditures to improve this road to a passable condition.

In either of these cases, it is not that anyone is asking for anything from the Town except a bit of mutual co-operation. The road in front of our house has been upgraded and maintained by us, Roger and Joy Wood, and Kirby Mountain Maple. We are not seeking any sort of re-imbursment. In the case of the road to our Quarry lot, we are not requesting any work to be done by the Town, only that the actual public way be retained to provide landowners future options.

Thank you for your consideration.

Jim and Jennifer Wood



- The Selectboard reminded those present that the Town is going through this process because of the expense that the Town could face due to the State's Clean Water Act. Even though the landowners do not want the Town to put a lot of money into upgrading these roads, the Town will have no option if they remain Class 4 because of the new standards.
- It was noted that TH #19 is impassable and landowners have actually been traveling on the Ranney property in order to get to their properties. They are afraid that they will lose access to their properties if the Town discontinues this road. It was noted that by statute they retain their right-of-way over the Town road even if the Town discontinues the road, however, at present they are not using that road to get to their properties. If the Ranneys should stop them from using the present entry and the road remains a Class 4, the Town would have to make the Town road passable for them so they could still get to their properties. Troy Ranney stated that the Ranneys are willing to continue to allow the landowners to access their properties over the Ranney property but they do not want it open to the general public. It was suggested that the landowners get a written right-of-way from the Ranneys so that they can continue to use the present access to their properties. Troy Ranney stated that he was okay with giving the landowners a written right-of-way.
- Jennifer Wood, Roger Wood, and Joy Wood indicated that they are alright with the Town discontinuing TH #19, but would like the Town to keep TH #20 as a Class 4 from the intersection of TH #19 & 20 to Jim and Jennifer Wood's driveway and to then discontinue the rest of the road.
- It was noted that the State has told the Town that they should look into discontinuing some Class 4 roads because it will cost the Town a lot to bring them up to the new standards. The Class 4 section of TH #19 was one of the roads that the State suggested that the Town discontinue.
- It was asked if the Town is looking into discontinuing the Victory Road. The Selectboard stated not at this time. They are looking basically at discontinuing sections of Class 4 roads that are listed on the Town's highway map as being untraveled or impassable.

Keith Isham made the motion to discontinue the Class 4 section of TH #19 (Wood Lane). Motion seconded by David Chase. So voted.

David Chase made the motion to keep the section of TH #20 from the intersection of TH #19 to James and Jennifer Wood's driveway as a Class 4 and to discontinue the rest of TH #20. Motion seconded by Keith Isham. So voted.

