

District 7  
Certcode 1219-0

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

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

We, the members of the legislative body of **WOODBURY** in **WASHINGTON** 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	0	0.000	0.000
Class 2	5.050	0	0	5.050	0.000
Class 3	31.82	0	0	31.82	0.000
State Highway	7.691	0	0	7.691	0.000
<b>Total</b>	<b>44.561</b>				<b>0.000</b>
* Class 1 Lane	0.000				
* Class 4	26.43	0	1.46	24.97	0.000
* Legal Trail	0.00	1.2	0	1.2	

\* 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".

NONE

2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

Town Highway 39 ; 1350ft (approx 1/4 mile)

3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).

1.2 miles of Town Highway 8, from class 4 to trail

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

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. [ ]

**PART III - SIGNATURES - PLEASE SIGN.**

Selectmen/ Aldermen/ Trustees Signatures: Michael Gray, select board chair

T/C/V Clerk Signature: Deanna Peduzzi Date Filed: 3/15/18

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED: [Signature] DATE: 4/10/2018  
Representative, Agency of Transportation

**Received**

**MAR 20 2018**

**Policy, Planning & Intermodal  
Development Division**

**Vermont Statutes Annotated**

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

**§ 305. Measurement and inspection**

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

(b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.

(c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.

(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.

(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.

(f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description, or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.

(g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate.

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



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

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

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

*Agency of Transportation*

March 9, 2018

Chair, Selectboard  
Woodbury  
c/o Town Clerk  
PO Box 10  
Woodbury, VT 05681

To Town Clerk and Selectboard:

