

District 5
 Certcode 0408-0

**CERTIFICATE OF HIGHWAY MILEAGE
 YEAR ENDING FEBRUARY 10, 2021**

Fill out form, make and file a copy with the Town Clerk, and submit the Mileage Certificate on or before February 20, 2021 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section through upload to the secure FTP site or if necessary via mail to: VTrans PPAID - Mapping Section, 2178 Airport Rd, Unit B, Berlin, VT 05641.

We, the members of the legislative body of HUNTINGTON in CHITTENDEN 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	11.180				0.000
Class 3	31.97		1.14	30.83	0.000
State Highway	0.000				0.000
Total	43.150			43.150	0.000

Mileage adjustments by VTrans, the changes were already processed as part of the 2020 Mileage Certificate, 2021-02-19

* Class 1 Lane	0.000				
* Class 4	2.88	1.14		4.02	0.000
* Legal Trail	0.00				

* 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).

These changes were implemented as part of the 2020 Mileage Certificate, see 2021 closeout letter (on next page).

Reclassified from Class 3 to Class 4: 0.06 miles of TH#9; 0.33 miles of TH#15 (Stagecoach Rd) and 0.75 miles of TH#26 (Trapp Rd)

4. **SCENIC HIGHWAYS:** Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Place an X in the box and sign below.

PART III - SIGNATURES - PLEASE SIGN.

Signatures of Selectmen/ Aldermen/ Trustees:

[Handwritten signatures]

Signature of T/C/V Clerk:

[Handwritten signature]

Date Filed:

1.20.21

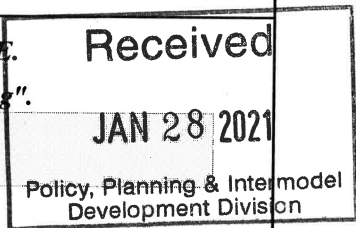
Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

Representative, Agency of Transportation

DATE:





State of Vermont
Division of Policy, Planning and Intermodal Development
Mapping Section
2178 Airport Rd, Unit B
Berlin, VT 05641
<http://vtrans.vermont.gov/planning/maps>

Agency of Transportation

Telephone: 802-917-2621
Email: kerry.alley@vermont.gov

February 19, 2021

Barbara Elliott, Town Administrator
& Selectboard,
Town of Huntington, c/o Town Clerk
4930 Main Rd
Huntington, VT 05462

Dear Barbara Elliot & Huntington Selectboard,

Please find the enclosed copy of the 2021 Certificate of Highway Mileage for the Town of Huntington. We have placed the original certificate in the VTrans Mapping records, but we did not process the reclassifications of Town Highways TH-9, TH-15, and TH-26 submitted with the 2021 Certificate because those reclassifications were processed with the 2020 Certificate of Highway Mileage.

You can find a copy of the 2020 Certificate of Highway Mileage online here:
https://maps.vtrans.vermont.gov/Maps/Publications/MileageCertificates/ArchivedMileageCertificates/CHITTENDEN_Co/HUNTINGTON/HUNTINGTON_MILEAGECERT_2020_C_OCR.PDF

The 2020 updates are reflected on the Huntington Town Highway Map, also available online:
https://maps.vtrans.vermont.gov/Maps/TownMapSeries/CHITTENDEN_Co/HUNTINGTON/HUNTINGTON_MILEAGE_2020.pdf

If you have any questions regarding the information above, please don't hesitate to reach out to me or others in the Mapping Section.

Sincerely,

Kerry Alley
Mapping & GIS Specialist

Enclosures

cc: David Blackmore, District Transportation Administrator
Amy Bell, VTrans Planning Coordinator

43 TH #9: 8:30 am, meeting at the intersection of Happy Hollow Road and TH #9
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45 On March 26, 2019, notice of the Public Hearing and Site Inspection was sent by certified
46 mail, return receipt requested, to the following adjoining landowners:

- 47 • John Durochia, PO 24, Richmond, VT 05477
 - 48 • Timothy B and Leslie A Jones, 4133 Woodsly Drive, Batavia, OH 45103
 - 49 • Jamie L and Matthew R Gough, 1587 Pratt Road, Jeffersonville, VT 05464
 - 50 • James D and Jessica D Redman, 1011 Happy Hollow Road, Huntington, VT 05462
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53 **2. SITE INSPECTION AND PUBLIC HEARING**

54 A site examination and public hearings were held as scheduled for the Selectboard to hear
55 from interested parties to determine whether the public good, necessity, and convenience
56 of the inhabitants of the Town of Huntington would best be served by the reclassification of
57 TH #9 from a Class 3 road to a Class 4 road or legal trail, or by improving TH #9 to Class 3
58 highway standards, which requires that highways be negotiable under normal conditions all
59 seasons of the year by a standard manufactured pleasure car.
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62 **3. SITE INSPECTION AND PUBLIC HEARING: ATTENDEES**

63 a. **05/11/2019 Site Inspection:** In addition to the five (5) Selectboard members—Dori
64 Barton, Landel Cochran, Larry Haskins Jr., Roman Livak and Nancy Mead; Town
65 Attorney Jim Carroll; Road Foreman Clinton ‘Yogi’ Alger; and Town Administrator
66 Barbara Elliott, the following people attended the TH #9 Site Inspection:
67 Andy Carlo, Matt Gough, Barrett Grimm, Carlyle ‘Butch’ Holcomb, Tim Jones,
68 Duncan Keir, Jessica Redman, Jim Redman, Jeannette Segale
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70 b. **05/13/2019 Public Hearing:** In addition to the five (5) Selectboard members—Dori
71 Barton, Landel Cochran, Larry Haskins Jr., Roman Livak and Nancy Mead; Town
72 Attorney Jim Carroll; Road Foreman Clinton ‘Yogi’ Alger; and Town Administrator
73 Barbara Elliott, the following people attended the May 13, 2019 Public Hearing:
74 Andy Carlo, John Durochia, Matthew Gough, Barrett Grimm, Carlyle ‘Butch’
75 Holcomb, Tim Jones, Duncan Keir, Paula Kelley, Jim Redman, Aaron Worthley
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77 c. **06/17/2019 Public Hearing Continuation:** In addition to the five (5) Selectboard
78 members—Dori Barton, Landel Cochran, Larry Haskins Jr., Roman Livak and Nancy
79 Mead; Road Foreman Clinton ‘Yogi’ Alger; and Town Administrator Barbara Elliott,
80 the following people attended the June 17, 2019 Public Hearing continuation:
81 Andy Carlo, Dean Douglas, Lida Douglas, John Durochia, Linda Fickbohm, Barrett
82 Grimm, Melissa Hoffman, Carlyle Butch Holcomb, Duncan Keir, Paula Kelley,
83 Donna Lewis, Jason Nerenberg, Darlene Palola, Eric Palola, Heidi Racht, Guthrie
84 Smith, Margaret Taft, Karen Torelli, Sarah Jane Williamson
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86 d. **08/12/2019 Public Hearing Continuation:** In addition to the five (5) Selectboard
87 members—Dori Barton, Landel Cochran, Larry Haskins Jr., Roman Livak and Nancy

88 Mead, Road Foreman Clinton ‘Yogi’ Alger and Town Administrator Barbara Elliott,
89 the following people attended the August 8, 2019 Public Hearing continuation:
90 Julia Austin, Andy Carlo, Jeffrey Chapman, Matthew Gough, Dean Douglas, Lida
91 Douglas, John Durochia, Barrett Grimm, Bill Hegman, Carlyle Butch Holcomb,
92 Leslie Jones, Duncan Keir, Paula Kelley, Jason Nerenberg, Eric Palola, Heidi Racht
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95 **4. THE HEARING RECORD:**