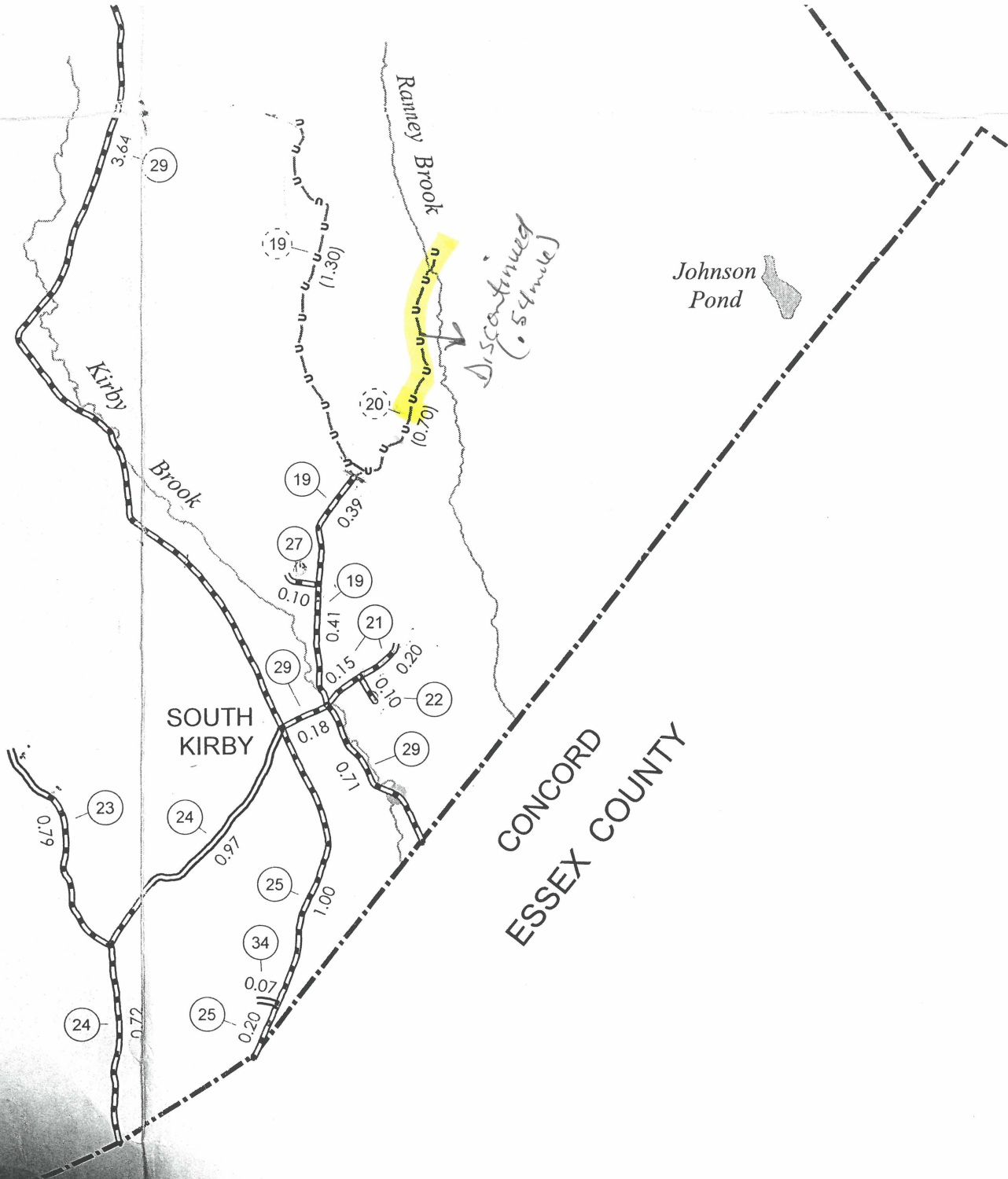
The Board continued with the hearing to discuss other roads and the hearing was adjourned at 8:37 p.m.

Decision of Board: The Class 4 section (1.30 miles) of Wood Lane (TH #19) was discontinued and Wood Lane (TH #20) will remain a Class 4 road from the intersection of TH (#19) to James and Jennifer Wood's driveway (.16 mile) and the rest of TH #20 (.54 mile) was discontinued.



Steven Baker, Chairman-Kirby Selectboard





Johnson Pond

Discontinuity
(0.54 mile)

CONCORD
ESSEX COUNTY

SOUTH
KIRBY



Town of Kirby, Vermont
Selectboard
Findings of Fact

RE: Discontinuance of a section of Ranney Hill Road (TH #21)

Date of Site Visit: June 26, 2018

Date of Hearing: July 2, 2018

The Kirby Selectboard conducted a site visit on Ranney Hill Road (TH #21) on June 26, 2018 with Keith Isham, David Chase, Rodney Wood, Troy Ranney, and Richard Ranney present.

The Kirby Selectboard held their hearing on July 2, 2018 at 7:31 p.m. at the Kirby Town Hall with Steven Baker, Keith Isham, David Chase, Heather Heigis, Peter Heigis, Max Heigis, Troy Ranney, Pete Upson, Kathy Upson, Jennifer Wood, Roger Wood, Joy Wood, John Finnigan & friend, Rodney Wood & friend, Michael Heinemann, Dennis Wood, Sandy Ladd, and Wanda Grant present. The following relating to Ranney Hill Road (TH #21) was discussed:

- The Town has had problems with the turnaround area at the end of Ranney Hill Road. Not enough room to turnaround.
- Troy Ranney stated that he will furnish a turnaround area for the Town truck at his driveway near the top of the hill.