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

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

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

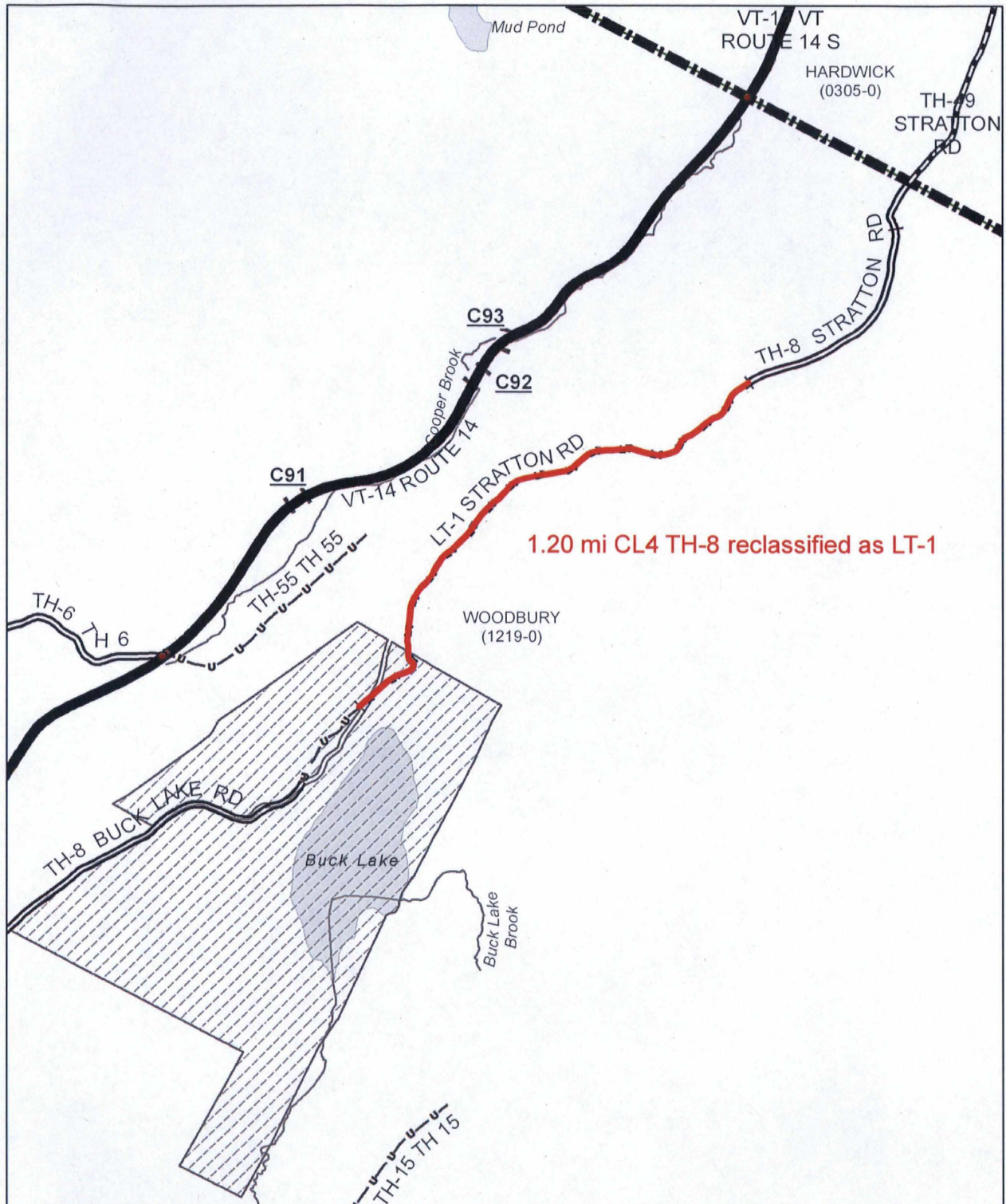
Sincerely,

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

Johnathan Croft  
AOT GIS Database Administrator

JFC/kg

cc: Mileage Certificate File

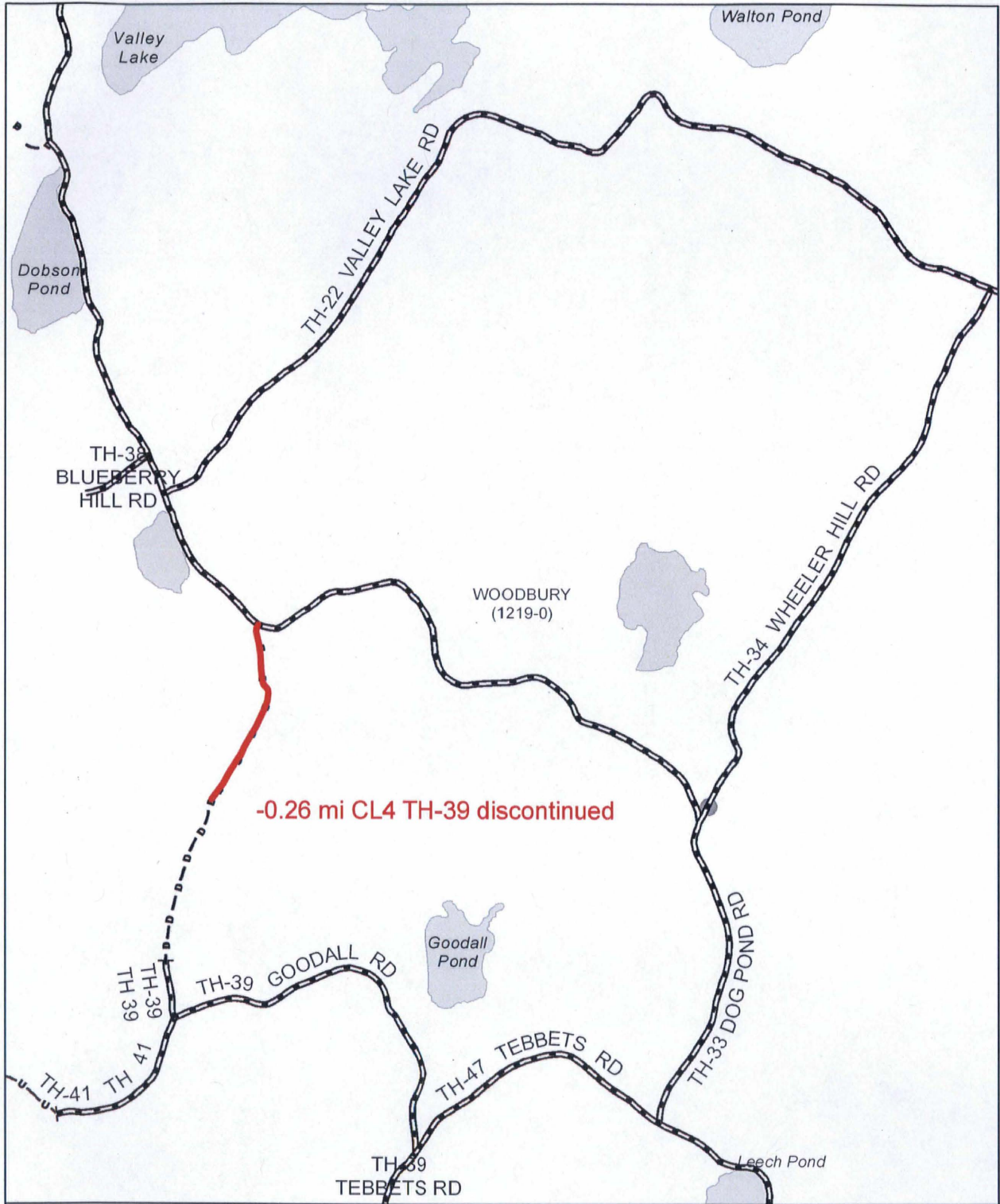


1.20 mi CL4 TH-8 reclassified as LT-1

**Mileage Certificate Changes 2018**  
**WOODBURY**  
 (1219-0)

Mapping Section  
 Division of Policy and Planning  
 Vermont Agency of Transportation -- April 17, 2018