96 The following constitutes the record of documentary exhibits submitted and admitted into
97 evidence during the hearings.
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- 99 **a. General Highway Exhibits:** Exhibits compiled by the Town Administrator, submitted
100 and admitted into evidence covered statutes governing Town Highways, VTrans
101 highway standards, the complete archive of VTrans files for the Town of Huntington
102 including maps from 1931 through 2019 and Huntington’s Certificates of Highway
103 Mileage, and the Town of Huntington municipal parking and winter maintenance
104 ordinances.
- 105 i. Ex. 50: Exhibit List for contents of the Town of Huntington Generic
106 Reclassification Binder (*available at the Town Administrator’s Office*)
 - 107 ii. Ex. 51: 19 V.S.A. § 301-308: Town Highways
 - 108 iii. Ex. 52: 19 V.S.A. § 701-819: Laying Out, Discontinuing, And Reclassifying
109 Highway
 - 110 iv. Ex 53: 19 V.S.A. § 901- 996: Repairs, Maintenance, And Improvements
 - 111 v. Ex. 54: 24 V.S.A. § 1201-1210: Municipal Administrative Procedure Act
 - 112 vi. Ex. 55: Town Road and Bridge Standards for the Town of (*per VTrans*
113 *standards updated January 23, 2013*)
 - 114 vii. Ex. 56: Draft Town Road and Bridge Standards proposed by VTrans in 2019 to
115 incorporate the Municipal Roads General Permit (**MRGP**) requirements
 - 116 viii. Ex. 57: VTrans’ handbook for local officials: The Orange Book 2017-2019
 - 117 ix. Ex. 58: Vermont League of Cities and Towns (**VLCT**) excerpts from The
118 Highway Handbook 2001
 - 119 x. Ex. 59: Complete set of Vermont General Highway Maps for Town of
120 Huntington, Chittenden County available from VTrans for the years of 1931-
121 2019
 - 122 xi. Ex. 60: Complete set of Certificates of Highway Mileage (*covering the years*
123 *1958 – 2019*)
 - 124 xii. Ex. 61: VTrans State Aid Mileage Reimbursement Rates for the years 1975-
125 2019 for Class 1, 2 and 3 roads (*with calculations for 0.06 Class 3 miles*)
 - 126 xiii. Ex. 63: Copies of the Public Notice (*April 2019 Times Inkl, mailing/posting*
127 *notice, and site inspection agenda notice*)
 - 128 xiv. Ex. 64: Parking Ordinance for the Town of Huntington
 - 129 xv. Ex. 65: Winter Operations Policy for the Town of Huntington
 - 130 xvi. Ex. 66: Huntington Ancient Roads Committee (**HARC**) Report excerpts
 - 131 xvii. Ex. 89: The History and Law of Vermont Town Roads by Paul S. Gillies (*made*
132 *available to the VTrans Mapping Unit website courtesy of the author*)
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- b. **TH #9 Exhibits:** The Selectboard received over sixty (60) documentary exhibits submitted and admitted into evidence during the public hearing for their consideration specific to the matter at hand, which are included by reference and are listed in the *Exhibit List: Town of Huntington Title 19 Highway Reclassification Proceedings for TH #9*, available at the Town Administrator’s Office. These documents include deeds, maps, plats, certificates of highway mileage, Selectboard meeting minutes, correspondence, a survey report, a hydraulic study, and cost estimates prepared by the Huntington Road Foreman for upgrade and annual maintenance.
 - i. Ex. 1: Chronology report prepared by Town Administrator
 - ii. Ex. 2: Directory listing for research binder (*Exhibit List: Town of Huntington Title 19 Highway Reclassification Proceedings for TH #9*)
 - iii. Ex. 3: Listing of deeds and maps pulled from Town Clerk’s records
 - iv. Ex. 4: Road Foreman’s estimated cost to upgrade TH #9 to Class 3 standards
 - v. Ex. 5: Road Foreman’s estimated annual maintenance cost for TH #9
 - vi. Ex. 6, 47, 67, 75, 84-88: *blank*
 - vii. Ex. 7, 14, 15, 25, 79, 83: VTrans documentation
 - viii. Ex. 8, 9, 13, 28, 41, 42, 50, 73, 76a, 76b, 76c, 77, 78, 80: Surveys, plats and maps
 - ix. Ex. 10, 12, 26, 27, 29, 33, 35: Deeds and easements
 - x. Ex. 11, 16, 18, 20, 21, 23, 24, 37, 81, 82: Selectboard minutes and resolution
 - xi. Ex. 17, 38: Certificate of Highway Mileage
 - xii. Ex. 19, 22, 34, 39, 40, 43, 44, 45, 48, 49, 72: Correspondence
 - xiii. Ex. 30, 31, 36, 41, 42, 50: Studies, reports, quotes (hydraulics, surveys)
 - xiv. Ex. 32: Tax grievance
 - xv. Ex. 46: Public notice
 - xvi. Ex. 62: Chittenden County Regional Planning Commission (CCRPC) satellite map of TH #9, with overlays depicting property owners and parcel boundaries, and the MRGP road erosion inventory compliance
 - xvii. Ex. 68, 90: Written testimony
 - xviii. Ex. 70, 71, 74a, 74b, 74c: Photographs

5. **FINDINGS OF FACT**

Based on the Hearing Record, the testimony received during the hearings held on TH #9 and a public inspection of TH #9, the Selectboard hereby finds as follows:

- a. **Background:** For over twenty (20) years the Town has treated and maintained the 0.06 mile (316.8 feet) length of TH #9 (located off Happy Hollow Road) as a Class 4 Road. When the Town of Huntington participated in the FEMA declared disaster of July 3, 2013 (FEMA-4140-DR-VT), the Town did not address TH #9 as part of the FEMA recovery efforts because the Town’s agents understood that it was a Class 4 road and therefore ineligible for FEMA disaster recovery funds. During that storm, TH #9’s five-foot (5’) boiler tube structure acting as a conduit for John’s Brook at TH #9 washed out the south side of the pipe leaving a 9-foot (9’) drop into a large scour hole that bypassed the pipe. As with all Class 3 roads damaged by that storm event, the Town would have addressed repairs to TH #9 had it understood at the time that

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TH #9 was classified on its State Aid Highway Map as a Class 3 highway with a so-called "NUTS" designation. The owners of property accessed by TH #9 did not object to the Town's decision to not repair the stream crossing.

Town staff and officials became aware of a potential discrepancy in the road classification of TH #9 in 2017, when the Town was informed by the Town Assessor that TH #9 was formally classified as a Class 3 road. After considerable research in consultation with the Vermont Agency of Transportation (VTrans) and the Town's attorney, the Selectboard determined to hold formal proceedings according to Vermont Statutes to designate and clarify the classification of the road and to then submit the required paperwork to VTrans in order to ensure the Vermont General Highway Map and Certificate for Highway Mileage for the Town of Huntington correctly reflects the road's classification status. Knowing that the road had not been maintained and did not meet Class 3 highway standards, the Town explicitly requested VTrans note the road as Class 3 "Not Up To Standard" (NUTS), thereby removing its 0.06 miles from eligibility for State Aid. The Town also offered to reimburse the State for the previous aid received, which was declined.

According to VTrans Mapping Section staff, when VTrans determines a road or portion of a road does not meet the standards of the particular class to which it is classified, VTrans will consider it to be functionally "Not Up To Standard" (NUTS). NUTS is not a road classification; it is a designation that means the mileage noted does not meet the standards for the class to which it is assigned. The mileage is deducted from that assigned to the town for the particular class of the road in question unless, within one year, the Town reclassifies or discontinues the portion of the road not up to standard, or develops a schedule acceptable to VTrans for restoring the road to accepted standards.

The Selectboard then initiated this highway proceeding to clarify and designate, for the record, the classification of TH #9 pursuant to Subchapter 2 of Chapter 7 of Title 19 of the Vermont Statutes Annotated.

- b. **Historical Findings of Fact re Status of TH #9:** Per testimony and documentation received at the Public Hearings, the Selectboard hereby makes the following findings outlining the general chronology of public information of record relevant to TH #9:

1980-1982	Last time roads were added as Town Highways (roads): 0.11 miles for School Street; 0.13 miles for Chalet Heights; 0.2 miles for Huntington Acres
August 1993	VTrans inspection and re-measurement of TH #9 states TH #9 does not meet Class 3 standards, and if the Town fails within one (1) year to restore it to accepted standards it will be changed to Class 4.
January 1994	VTrans notifies the Town that TH #9 was being reclassified to Class 4.
July 1994	Selectboard minutes reflect discussion regarding whether TH #9 should be brought up to standard or reclassified, however no decision was made.

September 1994	<p>Selectboard minutes report that adjoining landowners have been notified about a proposed discontinuance of TH #9.</p> <p>Selectboard minutes reflect that because it would create landlocked parcels, they will not pursue discontinuance and indicate they will discuss at a future meeting whether to reclassify TH #9 to Class 4.</p>
January 1995	TH #9 is not listed on the Town's road weight limit restriction list.
April 1996	Last recorded change to Huntington's Certificate of Highway mileage, when 0.35 miles of TH #27 (a road off of TH #26 known as Trapp Road) was thrown up and deducted from the VTrans Class 4 mileage.
March 2008	HARC (Huntington Ancient Roads Committee) report on ancient roads includes research on TH #9 as HARC reference #67 which identifies an 1827 survey laying out TH #9.
July 2013	Storm damage destroys TH #9 crossing over Johns Brook. TH #9 is not included as part of FEMA recovery request because TH #9 was assumed to be Class 4, and thus ineligible.
2014	The Huntington DRB receives a subdivision plat from one of the adjoining property owners.
2015	A temporary bridge is constructed at the expense of one of the adjoining property owners for the purpose of timber harvest. TH #9 is modified within the Town's Right-of-Way (ROW) to accommodate the log trucks, with approval from the Huntington Road Foreman, to construct the stream crossing. That structure is removed at the property owner's expense following the timber harvest.
June 2017	First discovery of potential classification discrepancy by the Town Administrator (based on a property valuation discussion between the Town Listers and the contracted Town Appraiser).
September 2017	<p>Town Administrator notifies VTrans District 5 of TH #9 classification discrepancy and research to date, and informs VTrans that the Town has received Class 3 State Aid for the 0.06 miles of TH #9 but that the Town has not maintained the road at standard.</p> <p>VTrans Mapping Chief notifies the Town that the State failed to remove TH #9 from State Aid, although it had notified the Town it was doing so in the past. He indicates the Town will not need to reimburse the State, and recommends the Town undertake reclassification proceedings or bring the road up to standard.</p>
March 2018	The Town Administrator is made aware of possible discrepancies with two (2) additional roads.
October 2018	At the advice of the Town Attorney, the Selectboard determines to handle all known road reclassification issues in a coordinated manner.
February 2019	At the Town's request, VTrans deducts the 0.06 mile length of TH #9 from its Class 3 State Aid mileage.
May 2019	The Selectboard conducts duly noticed statutory site visit and initiates public hearing process on the possible reclassification of TH #9, TH #15 and a 0.75 mile section of TH #26.