David Chase made the motion to discontinue the section of TH #21 from Troy Ranney's driveway to the end of the road located at Richard Ranney's resident. Motion seconded by Keith Isham. So voted.

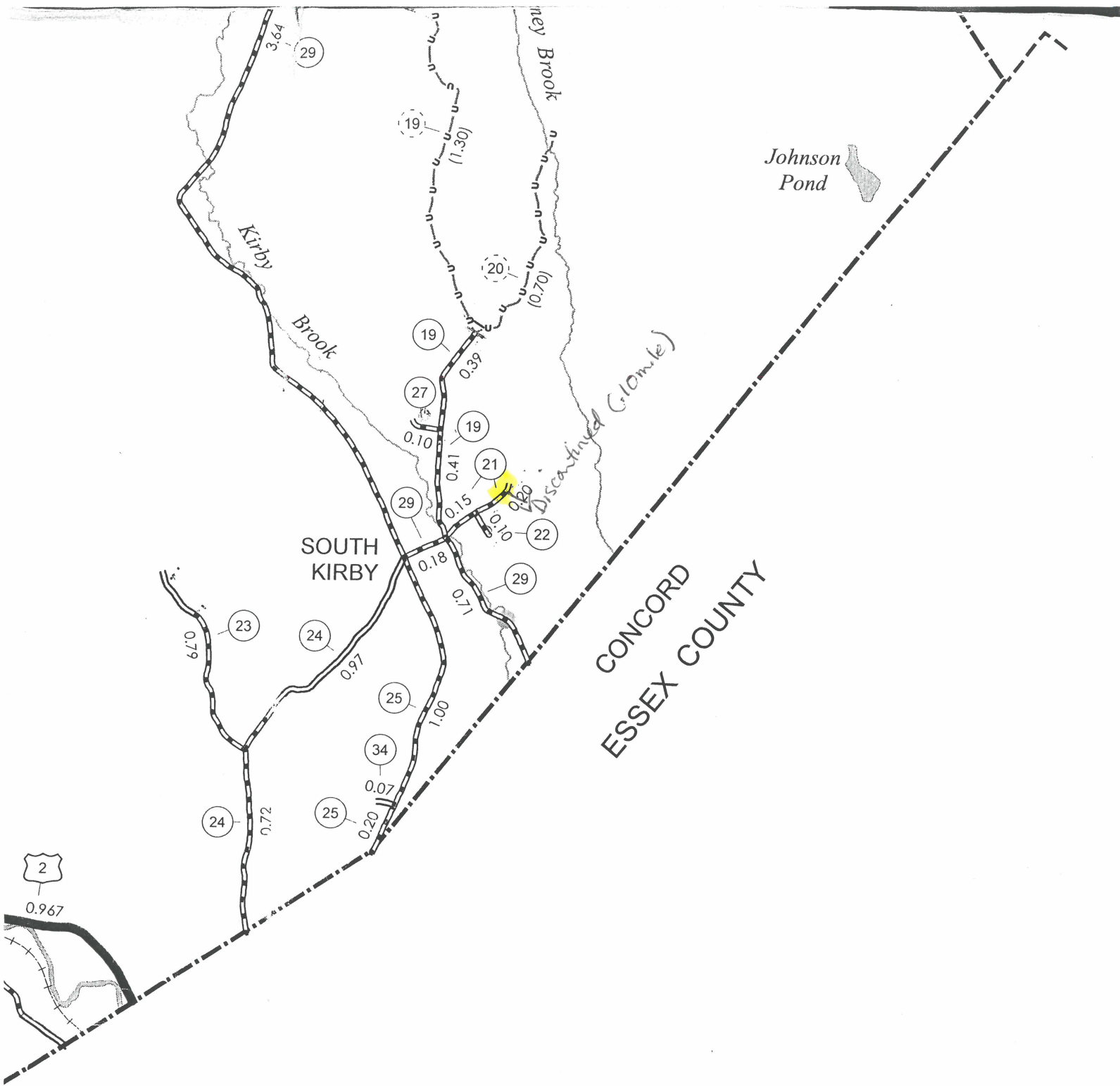
The Board adjourned the hearing at 8:37 p.m.