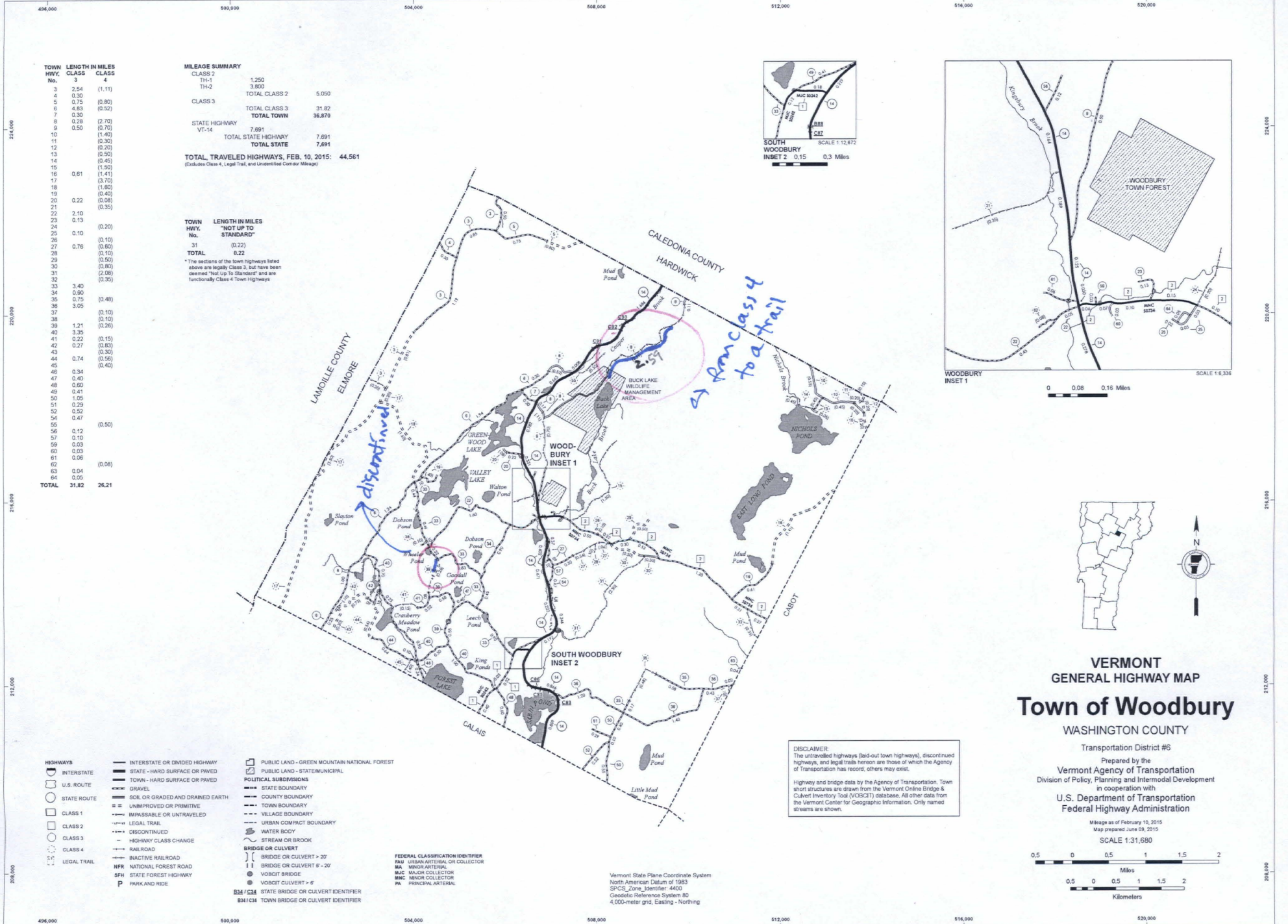




**Mileage Certificate Changes 2018**  
**WOODBURY**  
 (1219-0)

Mapping Section  
 Division of Policy and Planning  
 Vermont Agency of Transportation -- April 17, 2018