May 2019	With assistance from CCRPC, the Town receives a report prepared by Milone & MacBroom detailing the hydrologically connected road segments for TH #9, TH #15 and TH #26 with estimated project material costs that would be required for the Town to meet MRGP Class 3 standards and MRGP Class 4 standards. Milone & MacBroom also indicates that the Town is legally required to meet the MRGP standards associated with a road's formal road classification status.
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6. FINDINGS OF FACT AND CONCLUSIONS RE: PUBLIC GOOD, NECESSITY AND CONVENIENCE:

After examining TH #9, hearing testimony from interested parties, and reviewing the documents submitted and admitted as evidence, the Huntington Selectboard unanimously finds the following facts and makes the following conclusions:

a. Facts

- i. It is the intent of the Selectboard of the Town of Huntington to maintain Town roads according to the statutory requirements for the legal classification status of municipal roads and to fully comply with all regulatory standards such as the new Municipal Roads General Permit (MRGP) standards.
- ii. As evidenced on the official State of Vermont Agency of Transportation (VTrans) Highway map from 1941, VTrans has long recognized TH #9 as a Town Highway that begins as a spur off of TH #7 (Happy Hollow Road) and dead-ends after 0.06 miles.
- iii. TH #9 is not currently a through-road and is not used by the general public to access a residence or a structure used for commercial purposes.
- iv. The August 23, 1993 VTrans re-measurement and inspection of Town Highways for the Town of Huntington noted TH #9 as being "Not Up To Standard" (NUTS).
- v. In 1994 the Town was notified by VTrans that if TH #9 was not brought up to Class 3 standard within one (1) year it would be reclassified as functionally Class 4, and therefore be ineligible for Class 3 State Aid.
- vi. The Town has not plowed, made negotiable during winter or maintained TH #9 since before 1993, and there have been no citizen complaints of record made to the Huntington Selectboard about lack of municipal maintenance for TH #9.
- vii. Town officials and staff have assumed, for over 20 years, that TH #9 was classified as a Class 4 road.
- viii. There are no permanent residences or businesses on the three (3) property parcels that are accessed from TH #9.
- ix. Lack of municipal maintenance for TH #9, including there being no stream crossing over Johns Brook, is not impeding the current use of any of the three (3) properties accessed from the road, and has not posed a threat to public safety.

- 254 x. The cost to upgrade the 0.06 miles of TH #9 to Class 3 standard has been
255 estimated by the Road Foreman to be \$33,154.25 plus an additional
256 \$120,000 for a stream crossing, for a total estimated upgrade cost of
257 \$153,154.25.
- 258 xi. The Road Foreman has estimated that based on current prices, the annual
259 maintenance cost of having TH #9 maintained according to Class 3 standards
260 will cost the Town an additional \$2,813.19 each year.
- 261 xii. The properties which abut or are accessed by TH #9 are all located within the
262 Rural Residential Zoning District under Huntington's Zoning Regulations
263 (7/9/2012).

264
265 **b. Conclusions**

- 266 i. Classification of TH #9 as a Class 4 road is consistent with the Huntington
267 Town Plan, as the properties that are accessed via TH #9 are not identified as
268 preferable sites for development under the Town Plan and are located within
269 the Rural Residential District or the Woodland District where protection of
270 rural resources by efficient and limited development of land and PUD's is a
271 high priority and the protection of environmentally fragile high elevation
272 areas is of high importance.
- 273 ii. The financial burden and costs required to upgrade TH #9 to Class 3 status
274 (which would require the installation of a significant stream crossing
275 structure), and for the ongoing maintenance required for this Class 3
276 roadway, would place a significant economic burden on Huntington
277 taxpayers while providing minimal benefit to the inhabitants of Huntington
278 and the general public.
- 279 iii. Only one of the three adjoining landowners on TH #9 supports upgrading TH
280 #9 to Class 3 standards as a means of delineating and defining the location of
281 the public right-of-way for the purposes of preventing parking off of the
282 traveled surface or right-of-way of TH #19; an issue which is not directly
283 germane to this classification proceeding. The remaining property owners
284 which abut TH #9 do not support classifying TH #9 as a Class 3 town highway
285 and wish to see TH #9 classified as Class 4 to reduce unwanted traffic in a
286 remote dead-end location.
- 287 iv. Although TH #9 feeds directly into a private road, neither TH #9 nor the
288 private road are through-roads or connect with other town highways or
289 municipalities.

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291 **7. ORDER**


292 Based on the above Findings of Fact and Conclusions of the Huntington Selectboard, it is
293 hereby Moved, Ordered and Adjudged that the public good, necessity, and convenience of
294 the inhabitants of the Town of Huntington requires that the full 0.06 mile length of TH #9 be
295 immediately and formally reclassified as a Class 4 Town Highway, that the Town file such
296 notice in the Town of Huntington Land Records, and that the Town of Huntington provide
297 the required notice to the Vermont Agency of Transportation accordingly so that this is
298 reflected on future Vermont General Highway Maps and in future State aid calculations.

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This Report of Findings of Fact, Conclusions and Orders regarding the classification of TH #9 shall be recorded in the Huntington Town Clerk's Office.


So moved and approved on this 7 day of October, 2019.



Dori Barton, Selectboard Chair



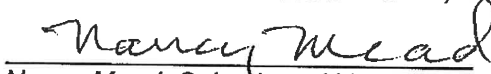
Lander Cochran, Selectboard Member



Larry Haskins, Jr., Selectboard Member



Roman Livak, Selectboard Member



Nancy Mead, Selectboard Vice-Chair

Received for record this 7 day of October, 2019



Heidi Racht, Town Clerk

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Huntington Selectboard
4930 Main Road
Huntington, Vermont 05462

REPORT OF FINDINGS, CONCLUSIONS AND ORDER
REGARDING THE CLASSIFICATION OF TOWN HIGHWAY # 15 IN HUNTINGTON, VERMONT

The Town of Huntington, having initiated these proceedings by and through its Selectboard pursuant to 19 V.S.A. §§708-709, hereby makes its report regarding the reclassification of Town Highway #15, also known as Stagecoach Road ("TH #15"), and makes the following findings of fact, conclusions of law and order:

1. INITIATION OF RECLASSIFICATION PROCEEDING AND ISSUANCE OF PUBLIC NOTICE

The Town of Huntington Selectboard ("Selectboard") initiated this proceeding by public notice published in *The Times Inki*, a local newspaper of general circulation and Huntington's paper of record (*April 2019 issue, page 20*), on *Front Porch Forum* (comprised of over 750 households and 1,300 members), and on the Town's Website. Public notice was also posted on March 26, 2019 at the Town Office, Beaudry's Store and the Huntington Library, and distributed to the Huntington Planning Commission and the extensive Selectboard email distribution list (comprised of members of Town boards, commissions and committees and nearly 40 Huntington residents).¹

The Selectboard gave public notice for examining the premises and hearing the persons interested pursuant to 19 V.S.A. §709 and 19 V.S.A. §310(d) to consider the reclassification of TH #15 and any requests to plow and improve TH #15 as hereinafter stated:

The 0.33 mile length (1,742.4 feet) of TOWN HIGHWAY #15 (also known as Stagecoach Road, located off upper Bert White Road) from Class 3 to Class 4 or legal trail or to improve TH #15 to Class 3 standards. For in excess of twenty (20) years, the entire length of TH #15 has not been provided with municipal winter maintenance or made negotiable to Class 3 standards.

The Public Hearing for the proposed reclassification and improvement of TH #15 was noticed to be held at the Community Church of Huntington Annex (Huntington Center) beginning at 6:30 pm on Tuesday, May 14, 2019 and as thereafter reconvened.

¹ Two (2) additional roads were included in the notice in conjunction with this proceeding, however each road was considered independently, in separate site inspections and public hearing processes. Although there are common issues to consider, each road has a unique history, characteristics, and pieces of evidence to consider and is the subject of a separate report.

