

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2016**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2016 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 UNDERHILL 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	8.750			8.70	0.000
Class 3	43.42	0.04		43.46	0.000
State Highway	4.944			4.944	0.000
Total	57.114			57.154	0.000
* Class 1 Lane	0.000			-	
* Class 4	6.78		0.04	6.74	0.000
* Legal Trail	0.55	0.05		0.60	

* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

- NEW HIGHWAYS:** Please attach Selectmen's "Certificate of Completion and Opening"
- DISCONTINUED:** Please attach SIGNED copy of proceedings (minutes of meeting).
- RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).

Rounding to 2 decimal places + totals by K. Alley 3/7/2016.
NUTS reclassification by K. Alley as per email w/ B. Bigelow on 3/7/2016

Attached are minutes of joint Westford + Underhill Selectboard June 12, 2000 Public Hearing and the joint return with signatures and recorded in Town of Underhill Land Records Vol 102, Page 33-35

- SCENIC HIGHWAYS:** Please attach a copy of order designating/discontinuing Scenic Highways.
 - 0.05 mi CL3 TH-21 reclassified to LT-2 (court order, supercedes 1996 discontinuance)
 - 0.04 mi CL4 Not Up to Standards (NUTS) TH-21 now CL3 (Up to Standards)

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

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

[Handwritten signatures]

T/C/V Clerk Signature:

[Handwritten signature]

Date Filed:

2.17.16

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

[Handwritten signature]
Representative, Agency of Transportation

DATE:

5/12/2016

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.

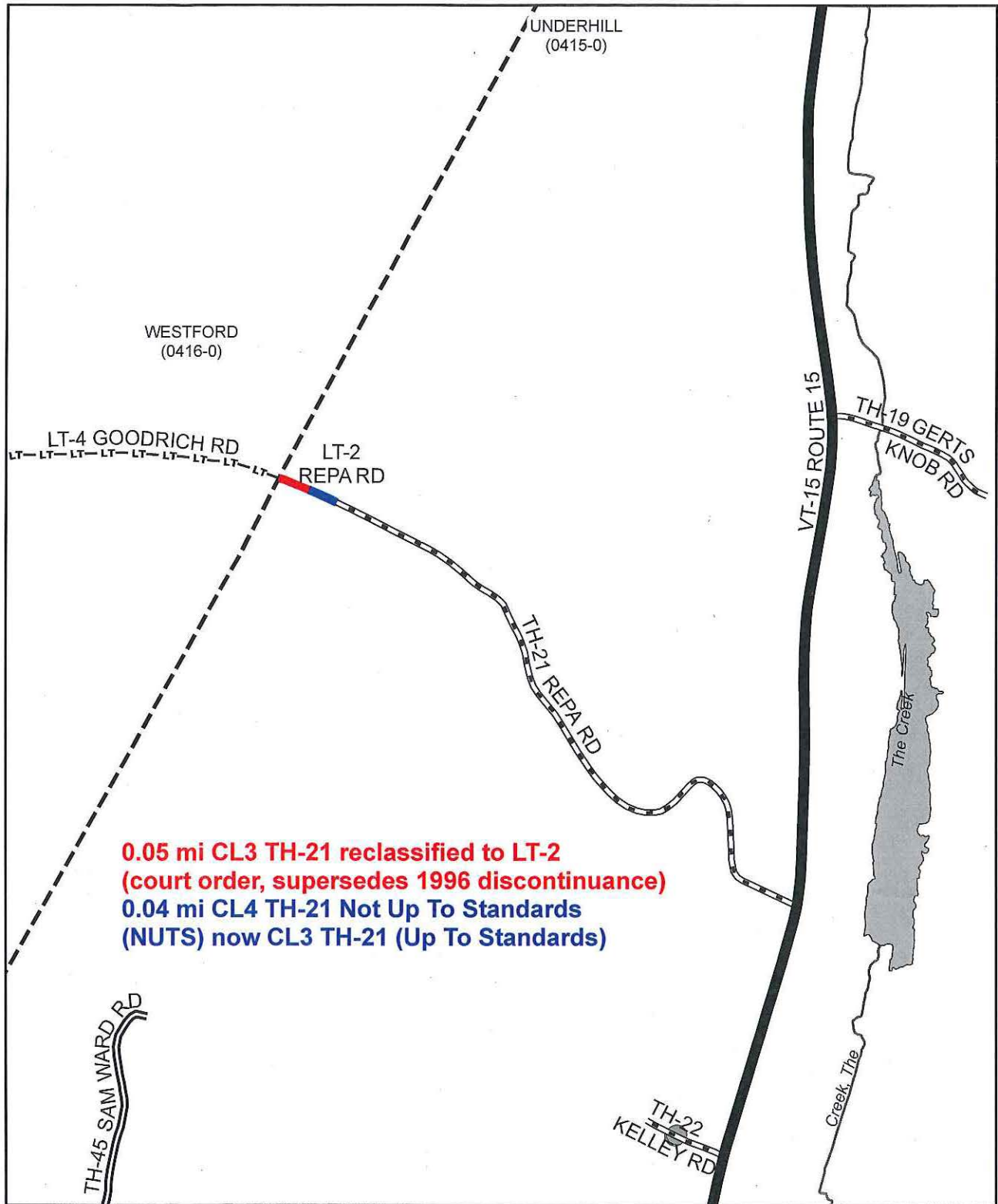
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of 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

