

9A

**TOWN OF BARNARD, VERMONT
ORDER OF DISCONTINUANCE
PORTION OF AMSDEN ROAD (TOWN HIGHWAY 27)**

WHEREAS, on August 18, 2021, the Town of Barnard Selectboard, on its own motion, initiated proceedings to consider discontinuing Amsden Road (T.H. 27); and,

WHEREAS, notices of the time and date for examining the premises and hearing persons interested were sent in accordance with 19 V.S.A. §§709 and 775, namely by mailing notice via certified mail to each interested person at least thirty days in advance, by giving notice to the Barnard Planning Commission and the Vermont Department of Forests, Parks, and Recreation, by posting a copy of the notice in the office of the Barnard Town Clerk, and by causing a copy of the notice to be published in the Vermont Standard, a local newspaper of general circulation in the area, not less than ten days before the time set for the hearing; and,

WHEREAS, on September 29, 2021, the Selectboard conducted an examination of the premises and held a public hearing where it took testimony regarding whether the discontinuance of Amsden Road would serve the public good, necessity, and convenience of the inhabitants of the Town of Barnard;

NOW, THEREFORE, based upon the inspection and the evidence presented at the hearing, the Barnard Selectboard makes the following findings of fact:

1. Amsden Road (T.H. 27) is a Class 3 town highway running from the intersection of Defiance Hill Road (T.H. 28) approximately 0.30 miles to its termination, as depicted on the plan titled "Vermont General Highway Map Town of Barnard," prepared by the Vermont Agency of Transportation and dated April 26, 2019.
2. Amsden Road is a dead-end road receiving little public use or travel.
3. Except for a large culvert located adjacent to the intersection of Amsden Road and Defiance Hill Road, there is no significant infrastructure, such as bridges, retaining walls, or box culverts, in which the Town has made any unusual or significant investment of public funds.
4. Access to and control over the above-described culvert at the intersection of Amsden Road and Defiance Hill Road is necessary for the proper maintenance of Defiance Hill Road.
5. No public resources or assets (e.g., state or town-owned land) are served or accessed by Amsden Road.
6. None of the abutting property owners, the Barnard Planning Commission, or the Vermont Department of Forest, Parks, and Recreation have provided any objection to the proposed discontinuance of Amsden Road.
7. Discontinuing Amsden Road beyond the above-described culvert will relieve the Town

of Barnard of any future obligation to maintain or upgrade the road, thereby reducing the burden on Barnard taxpayers.

8. No party will be entitled to damages due to the discontinuance of this portion of Amsden Road. Damages are not available in the case of a discontinuance because the abutting property owners are not relinquishing or being deprived of property rights.

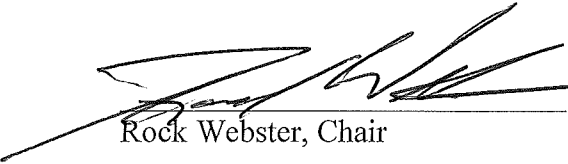
WHEREFORE, based on these findings, and pursuant to 19 V.S.A. §710, the Selectboard concludes that discontinuance of Amsden Road (T.H. 27) from a point 100 feet from the intersection of Amsden Road and Defiance Hill Road to its termination will serve the public good, necessity, and convenience of the inhabitants of the Town of Barnard; and

WHEREFORE, the Selectboard hereby Orders that effective June 1, 2022, Amsden Road (T.H. 27) shall be discontinued from a point 100 feet from the intersection of Amsden Road and Defiance Hill Road to its termination.

This Order and its incorporated findings, together with a copy of the minutes of the Selectboard's September 29, 2021 hearing shall be filed with the Barnard Town Clerk for recording. A copy of this Order shall also be mailed, via first-class mail, to each person who received written notice of the Selectboard's September 29, 2021 examination and hearing.

DATED at Barnard, Vermont this 20 day of October, 2021.