41 Further public notice is hereby given that on Saturday, May 11, 2019 the Selectboard
42 shall conduct site examinations according to the following schedule:

43 TH #15 Stagecoach Road: 9:15 am (or at the conclusion of the TH #9 site
44 inspection, whichever comes later), meeting at the intersection of Bert White
45 Road and Stagecoach Road.
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47 On March 26, 2019, notice of the Public Hearing and Site Inspection was sent by certified
48 mail, return receipt requested, to the following adjoining landowners:

- 49 • Karen & Marc Torelli, 84 Stagecoach Road, Huntington, VT 05462
- 50 • G. Henry Hagar, 5979 Mt. Philo Road, Charlotte, VT 05445
- 51 • Cassandra Wilday, 1069 Bert White Road, Huntington, VT 05462
- 52 • Brett & Kerry Lindemuth, 327 Stagecoach Road, Huntington, VT 05462
- 53 • Sarah Burchard, 177 Killarney Drive, Burlington, VT 05401
- 54 • David Brautigam, 286 Southwind Road, Hinesburg, VT 05461
- 55 • Lida & Dean Douglas, 664 Stagecoach Road, Huntington, 05462
- 56 • Jeffrey Chapman, 1425 Texas Hill Road, Huntington, VT 05462
- 57 • Eugene & Kathlyn Depietro, 5180 Main Road, Huntington, VT 05462
- 58 • Remo & Donna Pizzagalli & Grandchildren's LLC, 426 Shelburne Road, Suite 101,
59 Burlington, VT 05401
- 60 • M Strickler & N Corman, 1400 Waverly Road V-34, Gladwyne, PA, 19035
- 61 • Katharine C and E Miles Prentice, c/o Madelbaum Salsburg, 1270 Avenue of the
62 Americas, Suite 1808, New York, NY 10020
- 63 • Todd & Lori Weston, PO Box 215, Huntington, VT 05462
- 64 • Peter Pizzagalli, Gina Plunket & Maria Bradley, 30 Oakledge Dr, Burlington, VT 05401

65
66
67 **2. SITE INSPECTION AND PUBLIC HEARING**

68 A site examination and public hearings were held as scheduled for the Selectboard to hear
69 from interested parties to determine whether the public good, necessity, and convenience
70 of the inhabitants of the Town of Huntington would best be served by the reclassification of
71 TH #15 from a Class 3 road to a Class 4 road or legal trail, or by improving the 0.33 mile
72 length of TH #15 to Class 3 highway standards, which requires that highways be negotiable
73 under normal conditions all seasons of the year by a standard manufactured pleasure car.
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83 **3. SITE INSPECTION AND PUBLIC HEARING: ATTENDEES²**

- 84 a. **05/11/2019 Site Inspection:** In addition to four (4) Selectboard members—Dori
85 Barton, Landel Cochran, Roman Livak and Nancy Mead; Town Attorney Jim Carroll;
86 Road Foreman Clinton ‘Yogi’ Alger; and Town Administrator Barbara Elliott, the
87 following people attended the TH #15 Site Inspection:

88 Barrett Grimm, Gene Depietro, Aaron Worthley, Brett Lindemuth

89 **Note: Selectboard member Larry Haskins Jr. did not attend this site visit.*
90

- 91 b. **05/14/2019 Public Hearing:** In addition to four (4) Selectboard members—Dori
92 Barton, Landel Cochran, Roman Livak and Nancy Mead; Town Attorney Jim Carroll;
93 Road Foreman Clinton ‘Yogi’ Alger; and Town Administrator Barbara Elliott, the
94 following people attended the May 14, 2019 Public Hearing:

95 Dave Brautigam, Gene Depietro (and an un-named friend), Barrett Grimm, Paula
96 Kelley, Brett Lindemuth, Karen Torelli, Marc Torelli, Aaron Worthley

97 ** Note: Selectboard member Larry Haskins Jr. did not attend the 5/14/2019
98 public hearing*
99

- 100 c. **06/17/2019 Public Hearing Continuation:** In addition to four (4) Selectboard
101 members—Dori Barton, Landel Cochran, Roman Livak and Nancy Mead; Road
102 Foreman Clinton ‘Yogi’ Alger; and Town Administrator Barbara Elliott, the following
103 people attended the June 17, 2019 Public Hearing continuation:

104 Andy Carlo, Dean Douglas, Lida Douglas, John Durochia, Linda Fickbohm, Barrett
105 Grimm, Melissa Hoffman, Cariyle Butch Holcomb, Duncan Keir, Paula Kelley,
106 Donna Lewis, Jason Nerenberg, Darlene Palola, Eric Palola, Heidi Racht, Guthrie
107 Smith, Margaret Taft, Karen Torelli, Sarah Jane Williamson

108 ** Note: Selectboard member Larry Haskins Jr. recused himself from the
109 proceedings and left the Selectboard table*
110

- 111 d. **08/12/2019 Public Hearing Continuation:** In addition to four (4) Selectboard
112 members—Dori Barton, Landel Cochran, Roman Livak and Nancy Mead; Road
113 Foreman Clinton ‘Yogi’ Alger; and Town Administrator Barbara Elliott, the following
114 people attended the August 8, 2019 Public Hearing continuation:

² **NOTICE OF SELECTBOARD MEMBER RECUSAL**

Selectboard member Larry Haskins, Jr., who was elected on March 5, 2019 to serve a three-year term on the Selectboard, informed the Selectboard shortly after joining the Board that he understood there was a pending road classification issue related to TH #15. He also informed the Board that while he is not a property owner impacted by TH #15, he has rented a camp off of TH #15 for decades, and gave notice of his intent to recuse himself from any proceedings related to the classification of that road. Haskins did not attend the TH #15 Site Visit on Saturday, May 11, 2019 or the Tuesday, May 14, 2019 Public Hearing on TH #15. During the two public hearing continuations, Haskins recused himself from the Selectboard and left the Selectboard table. He has not offered any opinions or input regarding TH #15.

115 Julia Austin, Andy Carlo, Jeffrey Chapman, Matthew Gough, Dean Douglas, Lida
116 Douglas, John Durochia, Barrett Grimm, Bill Hegman, Carlyle Butch Holcomb,
117 Leslie Jones, Duncan Keir, Paula Kelley, Jason Nerenberg, Eric Palola, Heidi Racht
118 * Note: Selectboard member Larry Haskins Jr. recused himself from the
119 proceedings and left the Selectboard table
120
121

122 **4. THE HEARING RECORD:**

123 The following constitutes the record of documentary exhibits submitted and admitted into
124 evidence during the hearings.
125

126 a. **General Highway Exhibits:** Exhibits compiled by the Town Administrator, submitted
127 and admitted into evidence, covered statutes governing Town Highways, VTrans
128 highway standards, the complete archive of VTrans files for the Town of Huntington
129 including maps from 1931 through 2019 and Huntington's Certificates of Highway
130 Mileage, and the Town of Huntington municipal parking and winter maintenance
131 ordinances.

- 132 i. Ex. 50: Exhibit List for contents of the Town of Huntington Generic
133 Reclassification Binder (*available at the Town Administrator's Office*)
134 ii. Ex. 51: 19 V.S.A. § 301-308: Town Highways
135 iii. Ex. 52: 19 V.S.A. § 701-819: Laying Out, Discontinuing, And Reclassifying
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140 *VTrans standards updated January 23, 2013*)
141 vii. Ex. 56: Draft Town Road and Bridge Standards proposed by VTrans in 2019 to
142 incorporate the Municipal Roads General Permit (**MRGP**) requirements
143 viii. Ex. 57: VTrans' handbook for local officials: The Orange Book 2017-2019
144 ix. Ex. 58: Vermont League of Cities and Towns (**VLCT**) excerpts from The
145 Highway Handbook 2001
146 x. Ex. 59: Complete set of Vermont General Highway Maps for Town of
147 Huntington, Chittenden County available from VTrans for the years of 1931-
148 2019
149 xi. Ex. 60: Complete set of Certificates of Highway Mileage (*covering the years*
150 *1958 – 2019*)
151 xii. Ex. 61: VTrans State Aid Mileage Reimbursement Rates for the years 1975-
152 2019 for Class 1, 2 and 3 roads (*with calculations for 0.33 Class 3 miles*)
153 xiii. Ex. 63: Copies of the Public Notice (*April 2019 Times Inkl, mailing/posting*
154 *notice, and site inspection agenda notice*)
155 xiv. Ex. 64: Parking Ordinance for the Town of Huntington
156 xv. Ex. 65: Winter Operations Policy for the Town of Huntington
157 xvi. Ex. 66: Huntington Ancient Roads Committee (**HARC**) Report excerpts

xvii. Ex. 89: The History and Law of Vermont Town Roads by Paul S. Gillies (*made available to the VTrans Mapping Unit website courtesy of the author*)

b. **TH #15 Exhibits:** The Selectboard received over fifty (50) documentary exhibits submitted, and admitted into evidence during the public hearing for their consideration, specific to TH #15, which are included herein by reference and are listed in the *Exhibit List: Town of Huntington Title 19 Highway Reclassification Proceedings for TH #15*, available at the Town Administrator's Office. These documents include deeds, maps, plats, certificates of highway mileage, Selectboard meeting minutes, correspondence, a survey report, a hydraulic study, and cost estimates prepared by the Huntington Road Foreman for upgrade and annual maintenance.

- i. Ex. 1: Chronology report and directory listing for research binder (*Exhibit List: Town of Huntington Title 19 Highway Reclassification Proceedings for TH #15*) prepared by the Town Administrator
- ii. Ex. 2, 3, 4, 5, 7, 9, 10, 24: VTrans documentation (including Act 63 Reclassification, correspondence, road inventory forms)
- iii. Ex. 6, 17, 18, 19, 20, 29, 36: Correspondence
- iv. Ex. 8: Certificates of Highway Mileage
- v. Ex. 11, 12, 13, 14, 16, 22, 26: Selectboard minutes and warnings
- vi. Ex. 15: Agency of Natural Resources Project Review
- vii. Ex. 21: Planning Commission minutes
- viii. Ex. 93, 42: Plats and maps
- ix. Ex. 25, 27, 30: Warranty and quit claim deeds
- x. Ex. 28: Zoning Permit Application
- xi. Ex. 31: Lister card
- xii. Ex. 32, 34, 35: Email correspondence with Brett Lindemuth
- xiii. Ex. 33: Conservation Commission Minutes
- xiv. Ex. 37: Public Notice
- xv. Ex. 38: Listing of Maps and Deeds
- xvi. Ex. 39: Road Foreman's estimated cost to upgrade TH #15 to Class 3 standards
- xvii. Ex. 40: Road Foreman's estimated annual maintenance cost for TH #15
- xviii. Ex. 41: Report from Milone & MacBroom on MRPG compliance requirements for TH #15
- xix. Ex. 67: Packet of correspondence between Selectboard and the Torellis (dated 5/17,2019, 7/21,1998, 6/10/1998, 6/5/1998)
- xx. Ex. 68: Correspondence with Richmond Road Foreman

5. **FINDINGS OF FACT**

- a. **Background:** Based on the Hearing Record, the testimony received during the hearings held on TH #15 and a public inspection of TH #15, the Selectboard hereby finds as follows: For over twenty (20) years the Town of Huntington has treated and

202 maintained the 0.33 mile (1,742.4 feet) length of TH #15 as a Class 4 road. The
203 Town has not provided any winter maintenance or made the road negotiable to
204 Class 3 standards over that period of time.