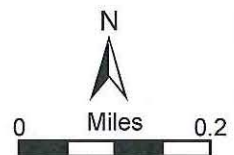
Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at – <http://legislature.vermont.gov/statutes/section/19/003/00305>

December 2015



**Mileage Certificate Changes 2016
 UNDERHILL (0415-0)**

Mapping Section
 Division of Policy and Planning
 Vermont Agency of Transportation -- March 7, 2016



GOODRICH ROAD/REPA ROAD PUBLIC HEARING
JUNE 12, 2000 WESTFORD, VT
WESTFORD SELECTBOARD AND UNDERHILL SELECTBOARD

FINDINGS OF FACT

1. IN 1972, THE TOWN OF WESTFORD DISCONTINUED PART OF GOODRICH ROAD AND TURNED ANOTHER SECTION OF IT INTO A TRAIL. THEY DID THIS WITHOUT REALIZING THAT, ACCORDING TO 19 VSA 790, THEY SHOULD HAVE WORKED JOINTLY WITH THE TOWN OF UNDERHILL, SINCE THE ROAD, CALLED GOODRICH ROAD IN WESTFORD AND REPA ROAD IN UNDERHILL, IS AN INTERTOWN HIGHWAY.

2. IN 1996, THE UNDERHILL SELECTBOARD DISCONTINUED A SMALL SECTION OF REPA ROAD TO THE BOUNDARY WITH WESTFORD. THE UNDERHILL BOARD KNEW THAT THE WESTFORD SIDE OF THE ROAD HAD BEEN DISCONTINUED, AND THEY NOTIFIED THE TOWN OF WESTFORD THAT THE ACTION TO DISCONTINUE THE ROAD WAS TAKING PLACE. HOWEVER, UNDERHILL DID NOT NOTIFY THE PROPERTY OWNED ON THE WESTFORD SIDE OF THE BOUNDARY LINE.

3. THE TOWN OF UNDERHILL WAS ADVISED BY PAUL GILLIES, ESQ., THAT THE SITUATION COULD BE REMEDIED BY GOING THROUGH A ROAD RECLASSIFICATION PROCESS ACCORDING TO 19 VSA 790 JOINTLY WITH WESTFORD.

4. AFTER DUE NOTICE TO ALL INTERESTED PARTIES, THE SELECTBOARDS MET JOINTLY IN WESTFORD, HEARD FROM INTERESTED RESIDENTS, WALKED A PORTION OF THE GOODRICH ROAD, WALKED THE AFFECTED PORTION OF THE REPA ROAD IN UNDERHILL, AND HEARD FROM OTHER INTERESTED PARTIES ON THE ROAD AND IN THE UNDERHILL TOWN HALL.