TOWN OF BARNARD
SELECTBOARD



Rock Webster, Chair



Robert Edmunds



Timothy Johnson

9B

**TOWN OF BARNARD, VERMONT
DECISION ON RECLASSIFICATION OF A PORTION OF ALICE'S TURN
(TOWN HIGHWAY 44)**

WHEREAS, on August 18, 2021, the Town of Barnard Selectboard, on its own motion, initiated proceedings to consider reclassifying, from Class 3 to Class 4, that 0.20-mile portion of Alice's Turn (T.H. 44) from Smith Hill Road (T.H. 26) to the present Class 4 transition, and

WHEREAS, notices of the time and date for examining the premises and hearing persons interested were sent in accordance with 19 V.S.A. §709, namely by mailing notice via certified mail to each interested person at least thirty days in advance, by giving notice to the Barnard Planning Commission, by posting a copy of the notice in the office of the Barnard Town Clerk, and by causing a copy of the notice to be published in the Vermont Standard, a local newspaper of general circulation in the area, not less than ten days before the time set for the hearing; and,

WHEREAS, on September 29, 2021, the Selectboard conducted an examination of the premises and held a public hearing where it took testimony regarding whether the reclassification of the 0.20-mile Class 3 portion of Alice's Turn would serve the public good, necessity, and convenience of the inhabitants of the Town of Barnard;

NOW, THEREFORE, based upon the inspection and the evidence presented at the hearing, the Barnard Selectboard makes the following findings of fact:

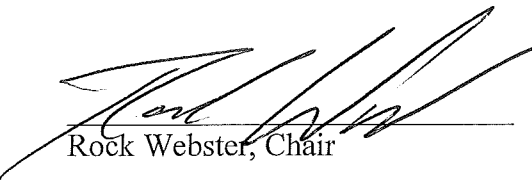
1. Alice's Turn (T.H. 44) is a town highway running from the intersection of Smith Hill Road (T.H. 26) to the intersection of Porter Road (T.H. 43), as depicted on the plan titled "Vermont General Highway Map Town of Barnard," prepared by the Vermont Agency of Transportation and dated April 26, 2019.
2. As shown on the Town Highway map, proceeding from the intersection of Smith Hill Road, the first 0.20 miles of Alice's Turn is presently a Class 3 town highway. The remaining 0.83 miles is a Class 4 town highway.
3. Reclassification would relieve the Town of Barnard's obligation to provide winter and summer maintenance for this Class 3 portion of Alice's Turn, reducing the burden on Barnard taxpayers
4. Abutting property owners, Kurt Tickell and Denise Tickell, strenuously object to the reclassification of the 0.20 mile portion of Alice's Turn (T.H. 44) from Smith Hill Road (T.H. 26) to the present Class 4 transition.
5. However, Mr. and Mrs. Tickell are open to reclassification of that portion of Alice's Turn beyond the driveway to their home and would consider providing an easement to the Town for a truck turn-around. Such an easement and turn-around would be beneficial for future maintenance of Alice's Turn.

WHEREFORE, based on these findings, and pursuant to 19 V.S.A. §710, the Selectboard concludes that reclassification does not serve the public good, necessity, and convenience of the inhabitants of the Town of Barnard at this time and hereby Orders that the 0.20 mile portion of Alice's Turn (T.H. 44) from Smith Hill Road (T.H. 26) to the present Class 4 transition shall not be reclassified.

This Order and its incorporated findings, together with a copy of the minutes of the Selectboard's September 29, 2021 hearing shall be filed with the Barnard Town Clerk for recording. A copy of this Order shall also be mailed, via first-class mail, to each person who received written notice of the Selectboard's September 29, 2021 examination and hearing.

DATED at Barnard, Vermont this 20 day of October, 2021.