205
206 Town staff and officials became aware of a potential discrepancy in the road
207 classification of TH #15 in March 2018, when the Town Administrator contacted staff
208 at the Vermont Agency of Transportation (VTrans) to discuss the Town's Certificate
209 of Highway Mileage reporting for TH #9 (one of the other roads identified as having
210 a classification discrepancy). At that time, the Town Administrator was informed
211 that VTrans was looking into discrepancies they had recently uncovered in a number
212 of towns across the state.

213
214 As early as 1982, VTrans determined that TH #15 was not being maintained at Class
215 3 standards. Their report indicated that TH #15 is only 6' wide, is washed out, has
216 neither ditches nor culverts and is grown up in brush. VTrans indicated at that time
217 that they would consider, for the purposes of calculating State Aid, the road to be
218 functionally Class 4.

219
220 Minutes from the 12/18/1989 Selectboard meeting refer to TH #15 as a Class 4 road.
221 In 1993, David and Myra Brautigam initiated plans to subdivide a 76 acre parcel
222 adjacent to TH #15. An Agency of Natural Resources & Environmental Board review
223 sheet from 1993 refers to TH #15 as an unimproved Class 4 Town road. It is further
224 noted that any significant upgrading of the Class 4 Town Road by the current or
225 future owners associated with the sale of the subdivided lots—including widening,
226 resurfacing, or drainage improvements—will require a permit pursuant to
227 Environmental Board Rule 2(A)(6). The survey plat submitted for the subdivision,
228 which was approved by the Huntington Planning Commission, states in the notes
229 section: "Town Highway 15, shown hereon, is a class 4 road". This survey is
230 referenced in at least three (3) deeds transferring the subdivided parcels to: John
231 and Sarah Burchard (in 1993); Dean and Lida Douglas (in 2005); and Brett and Kerry
232 Lindemuth (in 2006).

233
234 Having discovered classification discrepancy in TH #15 and two other town
235 highways, and after considerable research and consultation with the Vermont
236 Agency of Transportation (VTrans) and the Town's attorney, the Selectboard
237 determined to hold formal proceedings according to Vermont Statutes to determine
238 and clarify the classification of the three (3) Town roads, including TH #15.

239
240 According to VTrans Mapping Section staff, when VTrans determines a road or
241 portion of a road does not meet the standards of the particular class to which it is
242 classified, VTrans will consider it to be functionally "Not Up To Standard" (NUTS).
243 NUTS is not a road classification; it is a designation that means the mileage noted
244 does not meet the standards for the class to which it is assigned. The mileage is
245 deducted from that assigned to the town for the particular class of the road in

question unless, within one year, the Town reclassifies or discontinues the portion of the road not up to standard, or develops a schedule acceptable to VTrans for restoring the road to accepted standards.

No portion of TH #15 has been noted as NUTS by VTrans on the official Vermont General Highway Maps. Due to a clerical error by the State, the road mileage for TH #15 was never deducted from the Town's State Aid funding. Knowing that the Town has not maintained the road and that it does not meet Class 3 standards, the Town offered to reimburse the State for the previous aid received; the offer was declined. Vermont Statute does allow for the classification of a road that does not meet standard to a "provisional class 3 highway if within five years of the determination, it will meet all class 3 highway standards". VTrans provided the Town direction that provisional class 3 can only be used when a town shows evidence that there is full intent to bring the road up to class 3 standards. VTrans recommended that Huntington follow the statutory requirements to 1) bring the road up to Class 3 standard; 2) reclassify the road as either Class 4 or as a trail; or 3) discontinue the road.

b. Historical Findings of Fact re TH #15: Per testimony and documentation received at the Public Hearings, the Selectboard hereby makes the following findings outlining the general chronology of public information of record relevant to TH #15:

1980-1982	Last time roads were added as Town Highways (roads): 0.11 miles for School Street; 0.13 miles for Chalet Heights; 0.2 miles for Huntington Acres
1982-1983	VTrans notifies Town that TH #15 is not maintained at Class 3 standards and VTrans documents indicate that TH #15 has been reclassified to Class 4.
1989	Selectboard minutes refer to TH #15 as a Class 4 road
1993	The Brautigams initiate subdivision of lots off of TH #15. Numerous documents (including Selectboard, Fire Department, ANR review sheet, and survey plat) refer to TH #15 as a Class 4 road Deed transferring property from the Brautigams to the Burchards refers to survey plat identifying TH #15 as a Class 4 road.
2005	Deed transferring property from the Brautigams to Dean and Lida Douglas refers to survey plat identifying TH #15 as a Class 4 road.
2006	Deed transferring property from the Brautigams to Brett and Kerry Lindemuth refers to survey plat identifying TH #15 as a Class 4 road. Letter from Fire Chief refers to TH #15 as a Class 4 road
March 2018	Town Administrator learns from VTrans of a possible classification discrepancy regarding TH #15, known as Stagecoach Road.

January 2019	Brett Lindemuth requests, in an email to the Town Listers, that his deed be revised to reflect TH #15 as being a Class 3 road. The Town, with advice of counsel, declines to do so.
May 2019	Town conducts duly noticed statutory site visit and initiates public hearing process on the possible reclassification of TH #9, TH #15 and an 0.75 mile section of TH #26.
May 2019	With assistance from CCRPC, the Town receives a report prepared by Milone & MacBroom detailing the hydrologically connected road segments for TH #9, TH #15 and TH #26 with estimated project material costs that would be required for the Town to meet MRGP Class 3 standards and MRGP Class 4 standards. Milone & MacBroom also indicate the Town is legally required to meet the MRGP standards associated with a road's formal road classification status.

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6. FINDINGS OF FACT and CONCLUSIONS RE: PUBLIC GOOD, NECESSITY AND CONVENIENCE:

After examining TH #15, hearing testimony from interested parties, and reviewing the documents submitted and admitted as evidence, four (4) participating members of the Huntington Selectboard unanimously find the following facts and makes the following conclusions:

a. Facts

- i. It is the intent of the Selectboard of the Town of Huntington to maintain Town roads according to the statutory requirements for the legal classification status of municipal roads and to fully comply with all regulatory standards such as the new Municipal Roads General Permit (MRGP) standards.
- ii. For in excess of twenty-five (25) years, officials and employees of the Town of Huntington have treated and maintained the 0.33 miles of TH #15 as a Class 4 road.
- iii. During at least a 25 year period, TH #15 has never been maintained at Class 3 standards and no winter maintenance has been performed by the Town.
- iv. Through numerous written communications, subdivision plats, deeds, and documents of record, the property owners of the two (2) permanent residences that are accessed from TH #15 were advised that TH #15 was considered a Class 4 road prior to construction of their homes.
- v. Although TH #15 feeds directly into a private road, neither TH #15 nor the private road are through-roads or connect with other town highways or municipalities.
- vi. The cost to upgrade the 0.33 miles of TH #15 to Class 3 standard including the cost to widen the traveled surface, install surface drainage and ditching and provide a sufficient road base and pull off area for winter maintenance is estimated by the Huntington Road Foreman to be \$88,141.72.

- vii. The Huntington Road Foreman has also estimated that based on current prices, the annual maintenance cost of having TH #15 maintained according to Class 3 standards will cost the Town an additional \$11,085.73 each year.
- viii. Bringing TH #15 up to Class 3 standards will also require significant widening on the down slope side of TH #15 which is vigorously objected to by the adjoining landowner.
- ix. The widening of TH #15 would require the removal of multiple significant shade trees to meet minimum Class 3 road width requirements.
- x. The properties which abut or are accessed by TH #15 are all located within the Rural Residential Zoning District under Huntington's Zoning Regulations (7/9/2012).

b. Conclusions


- i. Classification of TH #15 as a Class 4 road is consistent with the Town Plan, as the properties which are accessed via TH #15 are not identified as preferable sites for development under the Town Plan and are located within the Rural Residential District or the Woodland District where protection of rural resources by efficient and limited development of land and PUD's is a high priority and the protection of environmentally fragile high elevation areas is of high importance.
- ii. Classification of TH #15 as a Class 4 road will not reduce the current access for abutting landowners or the general public abutting TH #15.
- iii. The construction required to upgrade TH #15 to Class 3 standard and the continuing necessity of ongoing winter and annual road maintenance have a high potential to increase erosion and sediment run-off in this area characterized by steep cross slopes.
- iv. The financial burden and costs to upgrade TH #15 to Class 3 status (which would require widening the road) and the ongoing annual and winter maintenance required for Class 3 roadways would place a significant financial burden on Huntington taxpayers with minimum benefit to the two residential properties which currently access their residences using TH #15. The Selectboard believes this cost would exceed any anticipated tax revenue benefit to the Town that might be actualized if upgrading the road led to increased development.
- v. The public good and convenience does not necessitate classifying and upgrading TH #15 to class 3 status and both the environmental impacts and the ongoing increased financial impacts to Huntington residents dictate that the public good is best served by continuing to maintain TH #15 as a class 4 highway and by formally classifying the entire 0.33 miles length of TH #15 as a class 4 highway.