TOWN HWY. No.	LENGTH IN MILES CLASS 3	LENGTH IN MILES CLASS 4
3	2.54	(1.11)
4	0.30	
5	0.75	(0.80)
6	4.83	(0.52)
7	0.30	
8	0.28	(0.70)
9	0.50	(0.70)
10		(1.40)
11		(0.30)
12		(0.20)
13		(0.50)
14		(0.45)
15		(1.50)
16	0.81	(1.41)
17		(3.70)
18		(1.60)
19		(0.40)
20	0.22	(0.08)
21		(0.35)
22	2.10	
23	0.13	
24	0.10	(0.20)
25		(0.10)
26		(0.10)
27	0.76	(0.60)
28		(0.10)
29		(0.50)
30		(0.80)
31		(2.08)
32		(0.35)
33	3.40	
34	0.90	
35	0.75	(0.48)
36	3.05	
37		(0.10)
38		(0.10)
39	1.21	(0.28)
40	3.35	
41	0.22	(0.15)
42	0.27	(0.83)
43		(0.30)
44		(0.58)
45	0.74	(0.40)
46	0.34	
47	0.40	
48	0.60	
49	0.41	
50	1.05	
51	0.29	
52	0.52	
54	0.47	
55		(0.50)
56	0.12	
57	0.10	
59	0.03	
60	0.03	
61	0.06	
62		(0.06)
63	0.04	
64	0.05	
<b>TOTAL</b>	<b>31.82</b>	<b>26.21</b>

**MILEAGE SUMMARY**

CLASS 2	
TH-1	1,250
TH-2	3,800
<b>TOTAL CLASS 2</b>	<b>5,050</b>
CLASS 3	
<b>TOTAL CLASS 3</b>	<b>31.82</b>
<b>TOTAL TOWN</b>	<b>36,870</b>

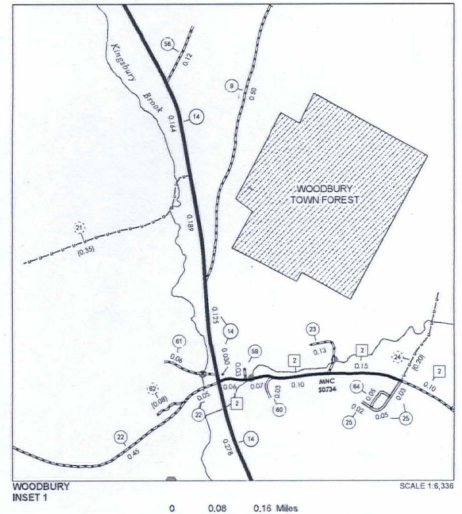
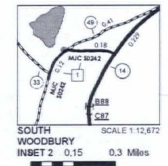
STATE HIGHWAY  
VT-14 7,691  
**TOTAL STATE HIGHWAY 7,691**

**TOTAL TRAVELED HIGHWAYS, FEB. 10, 2015: 44,561**  
(Excludes Class 4, Legal Trail, and Unidentified Contour Mileage)

**TOWN HWY. No.**

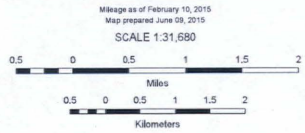
31	(0.22)
<b>TOTAL</b>	<b>0.22</b>

\*The sections of the town highways listed above are legally Class 3, but have been opened "not up to Standard" and are functionally Class 4 Town Highways



**VERMONT**  
**GENERAL HIGHWAY MAP**  
**Town of Woodbury**

WASHINGTON COUNTY  
Transportation District #6  
Prepared by the  
Vermont Agency of Transportation  
Division of Policy, Planning and Intermodal Development  
in cooperation with  
U.S. Department of Transportation  
Federal Highway Administration



- HIGHWAYS**
- INTERSTATE OR DIVIDED HIGHWAY
  - STATE - HARD SURFACE OR PAVED
  - TOWN - HARD SURFACE OR PAVED
  - GRAVEL
  - SOIL OR GRADED AND DRAINED EARTH
  - UNIMPROVED OR PRIMITIVE
  - IMPASSIBLE OR UNTRAVELED
  - LEGAL TRAIL
  - DISCONTINUED
  - HIGHWAY CLASS CHANGE
  - RAILROAD
  - INACTIVE RAILROAD
  - NATIONAL FOREST ROAD
  - STATE FOREST HIGHWAY
  - PARK AND RECREATION
- POLITICAL SUBDIVISIONS**
- STATE BOUNDARY
  - COUNTY BOUNDARY
  - TOWN BOUNDARY
  - VILLAGE BOUNDARY
  - URBAN CONTACT BOUNDARY
  - WATER BODY
  - STREAM OR BROOK
  - BRIDGE OR CULVERT
  - BRIDGE OR CULVERT > 20'
  - BRIDGE OR CULVERT < 20'
  - VOBCIT BRIDGE
  - VOBCIT CULVERT < 6'
  - STATE BRIDGE OR CULVERT IDENTIFIER
  - TOWN BRIDGE OR CULVERT IDENTIFIER
- FEDERAL CLASSIFICATION IDENTIFIER**
- FAV URBAN ARTERIAL OR COLLECTOR
  - MAV MAJOR COLLECTOR
  - MNC MINOR COLLECTOR
  - PA PRINCIPAL ARTERIAL

**DISCLAIMER**  
The untraveled highways (paid-out town highways), discontinued highways, and legal trails herein are those of which the Agency of Transportation has record; others may exist.  
Highway and bridge data by the Agency of Transportation, Town short structures are drawn from the Vermont Online Bridge & Culvert Inventory Tool (VOBCIT) database. All other data from the Vermont Center for Geographic Information. Only named streams are shown.