5. WESTFORD: JOHN LOUIS, REPRESENTING ABUTTING LANDOWNER A. JOHNSON COMPANY, TESTIFIED THAT THE COMPANY NEEDED ALL AVAILABLE ACCESSSES. THEY RECONSTRUCTED THE ROAD FROM MACHIA HILL RD. TO THEIR LANDING. THEY WANT TO MAINTAIN A ROW, AND NOT LOSE THAT OPTION. IF THE ROAD GOES TO THE EASTMAN PROPERTY AND STOPS, THEN THEY DO NOT HAVE THAT OPTION. THEY HAVE AN ACCESS CLOSE TO THE HOUSE OF PEOPLE WHO WILL TESTIFY LATER. THEY WOULD LIKE THE TRAIL TO BE AS WIDE AS POSSIBLE. THEY WOULD LIKE THE ROAD TO REMAIN CLASS 4, BUT REALIZE PEOPLE DO NOT LIKE LOG TRUCKS COMING ON A TRAIL. JOHNSON CO. LAND ABUTS EASTMAN PARCEL. HE IS SYMPATHETIC TO NO ATV USE.

6. WESTFORD: MOLLY LIEBOWITZ, REPRESENTING ABUTTING LANDOWNERS THE EASTMAN FAMILY, SAID THE FAMILY HAD NO OBJECTION TO WESTFORD DISCONTINUING THE ROAD ON THE WESTFORD SIDE, BUT WANTS ACCESS ON THE UNDERHILL SIDE. THEY WOULD LIKE REPA ROAD TO BE CLASS 3, BUT WOULD SETTLE FOR CLASS 4. THEY DO WANT A DISCONTINUANCE OF GOODRICH ROAD THROUGH THE EASTMAN PARCEL.

7. WESTFORD: TIM AND DELLA BUDELL LIVE AT THE END OF THE PRESENTLY MAINTAINED ROAD. HOW WILL YOU KNOW WHERE THE ROAD IS? A COUPLE OF PEOPLE SEEM TO KNOW WHERE IT IS, INCLUDING DAVID ARNOLD ON THE UNDERHILL SIDE. DELLA BUDELL SAID, IF THE ROAD EXISTS, WE WANT IT DISCONTINUED. SHE IS OPPOSED TO MOTORIZED ACCESS.

8. WESTFORD: JOHN COOLEY, WHO ABUTS JOHNSON LAND TO THE WEST, WANTS ACCESS FOR VEHICLES BECAUSE HE CUTS WOOD.

9. WESTFORD: JACOB AND LAURA HOLZSCHEITER, ABUTTING LANDOWNERS, WOULD LIKE TO HAVE THE ROAD DISCONTINUED. THEY DO NOT WANT A THROUGH TRAIL OR ATV ACCESS. ANYTHING THAT WOULD DECREASE ACTIVITY ON THE TRAIL WOULD PLEASE THEM. IN 1998 THE WESTFORD CONSERVATION COMMISSION SUBMITTED A REPORT ON TRAILS. THEY DO NOT WANT TO RESTRICT ACCESS TO THE PEOPLE ALREADY UP THERE. THEY HAVE HAD ATV AND DRINKING PROBLEMS WITH USERS OF THE TRAIL. PEOPLE RECALL THAT THE OLD TRAIL BY THE HOUSE (WHICH HOUSE?) IS NOT WHERE THE TRAIL CURRENTLY IS.

10. UNDERHILL: DAVID ARNOLD, ABUTTING LANDOWNER ON UNDERHILL SIDE, TESTIFIED BY TELEPHONE. HE WOULD LIKE THE ROAD TO "RETURN TO NATURE." HE IS NOT IN FAVOR OF GIVING ACCESS SO BUILDING CAN GO ON AT THE EASTMAN PROPERTY.

11. UNDERHILL: JIM PHELPS OF REPA ROAD, NOT AN ABUTTER, WOULD LIKE TO LEAVE THINGS AS THEY ARE AND NOT CREATE MORE TRAFFIC.