342 **7. ORDER**

343 Based on the above Findings of Fact and Conclusions of the Huntington Selectboard, it is
344 hereby Moved, Ordered and Adjudged that the public good, necessity, and convenience of
345 the inhabitants of the Town of Huntington requires that the entire 0.33 mile length of TH
346 #15 be immediately and formally reclassified as a Class 4 Town Highway, that the Town file
347 such notice in the Town of Huntington Land Records, and that the Town of Huntington
348 provide the required notice to the Vermont Agency of Transportation accordingly so that
349 this is reflected on future Vermont General Highway Maps and in future State aid
350 calculations.

351
352 This Report of Findings of Fact, Conclusions and Orders regarding the classification of TH
353 #15 shall be recorded in the Huntington Town Clerk's Office.
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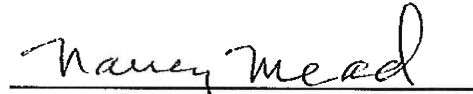
357 So moved and approved on this 7 day of October, 2019.

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362 Dori Barton, Selectboard Chair

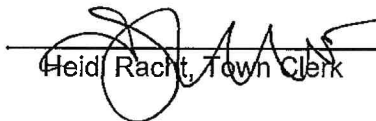

363 Landel Cochran, Selectboard Member

364 N/A as Haskins recused himself
365 Larry Haskins, Jr., Selectboard Member


366 Roman Livak, Selectboard Member

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368 
369 Nancy Mead, Selectboard Vice-Chair

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376 Received for record this 7 day of October, 2019

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378 
379 Heidi Racht, Town Clerk

Huntington Selectboard
4930 Main Road
Huntington, Vermont 05462

REPORT OF FINDINGS, CONCLUSIONS AND ORDER
REGARDING THE CLASSIFICATION OF TOWN HIGHWAY # 26 IN HUNTINGTON, VERMONT

The Town of Huntington, having initiated these proceedings by and through its Selectboard pursuant to 19 V.S.A. §§708-709 hereby makes its report regarding the reclassification of 0.75 miles of Town Highway #26, also known as Trapp Road, ("TH #26") and makes the following findings of fact, conclusions of law and order:

1. INITIATION OF RECLASSIFICATION PROCEEDING AND ISSUANCE OF PUBLIC NOTICE

The Town of Huntington Selectboard ("Selectboard") initiated this proceeding, with public notice published in *The Times Inkl* newspaper (April 2019 issue, page 20), on *Front Porch Forum* (comprised of over 750 households and 1,300 members), and on the Town's Website. Public notice was also posted on March 26, 2019 at the Town Office, Beaudry's Store and the Huntington Library; and distributed to the Huntington Planning Commission and the extensive Selectboard email distribution list (comprised of members of Town boards, commissions and committees and nearly 40 Huntington residents).¹

The Town of Huntington Selectboard gave public notice pursuant to 19 V.S.A. §709 and 19 V.S.A. §310(d) to consider the reclassification of TH #26 and any requests to plow and improve TH #26 as hereinafter stated:

A 0.75 mile portion of TOWN HIGHWAY #26 (also known as Trapp Road, located off of Main Road) from Class 3 to Class 4 or legal trail or to improve TH #26 to Class 3 standards. For in excess of twenty (20) years, the first 1.1 miles (5,808 feet) of TH #26 (from the Main Road to E-911 #1130, to the last residence on Trapp Road) has been maintained by the Town as a Class 3 road. The remaining 0.75 miles (3,960 feet) has, for in excess of twenty (20) years, not been provided with winter maintenance or made negotiable to Class 3 standards by the Town.

The Public Hearing for the proposed reclassification and improvement of 0.75 miles of TH #26 was noticed to be held at the Community Church of Huntington Annex

¹ Two (2) additional roads were included in the notice in conjunction with this proceeding, however each road was considered independently, in separate site inspections and public hearing processes. Although there are common issues to consider, each road has a unique history, characteristics, and pieces of evidence to consider and is the subject of a separate report.

39 (Huntington Center) beginning at 6:30 pm on Thursday, May 16, 2019 and as thereafter
40 reconvened.

41
42 Further public notice was given that on Saturday, May 11, 2019 the Selectboard would
43 conduct a site examination as follows:

44 TH #26 Trapp Road: 10:30 am (or at the conclusion of the TH #15 site inspection,
45 whichever comes later), meeting at #1130 Trapp Road
46

47
48 On March 26, 2019, notice of the Public Hearing and Site Inspection was sent by certified
49 mail, return receipt requested, to the following adjoining landowners:

- 50 • Daniel Carhart & Krin Barberi, 5175 Main Road, Huntington, VT 05462
- 51 • Donna Lewis, 97 Trapp Road, Huntington, VT 05462
- 52 • Leslie & Linnie Aubin, 5225 Main Road, Huntington, VT 05462
- 53 • Mason Rachampbell, 50 Trapp Road, Huntington, VT 05462
- 54 • Tyler Hazen, 110 Trapp Road, Huntington, VT 05462
- 55 • Foundation for Sustainable Future c/o Melissa Hoffman, 410 Camels Hump Road,
56 Huntington, VT 05462
- 57 • Robert Spaulding & Rebecca Slossberg, 404 Hildred Drive, Burlington, VT 05401
- 58 • Lathrop Limited Partnership, 44 South Street, Bristol, VT 05443
- 59 • Eugene & Kathlyn DePietro, 5180 Main Road, Huntington, VT 05462
- 60 • Sowing the Future LLC, 201 Ten Stones Circle, Charlotte, VT 05445
- 61 • Louellen Wassen Hall, PO Box 8473, Essex, VT 05451
- 62 • Camels Hump State Park, Jason Nerenberg (State Forester), 111 West Street, Essex
63 Junction, VT 05452
- 64 • M Strickler & N Corman, 1400 Waverly Road V-34, Gladwyne, PA, 19035
- 65 • Katharine C and E Miles Prentice, c/o Madelbaum Salsburg, 1270 Avenue of the
66 Americas, Suite 1808, New York, NY 10020
- 67 • Todd & Lori Weston, PO Box 215, Huntington, VT 05462
- 68 • Peter Pizzagalli, Gina Plunket & Maria Bradley, 30 Oakledge Drive, Burlington, VT
69 05401

70
71
72 **2. SITE INSPECTION AND PUBLIC HEARING: PURPOSE**

73 A site examination and public hearing were held as scheduled for the Selectboard to hear
74 from interested parties to determine whether the public good, necessity, and convenience
75 of the inhabitants of the Town of Huntington would be best served by the reclassification of
76 a 0.75 mile portion of TH #26 from a Class 3 road to a Class 4 road or legal trail, or by
77 improving the 0.75 mile section of TH #26 to Class 3 highway standards, which requires that
78 highways be negotiable under normal conditions all seasons of the year by a standard
79 manufactured pleasure car.
80

83 **3. SITE INSPECTION AND PUBLIC HEARING: ATTENDEES**

84 a. **05/11/2019 Site Inspection:** In addition to the five (5) Selectboard members—Dori
85 Barton, Landel Cochran, Larry Haskins Jr., Roman Livak and Nancy Mead; Town
86 Attorney Jim Carroll; Road Foreman Clinton ‘Yogi’ Alger; and Town Administrator
87 Barbara Elliott, the following people attended the TH #9 Site Inspection:
88 Barrett Grimm, Bill Hegman, Lisanne Hegman, Melissa Hoffman, Shelly
89 McSweeney, Darlene Palola, Shawn Smith, Aaron Worthley
90

91 b. **05/16/2019 Public Hearing:** In addition to the five (5) Selectboard members—Dori
92 Barton, Landel Cochran, Larry Haskins Jr., Roman Livak and Nancy Mead; Town
93 Attorney Jim Carroll; Road Foreman Clinton ‘Yogi’ Alger; and Town Administrator
94 Barbara Elliott, the following people attended the May 16, 2019 Public Hearing:
95 Chris Billis, Kevin Brennan, Bert Dickerson, Sarah Dickerson, Erik Engstrom, Linda
96 Fickbohm, Barrett Grimm, Bill Hegman, Lisanne Hegman, Melissa Hoffman, Miles
97 Jenness, Paula Kelley, Duncan Keir, Dick Kellogg, Morriss Knight, Donna Lewis,
98 Shelly McSweeney, Jason Nerenberg, Dhyan Nirmegh, Darlene Palola, Erny
99 Palola, Heather Pembrook, Donna Pizzagalli, Remo Pizzagalli, Heidi Racht, Gloria
100 Smith, Guthrie Smith, Shawn Smith, Cindy Sprague, Irene Wrenner, Bernie
101 Young, Karyl Young
102