Decision of Board: Ranney Hill Road (TH #21) will remain a Class 3 from the intersection of Wood Lane (TH #29) for .25 mile and the rest of Ranney Hill Road (TH #21) was discontinued (.10 mile).



Steven Baker, Chairman-Kirby Selectboard





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

Town of Kirby, Vermont
Selectboard
Findings of Fact

RE: Discontinuance of the Impassable section of Shirley Lane/Dillon Drive (TH #14)

Date of Site Visit: June 26, 2018

Date of Hearing: July 2, 2018

The Kirby Selectboard conducted a site visit on Shirley Lane/Dillon Drive (TH #14) on June 26, 2018 with Keith Isham and David Chase present.

The Kirby Selectboard held their hearing on July 2, 2018 at 7:31 p.m. at the Kirby Town Hall with Steven Baker, Keith Isham, David Chase, Heather Heigis, Peter Heigis, Max Heigis, Troy Ranney, Pete Upson, Kathy Upson, Jennifer Wood, Roger Wood, Joy Wood, John Finnigan & friend, Rodney Wood & friend, Michael Heinemann, Dennis Wood, Sandy Ladd, and Wanda Grant present. The following relating to Shirley Lane/Dillon Drive (TH #14) was discussed:

- It was noted that a trout pond is located in the middle of the road in one section of TH #14.
- The Board stated that they are only looking at discontinuing the "untraveled/impassable" as stated on the Town's Highway Map. The rest of Shirley Lane (Class 4) and Dillon Drive (Class 3) will remain as they presently are.

David Chase made the motion to discontinue the section marked "impassable or untraveled" of TH #14 as shown on the Town's Highway Map. Motion seconded by Keith Isham. So voted.

The Board continued with the hearing to discuss other roads and the hearing was adjourned at 8:37 p.m.

Decision of Board: To discontinue the "impassable or untraveled" portion (.23 mile) of Shirley Lane/Dillon Drive (TH #14) located between the traveled sections of Shirley Lane and Dillon Drive. Shirley Lane will continue a Class 4 road from the intersection of Willey Farm Road for a distance of .38 mile. Dillon Drive will remain a Class 3 road (.11 mile).