TOWN OF BARNARD
SELECTBOARD



Rock Webster, Chair



Robert Edmunds



Timothy Johnson

9C

**TOWN OF BARNARD, VERMONT
DECISION ON RECLASSIFICATION OF A PORTION OF SMITH HILL ROAD
(TOWN HIGHWAY 26)**

WHEREAS, on August 18, 2021, the Town of Barnard Selectboard, on its own motion, initiated proceedings to consider reclassifying, from Class 3 to Class 4, the 1.21-mile portion of Smith Hill Road (T.H. 26) from Alice's Turn (T.H. 44) to the present Class 4 transition, and

WHEREAS, notices of the time and date for examining the premises and hearing persons interested were sent in accordance with 19 V.S.A. §709, namely by mailing notice via certified mail to each interested person at least thirty days in advance, by giving notice to the Barnard Planning Commission, by posting a copy of the notice in the office of the Barnard Town Clerk, and by causing a copy of the notice to be published in the Vermont Standard, a local newspaper of general circulation in the area, not less than ten days before the time set for the hearing; and,

WHEREAS, on September 29, 2021, the Selectboard conducted an examination of the premises and held a public hearing where it took testimony regarding whether the reclassification of the 1.21 mile Class 3 portion of Smith Hill Road would serve the public good, necessity, and convenience of the inhabitants of the Town of Barnard;

NOW, THEREFORE, based upon the inspection and the evidence presented at the hearing, the Barnard Selectboard makes the following findings of fact:

1. Smith Hill Road (T.H. 26) is a town highway running from the intersection of Chateaugay Road (T.H. 47) and West Hill Road (T.H. 5) to the Stockbridge town line, as depicted on the plan titled "Vermont General Highway Map Town of Barnard," prepared by the Vermont Agency of Transportation and dated April 26, 2019.

2. As shown on the Town Highway map, proceeding from the intersection of Alice's Turn (T.H. 44), the first 1.21 miles of Smith Hill Road is a Class 3 town highway. The remaining 1.58 miles is a Class 4 town highway.

3. Although the above-described 1.21-mile portion of Smith Hill Road is classified as a Class 3 town highway, the Town has historically provided only minimal maintenance to this section. As a result, this section does not presently meet Class 3 specifications. It is only nominally passable by a motor vehicle during the summer and is not plowed or kept open by the Town during the winter.

4. Upgrading this 1.21-mile section of Smith Hill Road to full Class 3 specifications would be a significant expense to the Town, estimated to likely exceed \$1 million. The Town would also be obligated to provide full maintenance for this section, including plowing during the winter, at a significant annual expense.

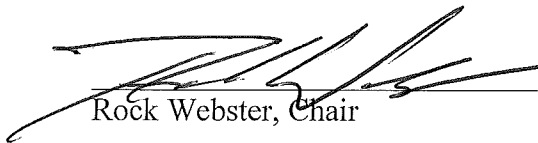
5. Reclassification of this section of Smith Hill Road to Class 4 would relieve the Town of Barnard of its obligation to upgrade and provide winter maintenance for this portion of Smith Hill Road, reducing the potential burden on Barnard taxpayers.

WHEREFORE, based on these findings, and pursuant to 19 V.S.A. §710, the Selectboard concludes that reclassification will serve the public good, necessity, and convenience of the inhabitants of the Town of Barnard and hereby Orders that the 1.21-mile section of Smith Hill Road from the intersection of Alice's Turn (T.H. 44), to the present Class 4 transition shall be reclassified from Class 3 to Class 4.

This Order and its incorporated findings, together with a copy of the minutes of the Selectboard's September 29, 2021 hearing shall be filed with the Barnard Town Clerk for recording. A copy of this Order shall also be mailed, via first-class mail, to each person who received written notice of the Selectboard's September 29, 2021 examination and hearing.

DATED at Barnard, Vermont this ____ day of October, 2021.