103 c. **06/17/2019 Public Hearing Continuation:** In addition to the five (5) Selectboard
104 members—Dori Barton, Landel Cochran, Larry Haskins Jr., Roman Livak and Nancy
105 Mead; Road Foreman Clinton ‘Yogi’ Alger; and Town Administrator Barbara Elliott,
106 the following people attended the June 17, 2019 Public Hearing continuation:
107 Andy Carlo, Dean Douglas, Lida Douglas, John Durochia, Linda Fickbohm, Barrett
108 Grimm, Melissa Hoffman, Carlyle ‘Butch’ Holcomb, Duncan Keir, Paula Kelley,
109 Donna Lewis, Jason Nerenberg, Darlene Palola, Eric Palola, Heidi Racht, Guthrie
110 Smith, Margaret Taft, Karen Torelli, Sarah Jane Williamson
111

112 d. **08/12/2019 Public Hearing Continuation:** In addition to the five (5) Selectboard
113 members—Dori Barton, Landel Cochran, Larry Haskins Jr., Roman Livak and Nancy
114 Mead; Road Foreman Clinton ‘Yogi’ Alger; and Town Administrator Barbara Elliott,
115 the following people attended the August 8, 2019 Public Hearing continuation:
116 Julia Austin, Andy Carlo, Jeffrey Chapman, Matthew Gough, Dean Douglas, Lida
117 Douglas, John Durochia, Barrett Grimm, Bill Hegman, Carlyle ‘Butch’ Holcomb,
118 Leslie Jones, Duncan Keir, Paula Kelley, Jason Nerenberg, Eric Palola, Heidi Racht
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121 **4. THE HEARING RECORD:**

122 The following constitutes the record of documentary exhibits submitted and admitted into
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144 Highway Handbook 2001
- 145 x. Ex. 59: Complete set of Vermont General Highway Maps for Town of
146 Huntington, Chittenden County available from VTrans for the years of 1931-
147 2019
- 148 xi. Ex. 60: Complete set of Certificates of Highway Mileage (*covering the years*
149 *1958 – 2019*)
- 150 xii. Ex. 61: VTrans State Aid Mileage Reimbursement Rates for the years 1975-
151 2019 for Class 1, 2 and 3 roads (*with calculations for 0.75 Class 3 miles*)
- 152 xiii. Ex. 63: Copies of the Public Notice (*April 2019 Times Inkl, mailing/posting*
153 *notice, and site inspection agenda notice*)
- 154 xiv. Ex. 64: Parking Ordinance for the Town of Huntington
- 155 xv. Ex. 65: Winter Operations Policy for the Town of Huntington
- 156 xvi. Ex. 66: Huntington Ancient Roads Committee (**HARC**) Report excerpts
- 157 xvii. Ex. 89: The History and Law of Vermont Town Roads by Paul S. Gillies (*made*
158 *available to the VTrans Mapping Unit website courtesy of the author*)

159
160 **b. TH #26 Exhibits:** The Selectboard received over eighty (80) documentary exhibits
161 submitted and admitted into evidence during the public hearing for consideration
162 specific to the matter at hand, which are included by reference and are listed in the
163 *Exhibit List: Town of Huntington Title 19 Highway Reclassification Proceedings for TH*
164 *#26*, available at the Town Administrator's Office. These documents include deeds,
165 maps, plats, certificates of highway mileage, Selectboard meeting minutes,
166 correspondence, a survey report, a hydraulic study, and cost estimates prepared by
167 the Huntington Road Foreman for upgrade and annual maintenance.

- 168 i. Ex. 1: Chronology report and directory listing for research binder (*Exhibit List:*
169 *Town of Huntington Title 19 Highway Reclassification Proceedings for TH #26*)
170 prepared by the Town Administrator

- 171 ii. Ex. 2, 3, 4, 7, 8, 9, 19, 25, 27, 39, 40, 70, 71, 72, 73, 74, 75, 76, 77, 78:
- 172 Warranty and quit claim deeds
- 173 iii. Ex. 5, 6, 10, 11, 12, 18: VTrans documentation (including Act 63
- 174 Reclassification, correspondence, road inventory forms)
- 175 iv. Ex. 13, 17, 26, 85: Maps
- 176 v. Ex. 14, 15, 16, 20, 21, 22, 23, 24, 29, 30, 32, 34, 35, 36, 37, 38: Selectboard
- 177 meeting minutes and warnings
- 178 vi. Ex. 28, 37, 42: Certificates of Highway Mileage
- 179 vii. Ex. 31, 33, 41, 43, 44, 46: Correspondence
- 180 viii. Ex. 45: Public Notice (from the Town of Huntington)
- 181 ix. Ex. 47: Notice of a meeting for the public, issued and sponsored by the
- 182 Foundation for a Sustainable Future
- 183 x. Ex. 48: Road Foreman's estimated cost to upgrade TH #26 to Class 3
- 184 standards
- 185 xi. Ex. 49: Road Foreman's estimated annual maintenance cost for TH#26
- 186 xii. Ex. 50: Report from Milone & MacBroom on MRPG compliance requirements
- 187 for TH #26
- 188 xiii. Ex. 79: Listing of deeds and maps pulled from Town Clerk's records
- 189 xiv. Ex. 80: Letter from ANR
- 190 xv. Ex. 81: Documentation and case statement from Foundation for a
- 191 Sustainable Future
- 192 xvi. Ex. 82: Letter from VAST
- 193 xvii. Ex. 83: Letter from Eric Palola
- 194 xviii. Ex 84: Letter & Maps from Catamount Trail Association
- 195 xix. Ex. 86: Letter from Darlene Palola
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198 **5. FINDINGS OF FACT**

199 Based on the Hearing Record, the testimony received during the hearing held on TH #26 and
200 a public inspection of the 0.75 mile section of TH #26, the Selectboard hereby finds as
201 follows:

- 202
- 203 a. **Background:** The total length of TH #26 beginning at Main Road is 1.85 miles.

204

205 For over twenty (20) years the Town of Huntington has treated and maintained the

206 last 0.75 miles (3,960 feet) of TH #26 as a Class 4 road. The Town has not provided

207 any winter maintenance to that section of TH #26 or made that section of road

208 negotiable under normal conditions all seasons of the year by a standard

209 manufactured pleasure car over that period of time. The Town has maintained the

210 road as a Class 3 road up to the 1.1 mile mark, which is the location of the curb cut

211 to the last year-round residence on Trapp Road (known locally as "the Hoff Farm").

212

213 Summer and winter maintenance of the last 0.75 miles of Trapp Road (beginning at

214 the Hoff Farm) as well as a private section of the road beyond the 1.85 mile mark,

215 has been historically done by members of the Pizzagalli family. According to Remo
216 Pizzagalli, for over 30 years his family has maintained (at their personal expense)
217 Trapp Road from the Hoff Farm to the gates leading to land owned by the State of
218 Vermont and to the Pizzagalli private property.

219
220 Town staff and officials became aware of a potential discrepancy in the road
221 classification of TH #26 in March 2018, when a principle of the Foundation for a
222 Sustainable Future (FSF) came to the Town Office to research Trapp Road and
223 informed the Town that Trapp Road is actually classified on its VTrans General
224 Highway Map as Class 3 for a full 1.85 miles, and not the 1.1 miles the Town had
225 assumed. On behalf of FSF, Shawn Smith attended a March 19, 2018 Selectboard
226 meeting to discuss this discrepancy with the Selectboard. At that time the
227 Selectboard indicated that more research was needed, including determining if
228 there were other roadways besides TH #9 with classification discrepancies. On or
229 about March 20, the State notified the Town that there also appeared to be a
230 discrepancy in the classification of TH #15, known as Stagecoach Road.

231
232 In consultation with the Vermont Agency of Transportation (VTrans) and the Town's
233 attorney, the Selectboard initiated formal highway proceedings according to
234 Vermont Statutes to determine and clarify the classification of the final 0.75 miles of
235 TH #26 as well as the classification status of two (2) other Town roads.

236
237 According to VTrans Mapping Section staff, when VTrans determines a road or
238 portion of a road does not meet the standards of the particular class to which it is
239 classified, VTrans will consider it to be functionally "Not Up To Standard" (NUTS).
240 NUTS is not a road classification; it is a designation that means the mileage noted
241 does not meet the standards for the class to which it is assigned. The mileage is
242 deducted from that assigned to the town for the particular class of the road in
243 question unless, within one year, the Town reclassifies or discontinues the portion of
244 the road not up to standard, or develops a schedule acceptable to VTrans for
245 restoring the road to accepted standards. No portion of TH #26 has, to date, been
246 noted as NUTS by VTrans. Therefore, the full 1.85 miles have been included in the
247 Town's Class 3 State Aid funding. Knowing that the Town has not maintained the
248 last 0.75 miles of TH #26 and that it does not meet Class 3 standards, upon
249 discovering the classification discrepancy, the Town offered to reimburse the State
250 for the previous aid received. The offer was declined. Vermont Statute does allow
251 for the classification of a road that does not meet standard to a "provisional class 3
252 highway if within five years of the determination, it will meet all class 3 highway
253 standards". VTrans provided the Town direction that provisional class 3 can only be
254 used when a town shows evidence that there is full intent (for example, through
255 resolution or designated funding) to bring the road up to standard. VTrans
256 recommended that Huntington follow the statutory requirements to either: 1) bring
257 the final 0.75 miles of TH #26 up to Class 3 standard; 2) reclassify the final 0.75 miles

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of TH #26 as either Class 4 or as a trail; or 3) discontinue the final 0.75 miles of TH #26 as a town highway.