Steven Baker, Chairman-Kirby Selectboard



700X

30



LE 1:6,336

NORTH KIRBY
INSET 1

LYND

ST. JOHNSBURY

Hawkins

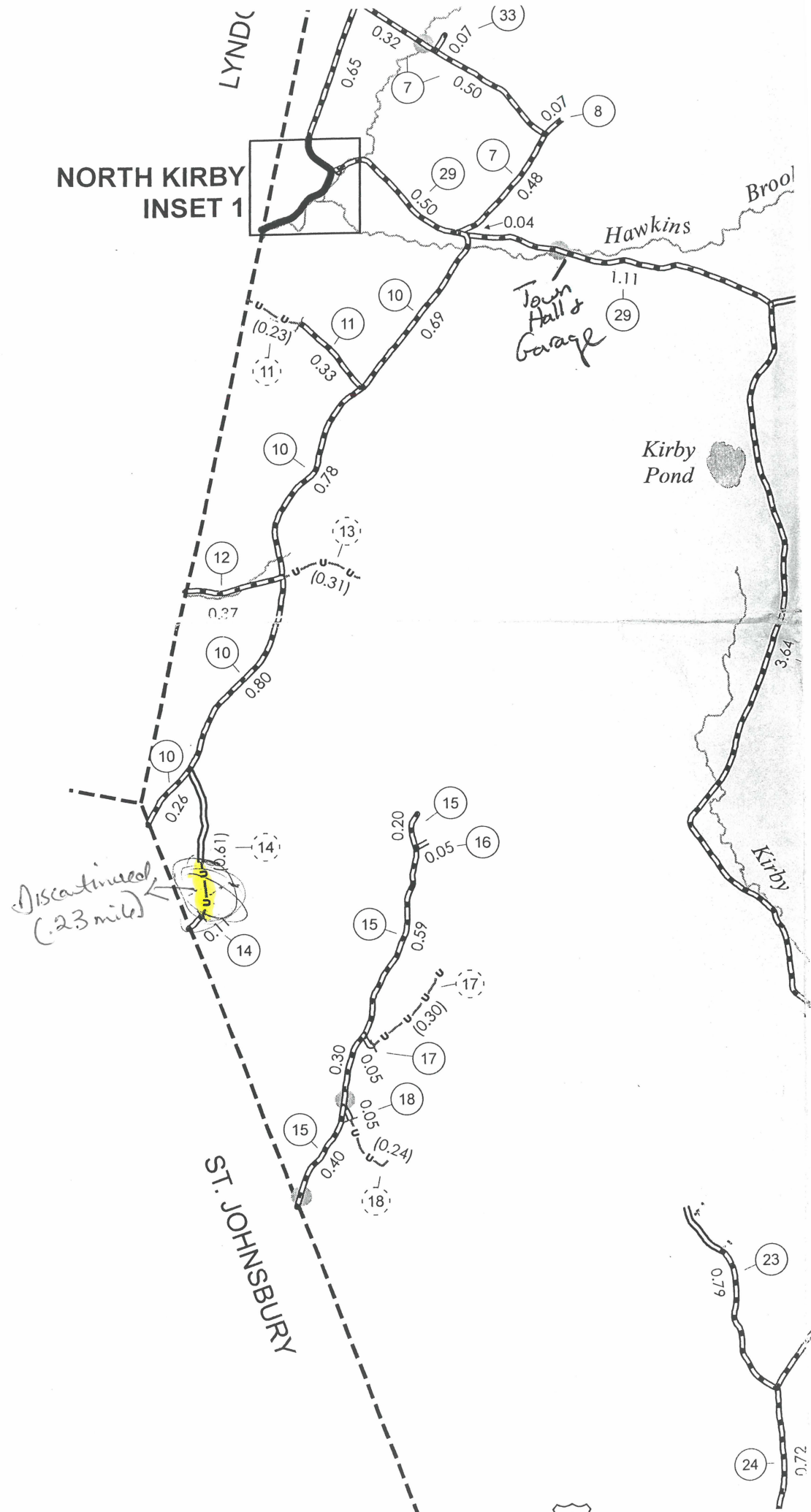
Brook

Kirby
Pond

Kirby

Discontinued
(.23 mile)

Town
Hall &
Garage



Town of Kirby, Vermont
Selectboard
Findings of Fact

RE: Discontinuance of the Class 4 section of Willoughby View Road (#11)
Date of Site Visit: June 26, 2018
Date of Hearing: July 2, 2018

The Kirby Selectboard conducted a site visit on Willoughby View Road (#11) on June 26, 2018 with Keith Isham and David Chase present.

The Kirby Selectboard held their hearing on July 2, 2018 at 7:31 p.m. at the Kirby Town Hall with Steven Baker, Keith Isham, David Chase, Heather Heigis, Peter Heigis, Max Heigis, Troy Ranney, Pete Upson, Kathy Upson, Jennifer Wood, Roger Wood, Joy Wood, John Finnigan & friend, Rodney Wood & friend, Michael Heinemann, Dennis Wood, Sandy Ladd, and Wanda Grant present. There were no comments or discussion concerning the Class 4 section of Willoughby View Road (TH #11)

Steven Baker made the motion to discontinue the Class 4 section of TH #11. Motion seconded by David Chase. So voted.