12. UNDERHILL: BERNIE COUILLARD OF REPA ROAD, NOT AN ABUTTER, WOULD LIKE TO SEE THINGS REMAIN AS THEY ARE AND THE TOWN NOT BE RESPONSIBLE FOR MORE ROAD MAINTENANCE.

13. UNDERHILL: DENNIS POLEY OF ROUTE 15, NOT AN ABUTTER, WOULD LIKE TO OPEN THE ROAD TO THE WESTFORD TOWN LINE AS CLASS 4 AND DISCONTINUE IT OR MAKE IT A TRAIL IN WESTFORD.

14. UNDERHILL: CRAIG ARMSTRONG OF SAM WARD ROAD, WHO ABUTS EASTMAN IN UNDERHILL AND WESTFORD, BUT DOES NOT ABUT THE ROAD, THINKS WE SHOULD BE FAIR TO THE EASTMANS AND FUTURE PROPERTY OWNERS AND HAVE IT OPEN ON THE UNDERHILL SIDE. IT IS OK FOR WESTFORD TO THROW UP THE ROAD ON EASTMAN'S PROPERTY. A PROPERTY OWNER SHOULD HAVE A SAY OVER A ROAD GOING THROUGH HIS PROPERTY. PEOPLE WHO WANT ACCESS SHOULD TALK TO THE LANDOWNER. PEOPLE WITH ABUTTING PROPERTY SHOULD HAVE ROW.

15. UNDERHILL: JOHN COOLEY REITERATED THAT HE DOES NOT WANT A THROUGH TRAIL ON THE WESTWARD SIDE. WHAT WAS THE CLASSIFICATION OF THE ROAD IN WESTWARD? HE WOULD LIKE TO KEEP THE ROAD OPEN IN UNDERSELL, AND RETAIN THE ABILITY TO BUILD A HOUSE. THE PROPERTY HAS BEEN IN HIS FAMILY SINCE THE 70'S, AND HIS FATHER KNEW THE ROAD WAS BEING DISCONTINUED. HE TALKED TO THE SELECTBOARD ABOUT IT. HE NOW HAS ACCESS THROUGH HOLZSCHEITERS BUT THAT MIGHT NOT CONTINUE.

16. UNDERSELL: JOSEPH BORNSTEIN, WESTFORD, PRESENTED A LETTER AND SOME DOCUMENTS WHICH SHOW THAT HE TOOK THE TOWN TO COURT IN 1974 OVER THEIR ACTION IN 1972. THE COURT AGREED THAT THE ROAD SHOULD BE A TRAIL UP TO A POINT ON A CORNER OF LOT 57. FROM THERE UNTIL THE TOWN LINE IT WAS DISCONTINUED. (EASTMAN HAD DENIED HIM ACCESS-SELECTBOARD GAVE HIM AGRICULTURAL ACCESS THROUGH EASTMAN PROPERTY TO REPA ROAD.) [IS THIS STORY STRAIGHT?]

DISCUSSION FOLLOWED TESTIMONY. QUESTION: COULD LANDOWNERS ON THE WESTFORD SIDE GIVE ROWS TO EACH OTHER? WESTFORD SELECTBOARD PROMISED TO GET INFORMATION ON ACTIVITY ON TRAILS.

THE BOARDS RECESSED THE HEARING UNTIL JUNE 12, AT 7:30 IN WESTFORD

10. Underhill: David Arnold, abutting landowner on Underhill side, testified by telephone. He would like the road to "return to nature." He is not in favor of giving access so building can go on at the Eastman property.

11. Underhill: Jim Phelps of Repa Road, not an abutter, would like to leave things as they are and not create more traffic.

12. Underhill: Bernie Couillard of Repa Road, not an abutter, would like to see things remain as they are and the town not be responsible for more road maintenance.

13. Underhill: Dennis Poley of Route 15, not an abutter, would like to open the road to the Westford town line as Class 4 and discontinue it or make it a trail in Westford.