- b. **Historical Findings of Fact re TH #26:** Per testimony and documentation received at the Public Hearings, the Selectboard hereby makes the following findings outlining the general chronology of public information of record relevant to TH #26:

1980-1982	Last time roads were added as Town Highways (roads): 0.11 miles for School Street; 0.13 miles for Chalet Heights; 0.2 miles for Huntington Acres
March 2018	Shawn Smith, from Foundation for a Sustainable Future (FSF) alerted the Town Administrator of a classification discrepancy for the last 0.75 miles of TH #26. Smith asked to attend a Selectboard meeting, indicating it would be for a preliminary discussion of TH #26's classification.
March 2018	Smith attended the 3/19/18 Selectboard meeting, stating FSF is exploring options for building a new dwelling with access via discontinued TH #27 which is off of upper part of TH #26 (located beyond the 1.1 mile mark at the Hoff Farm). Smith requested the Selectboard confirm that Trapp Road is a 1.85 mile Class 3 road and what the cost would be to bring it up to standard. Smith noted 3 options: 1) change the section of road beyond the 1.1 mile mark to Class 4; 2) determine for safety reasons that the Town will bring the last 0.75 miles up to Class 3 standards but not provide winter plowing due to safety reasons; or 3) bring the full road up to Class 3 standard.
March 2018	The Town Administrator learned from VTrans of another possible classification discrepancy: TH #15 known as Stagecoach Road.
May 2019	The Town conducts duly noticed statutory site visit and initiates public hearing process on the possible reclassification of TH #9, TH #15 and a 0.75 mile section of TH #26.
May 2019	With assistance from CCRPC, the Town receives a report prepared by Milone & MacBroom detailing the hydrologically connected road segments for TH #9, TH #15 and TH #26 with estimated project material costs that would be required for the Town to meet MRGP Class 3 standards and MRGP Class 4 standards. Milone & MacBroom also indicate the Town is legally required to meet the MRGP standards associated with a road's formal road classification status.

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6. **FINDINGS OF FACT AND CONCLUSIONS RE: PUBLIC GOOD, NECESSITY AND CONVENIENCE:**

After examining TH #26 and, specifically, the last 0.75 miles of TH #26, hearing testimony from interested parties, and reviewing the documents submitted and admitted as evidence, the Huntington Selectboard unanimously finds the following facts and makes the following conclusions:

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a. **Facts**

- i. It is the intent of the Selectboard of the Town of Huntington to continue to maintain Town roads according to the statutory requirements for the legal classification status of municipal roads and to fully comply with all regulatory requirements such as the new Municipal Roads General Permit (MRGP) standards.
- ii. For over twenty (20) years (since before 1995), officials and employees of the Town of Huntington have understood and treated the first 1.1 miles of TH #26 as a Class 3 town highway and the final 0.75 miles of TH #26 as a Class 4 town highway. The Town has maintained each of the segments of TH #26 for the duration of that time according to the standards applicable to the classification status as understood by the Town through its agents and employees.
- iii. The section of TH #26 beyond the 1.1 mile mark (beyond the Hoff Farm) has been routinely and voluntarily maintained at the personal expense of the Pizzagalli Family, and not by the Town of Huntington, for over twenty (20) years.
- iv. No permanent or year-round residences and no businesses are currently or actively accessed from TH #26 beyond the 1.1 mile mark.
- v. There have been no reported or known threats to public safety as a result of the manner in which the full 1.85 miles of TH #26 have been maintained.
- vi. The initial cost to upgrade the final 0.75 miles of TH #26 to Class 3 standard was estimated by the Road Foreman to be \$75,501.90. Following a site visit from a Vermont Agency of Natural Resources river engineer and a study conducted by Milone and MacBroom it was determined that significant stream crossing upgrades would be required to bring the road into Class 3 and MRGP compliance. The revised estimate to upgrade the final 0.75 miles of TH #26 to Class 3 standard, based on this new information, is \$467,139.09.
- vii. The Road Foreman has estimated that based on current prices, the annual maintenance cost for the final 0.75 miles of TH #26 will be an additional \$15,283.45 each year.
- viii. The last 0.75 miles of TH #26 are currently used by the Pizzagalli family to access a seasonal camp used for hiking and recreation purposes and by the public for recreational purposes and to access the Camel's Hump State Forest. It has historically not been maintained to provide year round access by a standard manufactured pleasure vehicle nor has it been routinely plowed or made negotiable during the winter by a pleasure vehicle.

b. **Public Good, Necessity, and Convenience of the Inhabitants of the Town of Huntington**

- i. Maintaining the final 0.75 miles of TH #26 according to Class 4 standards has not impeded or negatively impacted access to properties accessed via TH #26 or access to public lands for recreational purposes.

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- ii. Reclassifying TH #26 for the final 0.75 miles as a Class 4 road will not impede or negatively impact current access to properties accessed via TH #26.
- iii. Classification of the final 0.75 miles of TH #26 as a Class 4 road is consistent with the Town Plan, as property that could be accessed via TH #26 is not identified as preferable sites for development.
- iv. Recreational use of the final 0.75 miles of TH #26 has been enhanced for decades because the road has been maintained at the assumed Class 4 status. These recreational uses include public access to the State of Vermont's Camel's Hump State Park, walking, hiking, mountain biking, cross country skiing, snowmobiling, and hunting. Upgrading the final 0.75 miles of TH #26 to Class 3 standard will negatively impact the recreational value of the pertinent 0.75 miles of TH #26, particularly for cross country skiing and snowmobiling.
- v. Public recreational use, as a result of the current lack of year-round maintenance of the final 0.75 miles of TH #26, draws visitors to the Town which in turn provides economic benefits to Huntington small businesses.
- vi. Continuing to maintain the last 0.75 miles of TH #26 as a Class 4 road is consistent with recreational goals stated in the Town Plan.
- vii. Witnesses have expressed concern that upgrading the final 0.75 miles of TH #26 to Class 3 standard will negatively impact natural resources targeted in the Town Plan for protection, such as disturbance to wildlife crossings and wetland encroachment. Construction to widen the road and the annual maintenance required to meet Class 3 standards has the potential to create additional sediment runoff into streams that feed the Huntington River and will necessarily require the removal of old growth shade trees.
- viii. The financial cost required to upgrade the final 0.75 miles of TH #26 to Class 3 status (which would require widening the road, raising the roadbed height in some sections, and installing culverts and stream crossings) and for the ongoing maintenance required for Class 3 roadways, would place a significant burden on Huntington taxpayers. The Selectboard believes this cost would exceed any anticipated tax revenue for the Town that could potentially be actualized if upgrading the road led to increased development.
- ix. The only abutting landowner who supports upgrading the final 0.75 miles of TH #26 to Class 3 standards and for maintaining the full 1.85 miles of TH #26 as a Class 3 road does not currently use this section of road as an active access to their residence or other buildings or structures on the property.
- x. The only landowner who actively and currently uses TH #26 to access a seasonal camp and traditionally maintains this section of TH #26 supports classifying and maintaining the final 0.75 miles of TH #26 as a class 4 road.
- xi. No permanent or year-round residences and no businesses are currently directly accessed from TH #26 beyond the 1.1 mile mark at the Hoff Farm.

359 **7. ORDER**


360 Based on these Findings of Fact and Conclusions of the Huntington Selectboard, it is hereby
361 Ordered and Adjudged that the public good, necessity, and convenience of the inhabitants
362 of the Town of Huntington requires that the final 0.75 mile length of TH #26 from the 1.1
363 mile mark (at the Hoff Farm) to the end of the Town road at the 1.85 mile mark be
364 immediately and formally reclassified to a Class 4 Town Highway, that the Town file such
365 notice in the Town of Huntington Land Records, and that the Town of Huntington provide
366 required notice the Vermont Agency of Transportation accordingly so that this is reflected
367 on future Vermont General Highway Maps.
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369 This Report of Findings of Fact, Conclusions and Orders regarding the classification of TH
370 #26 shall be recorded in the Huntington Town Clerk's Office.
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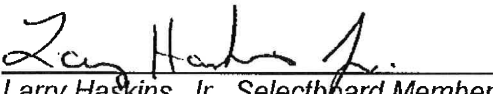
374 So moved and approved on this 7 day of October, 2019.

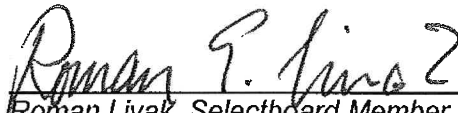
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378 Dori Barton, Selectboard Chair


379 Lardel Cochran, Selectboard Member

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382 Larry Haskins, Jr., Selectboard Member


383 Roman Livak, Selectboard Member

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386 Nancy Mead, Selectboard Vice-Chair

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393 Received for record this 7 day of October, 2019

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395 Heidi Racht, Town Clerk
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