Vermont State Plane Coordinate System  
North American Datum of 1983  
SPCS\_Zone\_Identifier 4400  
Geoidic Reference System 80  
4,000-meter grid, Easting - Northing

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

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

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

- A description of the affected highway or trail  
Vt. Stat. Ann. tit. 19, § 305(e)
  - A current town highway map with the requested deletions and additions sketched on it  
Vt. Stat. Ann. tit. 19, § 305(e)
  - Minutes of meetings at which the legislative body took action with respect to the changes  
(include copies of the meeting minutes) Vt. Stat. Ann. tit. 19, § 305(e)
  - Evidence of written notice to adjoining landowners  
(include a copy of the newspaper notice and a copy of the letter sent to adjoining landowners)  
Vt. Stat. Ann. tit. 19, § 709
  - A copy of any surveys of the affected highway or trail  
Vt. Stat. Ann. tit. 19, § 305(e) Vt. Stat. Ann. tit. 19, § 704
- 
- For Class 3 or Class 4 town highway additions  
A Certificate of Completion and Opening  
While not required by statute, a Certificate of Completion and Opening form is a helpful document for the record.

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

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

Signed letter sent

11/30/2017

TOWN OF WOODBURY  
SELECTBOARD

In re: Reclassification of Town Highway 8

The Woodbury Selectboard met pursuant to the statutory notice at the Town Office on October 30, 2017, to address two questions—whether to reclassify a portion of Town Highway 8 and discontinue another part of the road. Present were Michael Gray and Thomas Lindsay, Selectboard members; Andrew Meyer, representing E.B. Hyde Co.; Louis Porter, Commissioner of Fish and Wildlife; Tim Appleton, Brian Shatney, Ali Thomas, Fish and Wildlife Outdoor Educator, and Dave Boisclair

The board first conducted a site walk on the road just southerly of Buck Lake, and then on the north end of the road where it meets a beaver pond.

Based on the testimony evinced at the hearing, the board makes the following

Findings of Fact

1. Town Highway 8 runs southwesterly from the Hardwick border and passes through Buck Lake Wildlife Management Area before turning sharply northwesterly and joining with Vermont Route 14, and consists of 0.28 miles of Class 3 and 2.70 miles of Class 4 highway.
2. A portion of T.H. 8 is presently submerged by a beaver pond and is impassable.
3. From the margin of the beaver dam northeasterly to Boisclair's boundary line and from the northern boundary line of the F&W camp to the valley floor, these parts of the Class 4 section of the highway are very steep, eroded, and unfit for vehicular travel.
4. The Department of Fish and Wildlife had previously expressed an interest in discontinuing a portion of T.H. 8 from the beach area to its northern property line of the F&W camp to ensure that its summer campers would be safe during the weeks the camp is in operation, but at the hearing the Department withdrew its request.

Based on these findings, the board makes the following

Conclusions of Law

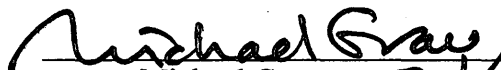
- A. A Selectboard has statutory authority to reclassify town highways when the public good, necessity, and convenience of the inhabitants justifies a change. 19 V.S.A. §§ 708-711.
- B. The topography and condition of T.H. 8 from the Boisclair boundary line southwesterly to the margin of the beaver pond is so formidable, given the cost of maintenance and difficulty of reaching this part of the road with town equipment and the lack of a through route given the impediment of the beaver pond, the board concludes that the public good, necessity, and convenience of the inhabitants compels a decision to reclassify this portion of T.H. 8 as a town trail.

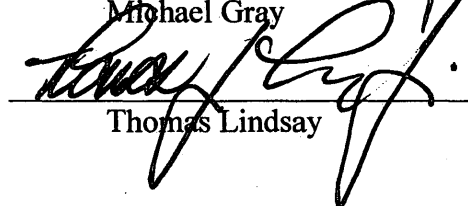



Wherefore, the board hereby reclassifies that portion of T.H. 8 through runs southwesterly from the Boisclair boundary line to just north of the beach area of Buck Lake on the F&W Green Mountain Conservation Camp property as a town trail. (Approximate GPS coordinates of 44.476966-72.381918 for Boisclair boundary line; 44.467277-72.382122 for TH8 heading north at the beach area at the Green Mountain Conservation Camp)

Appeal rights: An interested person may appeal this decision within 30 days pursuant to V.R.C.P. 74 to the Washington Unit of the Civil Division of the Vermont Superior Court. 19 V.S.A. § 726.