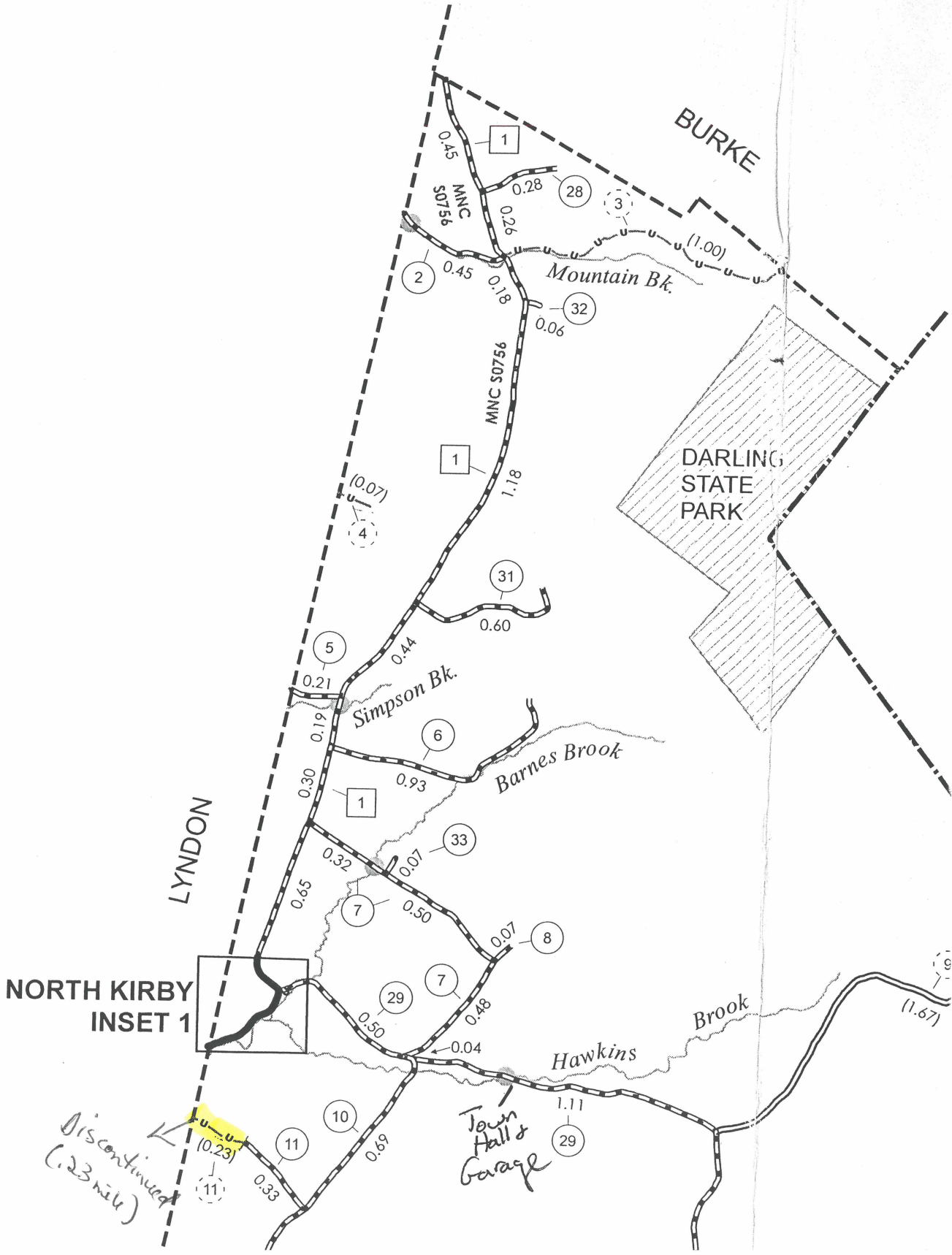
The Board continued with the hearing to discuss other roads and the hearing was adjourned at 8:37 p.m.

Decision of Board: To discontinue the Class 4 section (.23 mile) of Willoughby View Road (TH #11). The rest of Willoughby View Road (TH #11) will remain a Class 3 road (.33 mile).



Steven Baker, Chairman-Kirby Selectboard





Town of Kirby, Vermont
Selectboard
Findings of Fact

RE: Discontinuance of Town Farm Road (#4)

Date of Site Visit: June 26, 2018

Date of Hearing: July 2, 2018

The Kirby Selectboard conducted a site visit on Town Farm Road (#4) on June 26, 2018 with Keith Isham and David Chase present.

The Kirby Selectboard held their hearing on July 2, 2018 at 7:31 p.m. at the Kirby Town Hall with Steven Baker, Keith Isham, David Chase, Heather Heigis, Peter Heigis, Max Heigis, Troy Ranney, Pete Upson, Kathy Upson, Jennifer Wood, Roger Wood, Joy Wood, John Finnigan & friend, Rodney Wood & friend, Michael Heinemann, Dennis Wood, Sandy Ladd, and Wanda Grant present. There were no comments or discussion concerning Town Farm Road (TH #4)

Keith Isham made the motion to discontinue TH #4. Motion seconded by David Chase. So voted.