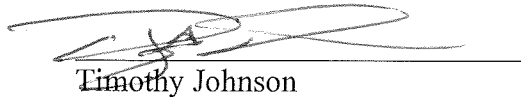
TOWN OF BARNARD
SELECTBOARD



Rock Webster, Chair



Robert Edmunds



Timothy Johnson

90

**TOWN OF BARNARD, VERMONT
DECISION ON RECLASSIFICATION OF A PORTION OF ANGELL ROAD
(TOWN HIGHWAY 50)**

WHEREAS, on August 18, 2021, the Town of Barnard Selectboard, on its own motion, initiated proceedings to consider reclassifying, from Class 3 to Class 4, the 0.33-mile portion of Angell Road (T.H. 50) from Chateaugay Road (T.H. 47) to the present Class 4 transition, and

WHEREAS, notices of the time and date for examining the premises and hearing persons interested were sent in accordance with 19 V.S.A. §709, namely by mailing notice via certified mail to each interested person at least thirty days in advance, by giving notice to the Barnard Planning Commission, by posting a copy of the notice in the office of the Barnard Town Clerk, and by causing a copy of the notice to be published in the Vermont Standard, a local newspaper of general circulation in the area, not less than ten days before the time set for the hearing; and,

WHEREAS, on September 29, 2021, the Selectboard conducted an examination of the premises and held a public hearing where it took testimony regarding whether the reclassification of the 0.33 mile Class 3 portion of Angell Road would serve the public good, necessity, and convenience of the inhabitants of the Town of Barnard;

NOW, THEREFORE, based upon the inspection and the evidence presented at the hearing, the Barnard Selectboard makes the following findings of fact:

1. Angell Road (T.H. 50) is a town highway running from the intersection of Chateaugay Road (T.H. 47) to Bennett Road (T.H. 50) as depicted on the plan titled "Vermont General Highway Map Town of Barnard," prepared by the Vermont Agency of Transportation and dated April 26, 2019.

2. As shown on the Town Highway map, proceeding from the intersection of Chateaugay Road, the first 0.33 miles of Angell Road is a Class 3 town highway. The remaining 0.96 miles is a Class 4 town highway.

3. Reclassification would relieve the Town of Barnard's obligation to provide winter and summer maintenance for this Class 3 portion of Angell Road, reducing the burden on Barnard taxpayers.

4. However, this Class 3 portion of Angell Road serves five parcels, including one full-time residential property owned by Thomas Morse and one seasonal residential property owned by the Mary M. Charland Living Trust.

WHEREFORE, based on these findings, and pursuant to 19 V.S.A. §710, the Selectboard concludes that reclassification does not serve the public good, necessity, and convenience of the inhabitants of the Town of Barnard at this time and hereby Orders that the 0.33-mile portion of Angell Road (T.H. 50) from Chateaugay Road (T.H. 47) to the present Class 4 transition shall not be reclassified.

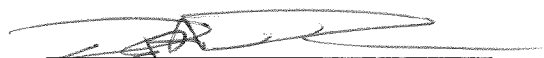
This Order and its incorporated findings, together with a copy of the minutes of the Selectboard's September 29, 2021 hearing shall be filed with the Barnard Town Clerk for recording. A copy of this Order shall also be mailed, via first-class mail, to each person who received written notice of the Selectboard's September 29, 2021 examination and hearing.

DATED at Barnard, Vermont this 20th day of October, 2021.

TOWN OF BARNARD
SELECTBOARD


Rock Webster, Chair


Robert Edmunds

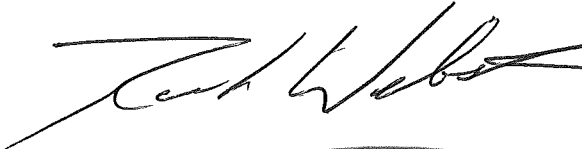

Timothy Johnson

10

10/20/21

"Considering the Smith Hill Rd reclassification decision from Class 3 to Class 4, dated ~~xx/xx/xx~~, the Selectboard discussed the need to maintain reasonable access to Nye Cemetery and the properties along the road up to Davis Hill.

In recognition of this need, the Selectboard approved the following resolution: "Between the dates of May 15th through October 1st, the Barnard Highway Department shall maintain the Class 4 section of Smith Hill Road for 1.21 miles in a westerly direction from the intersection with Alice's Turn to provide reasonable motor vehicle access. This section shall not be plowed or otherwise maintained in winter."



Rock Webster



Timothy A. Johnson

Robert Edmunds

Robert Edmunds