Dated this 27 day of November, 2017, at Woodbury, Vermont.

  
\_\_\_\_\_  
Michael Gray

  
\_\_\_\_\_  
Thomas Lindsay

Attest:   
\_\_\_\_\_  
Diana Peduzzi, Town Clerk

TH8

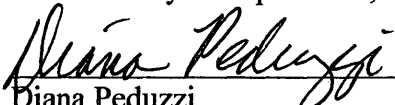
CERTIFICATION

I, Diana Peduzzi, Town Clerk, Town of Woodbury, Vermont, hereby certify that on September 27, 2017, I caused the within and foregoing notice of hearing to be posted at the Town of Woodbury Town Clerk's Office, and caused copies thereof to be mailed by certified mail, return receipt requested, to:

(List all owners of lands affected, mortgagees, and owners of rights of way, with full addresses, plus the telephone and electric companies serving the area)

I further certify that I caused the within and foregoing notice to be published in the September 27, 2017 issue of the Hardwick Gazette, a newspaper circulating within the Town of Woodbury, Vermont.

Dated at Woodbury, Vermont this 27<sup>th</sup> day of September , 2017.

  
\_\_\_\_\_  
Diana Peduzzi  
Woodbury Town Clerk

7A8

NOTICE OF HEARING  
RE: DISCONTINUANCE AND RECLASSIFICATION OF HIGHWAYS IN WOODBURY,  
VERMONT

Pursuant to the provisions of 19 V.S.A. § 708(a), the Selectboard of the Town of Woodbury, on its own motion, hereby gives notice, in accordance with 19 V.S.A. § 709, that the Selectboard will meet at the Town Office in Woodbury, a public place in the Town, at 1:00 p.m. on October 30, 2017, for a site visit, and then recess to the Town Office for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Woodbury shall take steps to reclassify a section of Town Highway 8 to a Recreational Trail, from the northern property line of The State of Vermont Fish and Wildlife Department's Green Mountain Conservation Camp, north to the northern boundary line of David and Carol-Ann Boisclair. The Fish & Wildlife Department has also requested the Select Board discontinue a section of Town Highway 8 within the Green Mountain Conservation Camp from the beach area of Buck Lake approximate 300 feet to the northern boundary of the GMCC.

If after examination of the premises and hearing any and all interested persons, the Selectboard judges that the public good, necessity and convenience of the inhabitants of the Town of Woodbury require that said highway changes be made.

Dated at Woodbury, Vermont, this 25th day of September, 2017.

Michael Gray  
Michael Gray, Chair

\_\_\_\_\_  
Guy Rouelle

\_\_\_\_\_  
Thomas Lindsay

Attest: A True Record

Diana Peduzzi  
Town Clerk, Town of Woodbury

# TOWN OF WOODBURY

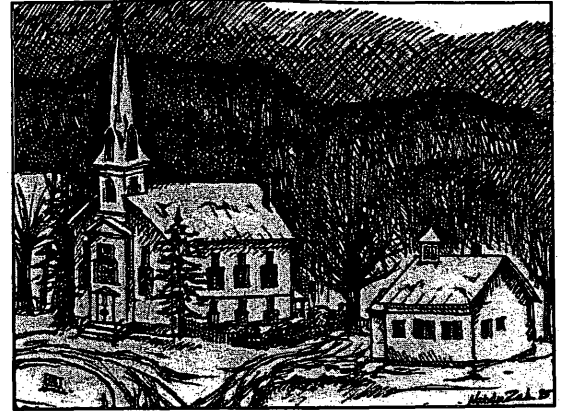
1672 VT RT 14

P.O. BOX 10

WOODBURY, VERMONT 05681

802-456-7051 E-mail: [towoodbury@comcast.net](mailto:towoodbury@comcast.net) fax: 802-456-8834

---



## CERTIFICATION

I, Diana Peduzzi, Town Clerk, Town of Woodbury, Vermont, hereby certify that on February 22, 2017, I caused the within and foregoing notice of hearing to be posted at the Town of Woodbury Town Clerk's Office, and caused copies thereof to be mailed by certified mail, return receipt requested, to:

Lewis & Kay Andrews, 16 Huckleberry Lane, Ballston Lake, New York 12019

Metta A. Motycka, 546 Goodall Road, East Calais, Vermont 05650


Felicity Huffman & William Macy, 7095 Hollywood Blvd. Suite 104, Los Angeles, CA. 90028

Philip & Cynthia Livingston, 3 Forest Hill Drive, St. Albans, Vermont 05478-1615

Hardwick Electric, P.O. Box 516, Hardwick, Vermont 05843

I further certify that I caused the within and foregoing notice to be published in the February 22 \_\_, 2017 issue of the Hardwick Gazette, a newspaper circulating within the Town of Woodbury, Vermont.