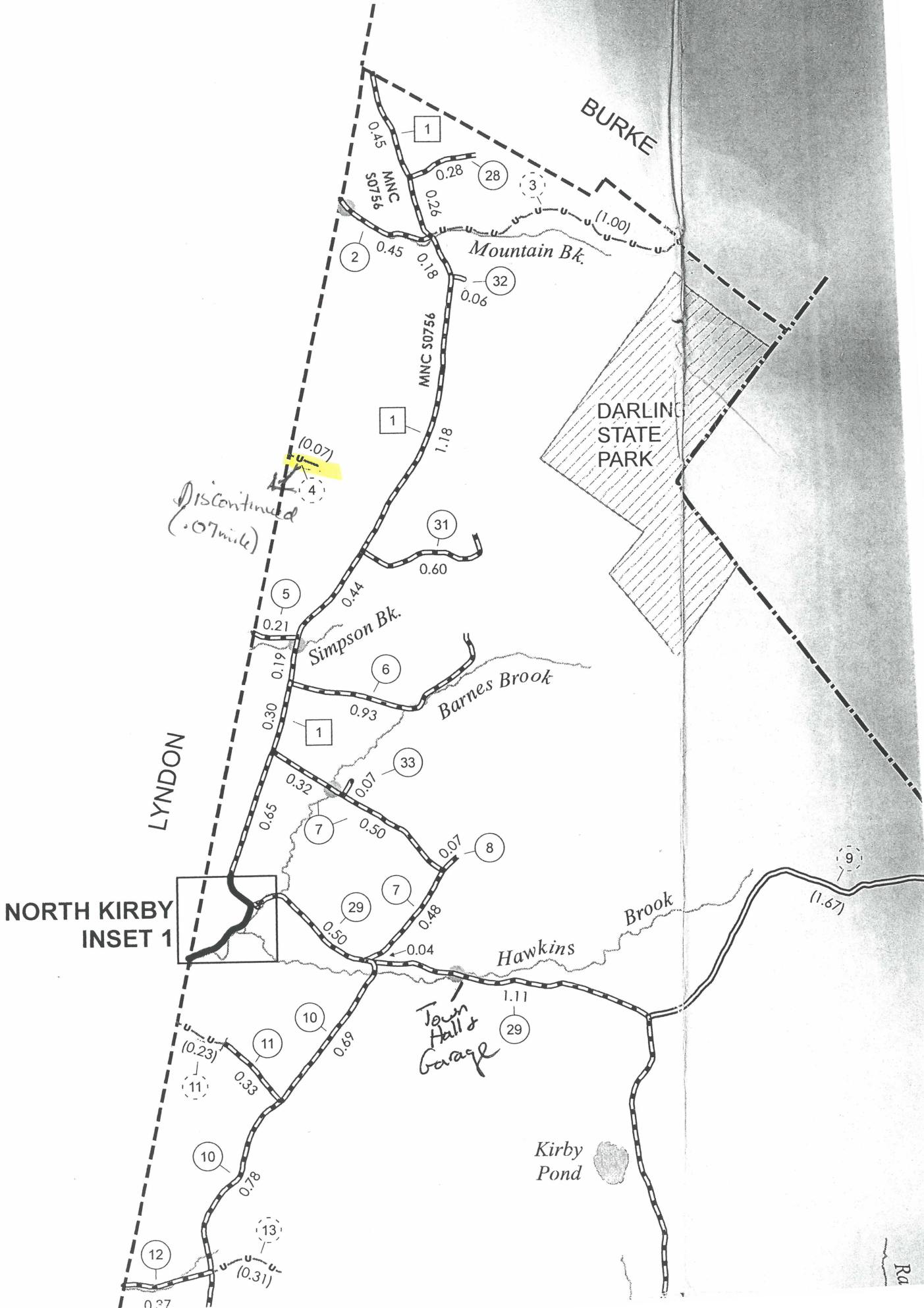
The Board continued with the hearing to discuss other roads and the hearing was adjourned at 8:37 p.m.

