

Draft
Special Meeting of the Lincoln Selectboard
August 19, 2010

Attending: Selectboard Members Brian Goodro and Acting Chair Barb Rainville;
Admin. Ass't Ann Kensek; Town Att'y George Vince; guests Gordon Folsom, Carl
Mahannah, Wendy and Jim McIntosh, Bill Masterson and Elwin Isham

Barb called the meeting to order at 6:31 and introduced the meeting, saying that the sole purpose was to present the final surveyed outcome map.

George said that this was a working meeting, and that there would need to be a Hearing and then 30 days wait before recording the survey. The hearing will be warned in the newspaper and notice will be sent to appropriate landowners.

The last revision of the map was on June 16, 2010.

Barb explained that the Board asked Larose to flag boundaries. Discussion on markers.

Carl Mahannah reviewed the map and said as long as he has access he's okay with it.

Gordy said he didn't have any major problems with the map and he talked about the point where the road turns from a class 3 to a class 4 and how it is measured. He said VTrans measures distance on the ground and takes the centerline of Grimes Road and counts 1.1 mile from there. He passed photos of the location and said the end of the class 3 road is in his property and that if he sells and the new owner wants the Town to upgrade it could be a problem for the Town. He said he came up with about 30 ft and gave #'s of the location. Jonathan Croft at AOT was his contact.

Bill Masterson pointed out that the figures on the Highway Mileage maps are rough.

Gordy gave his information to the Selectboard and Bill Masterson commented that the Town should maintain up to the end of the class 3 portion of the road.

Jim McIntosh pointed out that when the previous owners lived in Gordy's place the Town plowed the circle. Wendy questioned why the map doesn't show the 3 rod ROW or 4 rod ROW, even though it is written on the map.

Discussion on Ken Weston survey and Larose survey. George pointed out that the Town's obligation is to adopt their survey. Discussion on statutory difference in obligation between class 3 and class 4 roads. Discussion on 3 rod ROW and 4 rod ROW and where Larose put the monuments.

George pointed out that the whole road is 3 rod, regardless of whether it is class 3 or class 4, and regardless of what came from the Mastersons. The McIntoshes talked about the original road being 4 rod and questioned why the Town shortened the road.

George clarified that the Town map confirms the location of the town road, but does not extinguish rights.

Jim said originally the Town said for them to get a survey done. Discussion on the boundary. The McIntoshes said they aren't happy and feel disrespected. This has cost them a lot of money. Barb said it has cost the Town a lot of money, too.

Brief discussion on road crew cleaning their driveways with Town equipment. Traditionally this has been allowed.

The Selectboard clarified for Carl Mahannah regarding the 3 rod/4 rod- that this doesn't take away his rights from what might be there.

Discussion on location of posts, Gordy's garage and where the line is. George said there is painted ledge and iron pipe. Posts are set flush. The posts show where it is now, and a surveyor can find it even in the future. Larose put posts in to mark the boundary.

Discussion on markers on the centerline and side boundaries. Further questions on Gordy's photos. George asked Gordy if he's done with work on the road, Gordy said yes and described what he's done. Bill Masterson asked if Carl could get in on the 4 rod ROW.

Gordy made reference to the Pierce property on Cobb Hill. If he wants to sell his property he must have a survey from there.

Wendy said when Ken Weston dragged their lines the survey came out perfect.

Elwin said that in 2007 after a meeting at the site Ken said he had walked the property and made a sketch but that it was not a survey.

Wendy and Jim McIntosh walked out of the meeting while Elwin was talking.

Discussion on the turnaround. Brian Goodro said it was unfortunate that not everyone was in the meeting and said that the Town's interest is in the turnaround and clarified what was on the map.

George reiterated that this is not to establish the ROW or boundaries, just the location of the Town road. Discussion on the Town's responsibilities and the landowners' responsibilities.

Elwin said he found markers and where they were on both sides of the road, 4 rods up to Chamberlains, deeded a separate way.

Gordy talked about wanting privacy, not having cars driving by and that he's concerned people will be driving cars up there. He said it doesn't matter to him whether it is a class 4 road or a trail.

George said the Town understands that, but to redo the order of 2008 is improper. They made a decision back then. In hindsight, it may have been a worthy proposal, but that is not what happened.

Discussion on landowners being able to petition the Selectboard to change the class 4 status to a trail. Discussion on whether Carl Mahannah can get in to his property. He'd need his own legal counsel.

Barb said the board can discuss it; she's not opposed to it. Further discussion. Gordy and Carl can petition the board to make the class 4 road into a trail.

Bill pointed out that the Forest Service would also have to be involved.

Discussion on what the class 4 section actually is. It used to be called County Road and it went over to Ripton. In the past things were done on a handshake and not recorded. No one saw trouble coming. Discussion on when the road was made a class 4, Ancient Roads project and ambiguity. Beers Atlas from the 1800's shows County Road ending where it does today.

Barb talked about having the Hearing to adopt the map as presented, have a 30 day notice prior to recording. The Hearing will have a notice in the paper, etc.

The date for the Hearing to accept the June 16, 2010 version of the map of the southern terminus of TH41 was set for September 14th at 6:30 pm at the Lincoln Town Office. Gordy Folsom, Carl Mahannah, the McIntoshes and the Forest Service will be formally notified and the Hearing will be posted in the newspaper.

Meeting was adjourned.

Minutes taken by Ann Kensek