Dated at Woodbury, Vermont this 22<sup>th</sup> day of February, 2017.

  
\_\_\_\_\_  
Diana Peduzzi  
Woodbury Town Clerk

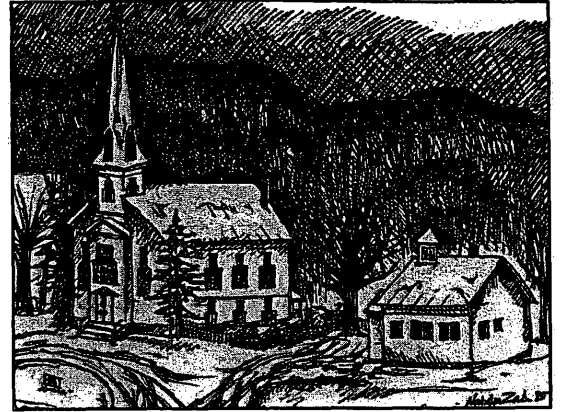
# TOWN OF WOODBURY

P.O. BOX 10

WOODBURY, VERMONT 05681

802-456-7051 E-mail: [towoodbury@comcast.net](mailto:towoodbury@comcast.net) fax: 802-456-8834

---

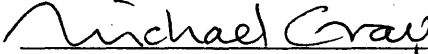


## NOTICE OF HEARING RE: DISCONTINUANCE AND RECLASSIFICATION OF HIGHWAYS IN WOODBURY, VERMONT

Pursuant to the provisions of 19 V.S.A. § 708(a), the Selectboard of the Town of Woodbury, on its own motion, hereby gives notice, in accordance with 19 V.S.A. § 709, that the Selectboard will meet at the Town Office in Woodbury, a public place in the Town, at 1:00 p.m. on March 20, 2017, for a site visit, and then recess to the Town Office for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Woodbury shall take steps to discontinue Town Highway 39.

If after examination of the premises and hearing any and all interested persons, the Selectboard will judge that the public good, necessity and convenience of the inhabitants of the Town of Woodbury require that said highway changes be made.

Dated at Woodbury, Vermont, this 16th day of February, 2017.

  
Michael Gray, Woodbury Select Board Chair

## MINUTES FOR SITE VISIT AND HEARING FOR THE DISCONTINUANCE OF A SECTION TOWN HIGHWAY 39

**Present:** Select Board members Guy Rouelle, Thomas Lindsay and Michael Gray;  
Property owner Patti Garbeck

A site visit and hearing were held on March 20, 2017 at the Town Office in Woodbury, Vermont, beginning at 1:00 p.m. as warned. Participants met at the Town Office and then proceeded to the Garbeck/ Gallagher property to view the section of TH 39 that is under consideration for total discontinuance. The section of TH 39, known as Goodall Road – begins at its juncture with TH 33, known as Dog Pond Road, running in an approximate SW-220 degrees compass bearing, through and entirely within the Garbeck/Gallagher property for approximately 1350 feet to the shared boundary line with Metta Motycka. Following the site visit, all previously mentioned attendees reconvened at the Town Office for the hearing. Michael Gray first presented a series of documents relevant to the consideration for total discontinuance of this section of TH 39. All documents presented at the hearing will be submitted with these minutes.

- 1) June 18, 2015 select board meeting minutes when Patti Garbeck and Janine Gallagher petitioned the select board to discontinue the section of TH 39 that runs through their property.
- 2) The Town document "REPORT AND ORDER OF ROAD DISCONTINUANCES", dated March 11, 1987, that records the discontinuance of an abutting section of TH 39. A question was brought up in this March 11, 1987 hearing as to the status of TH 39 as a town highway. In select board minutes dated 1-14-1987 (submitted with these minutes) – the lawyer overseeing the hearing- Joseph MacIntyre – advises the select board to proceed with the process of discontinuance, despite the question of TH 39's status as a town road. Michael suggests we overlook the question of the road's status and go with the previous select board's precedent in their 1987 decision and the fact the road has been on the town highway maps as a Class 4 town highway for many years.
- 3) The Town Highway map is then reviewed to confirm the section of TH 39 walked in the site visit that runs through the property of Patti Garbeck and Janine Gallagher.
- 4) Letters in favor of discontinuing the considered section of TH 39, submitted by Metta Motycka and Phil & Cynthia Livingston, abutting land owners to the property of Patti Garbeck and Janine Gallagher, are submitted. There was no other communication from other notified parties.
- 5) A signed agreement between the select board and the property owners that states the property owners will pay all expenses incurred by the town for the process of discontinuing the section of TH 39.