Decision of Board: To discontinue (TH # 4) Town Farm Road (.07 mile).



Steven Baker, Chairman-Kirby Selectboard





BURKE

DARLING STATE PARK

LYNDON

NORTH KIRBY INSET 1

Kirby Pond

Town Hall & Garage

Mountain Bk.

Simpson Bk.

Barnes Brook

Hawkins Brook

MNC S0756

MNC S0756

Discontinued (.07 mile)

(0.23)

(0.33)

(0.78)

(0.31)

(0.07)

(1.00)

(1.67)

0.37

Rd

Town of Kirby, Vermont
Selectboard
Findings of Fact

RE: Reclassification of Bennett Road (TH #3) from a Class 4 to a Trail

Date of Site Visit: June 26, 2018

Date of Hearing: July 2, 2018

The Kirby Selectboard conducted a site visit on Bennett Road (TH #3) on June 26, 2018 with Keith Isham, David Chase, Heather Heigis, John Finnigan, and Bonnie Finnigan present.

The Kirby Selectboard held their hearing on July 2, 2018 at 7:31 p.m. at the Kirby Town Hall with Steven Baker, Keith Isham, David Chase, Heather Heigis, Peter Heigis, Max Heigis, Troy Ranney, Pete Upson, Kathy Upson, Jennifer Wood, Roger Wood, Joy Wood, John Finnigan & friend, Rodney Wood & friend, Michael Heinemann, Dennis Wood, Sandy Ladd, and Wanda Grant present. The following relating to Bennett Road (TH #3) was discussed:

- The Heigis/Upson house is located on Bennett Road. The gate to the house is located approximately $\frac{1}{4}$ mile from the intersection with Ridge Road. There are 3 culverts located along that section. It was asked - if the Town reclassifies this road as a trail, would the landowners now be responsible for the maintenance in order to get to the house? It was noted that this section is in good shape; however, to keep it passable could be costly for landowners because they do not have the experience or equipment to do this.
- It was noted that this road is used by a lot of hikers, bikers, skiers, horseback riders, ATV riders, etc. Landowners asked if they could put up a gate at end of road. They did not feel it was right that they would have to maintain road and others would get to use it. There was also a question of liability issues if someone got hurt. Would landowners be responsible if they are maintaining road?
- It was noted that a gate could not be installed as a trail is still a public right-of-way.
- The Selectboard stated that maintenance would probably be up to the landowners as the Town does not have to maintain trails. However, the Town might be willing to help out. It was noted, however, that Board members change and in the future the Board might change their position.
- It was noted that the landowners could be held responsible if someone was hurt. One solution mentioned was to put up a sign stating that this is an unmaintained trail.
- It was noted that even if reclassified as a trail, landowners would have to get permission from the Town to do work on trail.
- Mr. Finnigan stated that he would like the road be kept as a Class 4 road. He also stated that he has hire Mr. Wagner to install a culvert and smooth out part of the road. It was noted that he would have to get permission from the Selectboard before this work could be done whether it remains a Class 4 or is reclassified as a trail.
- The Selectboard mentioned several times that the reason the Town wanted to do this was due to the new State Clean Water Act. It could cost the Town a lot of money if they have to bring these roads up to the new standards.
- It was noted that part of Bennett Road could remain a Class 4 Road (up to gate to Heigis/Upson house) and the rest could be reclassified to a trail.
- Mr. Finnigan stated that his property is located past the gate so would be on the trail part. He changed his position and stated that he would be willing to have the Board reclassify this section to a trail if the Town would be willing to grade his section once a year.

At this time the Board decided to make their decision. David Chase made the motion to keep the section of Bennett Road from the intersection of Ridge Road to the Heigis/Upson gate as a Class 4 and reclassify the rest of the road as a trail. Motion seconded by Keith Isham. So voted.

The Board continued with the hearing to discuss other roads and the hearing was adjourned at 8:37 p.m.

Decision of Board: Bennett Road (TH #3) will remain a Class 4 Road from the intersection of Ridge Road to the Heigis/Upson gate (.25 mile) and the rest of the road will be reclassified as a trail (.75 mile).



Steven Baker, Chairman-Kirby Selectboard