Testimony is then given by Patti Garbeck regarding the property owner's reasons for seeking discontinuance of the section of TH 39 that runs through their property. Patti mentions the land is in current use with the exception of 2 acres surrounding the house and shop. The road is a big divide in this "living area" (where the house and shop are) with its 130 foot highway right of way, which does not allow for any more building or further development of existing buildings, such as a septic system for the shop. Equally significant was the issue of privacy. Patti sights past events where cars have driven up the road into their home at all times of day or night and then find they have nowhere to go as the road is no longer a through highway.

The select board then deliberates discontinuing the section of TH 39 that runs through Patti and Janine's property. Discussion of reclassifying the road as a trail was brief in light of the fact an adjacent section of TH 39 is totally discontinued. This fact inclined the select board to grant the same status to the section of TH 39 under consideration in this hearing. The select board unanimously votes for total discontinuance of the section of TH 39, beginning from where it meets TH 33, running through the Garbeck/Gallagher property in a SW direction to the shared property line with Metta Motycka, approximately 1350 feet.

20 March 2017  
Michael Gray,  
select board chair

TOWN OF WOODBURY  
SELECTBOARD

In re: Discontinuance of a Portion of Town Highway 39    )

**FINDINGS, CONCLUSIONS, AND ORDER**

The Woodbury Selectboard met on March 20, 2017, at the Town Office to conduct a site visit and hearing on the Board's notice to consider the discontinuance of a portion of Town Highway 39. The hearing was called pursuant to a public request before the select board on June 8, 2015 by Patti Garbeck and Janine Gallagher.

Present were Board members Michael Gray, Guy Rouelle, and Thomas Lindsay, and Patti Garbeck.

The Board admitted the Report and Order of Road Discontinuance dated March 11, 1987 into evidence, the record that reveals the partial discontinuance of one part of T.H. 39; the Town Highway Map; letters from Metta Motycka and Phil and Cynthia Livingston; and a letter from attorney Joseph MacIntyre from 1987, advising the Town to proceed with discontinuance despite the lack of evidence of the road's formal laying out.

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

**Findings of Fact**

1. Town Highway 39 appears on the current Town Highway Map as 1.21 miles of Class 3 and 0.26 miles of Class 4. A portion of the highway was discontinued in 1987.
2. While there is no evidence of a formal laying out of T.H. 39, the road likely has been maintained by the Town and has become a public right-of-way by dedication and acceptance. It has appeared on town highway maps for many years.
3. The highway runs through the property of Patti Garbeck and Janine Gallagher, it is this portion of the highway that is to be discontinued.
4. The Garbeck/Gallagher property is enlisted in the current use program, with the exception of two acres surrounding the house.
5. The highway prevents the owners from further developing their two acres, installing a septic system or building, given the necessary setbacks from the road.
6. The highway threatens the privacy of its owners, as there have been vehicles that drive into the Garbeck/Gallagher property at night only to discover that there is no road beyond the homestead.

7. There is no public necessity for maintaining the public right-of-way through the lands of Garbeck/Gallagher.

8. The convenience of the public will not be affected by the road's discontinuance.

9. There is no public good to continue this portion of the road as a town highway.

10. Abutting landowners Metta Motycha and Phil and Cynthia Livingston are in favor of the discontinuance of the town road through the Garbeck/Gallagher lands.

11. Although other neighbors were notified of the hearing, no one appeared other than those listed here and no one expressed an opinion in writing either way as to the discontinuance.

12. Patti Garbeck and Janine Gallagher have agreed to pay all expenses incurred by the Town for the discontinuance process.

Based on these findings, the Selectboard makes the following

**Conclusions of Law**

A. To discontinue a town highway or town trail, the board must find that the public good, necessity, and convenience of the inhabitants justifies this action. 19 V.S.A. § 708(a).

B. The Board finds these criteria to be met given the evidence.

Based on these findings and conclusions, the Selectboard makes the following

**Decision**

That portion of Town Highway 39 that runs from Town Highway 33 through the property of Patti Garbeck and Janine Gallagher to the line with Metta Motycka is discontinued.

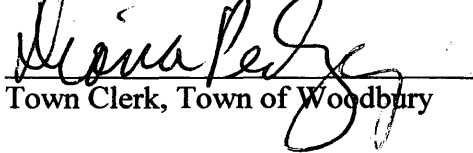
Dated this 20th day of March, 2017, at Woodbury, Vermont.

  
\_\_\_\_\_  
Michael Gray, Chair

Guy Rotelle  
\_\_\_\_\_  
Guy Rotelle

  
\_\_\_\_\_  
Thomas Lindsay

Attest: A True Record

  
\_\_\_\_\_  
Town Clerk, Town of Woodbury



### Appeal Rights

Any interested person affected by this decision may be entitled to appeal this decision in writing within 30 days of the date it is signed to the Washington Unit of the Civil Division of the Vermont Superior Court, upon payment of a fee, through V.R.C.P. 74 or 75.