14. Underhill: Craig Armstrong of Sam Ward Road, who abuts Eastman in Underhill and Westford, but does not abut the road, thinks we should be fair to the Eastmans and future property owners and have it open on the Underhill side. It is OK for Westford to throw up the road on Eastman's property. A property owner should have a say over a road going through his property. People who want access should talk to the landowner. People with abutting property should have ROW.

15. Underhill: John Cooley reiterated that he does not want a through trail on the Westford side. What was the classification of the road in Westford? He would like to keep the road open in Underhill, and retain the ability to build a house. The property has been in his family since the 70's, and his father knew the road was being discontinued. He talked to the Selectboard about it. He now has access through Holzscheiters but that might not continue.

16. Underhill: Joseph Bornstein, Westford, presented a letter and some documents which show that he took the town to court in 1974 over their action in 1973. The court agreed that the road should be a trail up to a point on a corner of lot 57. From there until the town line it was discontinued. (Eastman had denied him access--Selectboard gave him agricultural access through Eastman property to Repa Road.)

The boards recessed the hearing until June 12, at 7:30 in Westford.

JUNE 12, 2000: Westford

1. The selectboards, meeting jointly, heard further testimony, including the minutes from the May 22, 2000 Westford Selectboard meeting, where this matter was discussed. Concerns were raised about motorized vehicles, and the precise location of the trail. Some landowners would like to have the trail moved.

2. The Westford Selectboard has determined that, to the best of its knowledge, the Goodrich Road was a Class 4 town highway prior to the Selectboard's action in 1973.

3. Abutter Joseph Bornstein wants long-term forest management possibilities. Hearings and legal action are a burden for him. He wants controlled motor vehicle access in a respectful manner.

4. Stan Senger of Underhill, not an abutter, does not want the road continued to the Westford line. He thinks what the Selectboard did in 1996 was correct.

5. Dave Cooley of Westford, father of John Cooley, an abutter who testified on May 10, explained that after he purchased the property in the early 1970s, he improved the road, as did the A. Johnson company. He wants a Class 4 road.

6. Barbara Peck of Westford, not an abutter, inquired if the court action of 1974 was legal? No, said Bob Bancroft, chair of the Westford Selectboard, but it is mute, because the 1973 action was illegal. He

continued that the issue for Westford is the portion from Bornstein to Underhill, because the rest of the road must remain, in his opinion, at least a trail.

7. Molly Liebowitz, representing the Eastman family, pointed out that the road on the Westford side through the Eastman property has been closed for over 25 years. They only want approximately 300 feet on the Underhill side.

8. The Selectboards examined various maps of the road in question and the Westford property parcel maps.

9. Tim Budell of Westford inquired if a survey of the Goodrich Road is available. Bob Bancroft replied that it is probably in the town records, but it has not been found.

10. Hearing no further comments, the Selectboards closed the hearing and began to deliberate. Ted Tedford, chair of the Underhill Selectboard, expressed his concerns about the effects of maintaining a Class 3 or 4 road on the Underhill side. Maintenance and safety are his main concerns. He would not want to make any decision that would place a greater traffic impact on Repa Road. Stan Hamlet and Margaret Hummel, the other members of the Underhill board, concurred that Repa Road is one of the most fragile roads in the town, has recently been improved, and has no possibilities for further improvement without major and expensive reconstruction. Steep slopes and drainage are problems. Ted Tedford said that people should have access all along the road. Bob Bancroft said that the town is working on an ordinance for trails which would designate types of uses allowed at appropriate times of year. The property along the Goodrich Road is in Westford's forestry district, which has lot requirements of 30 acres for a house, and if the Eastman property were developed, it would fall under the Westford zoning ordinance. (NOTE: After the hearing was over, the Selectboards learned that the forestry district in Westford was eliminated several years ago, and that the present zoning allows for a dwelling on ten acres or more.)

11. Bill Leach of the Westford board made the motion that the entire road in question, that is, the Goodrich Road in Westford, and Repa Road in Underhill, from the town line to the Arnold driveway, a distance of 238 feet, be designated a trail. Ken Tardie seconded the motion. All on the Westford board agreed.

12. Stan Hamlet offered an identical motion to Bill Leach's on behalf of the Underhill board. Margaret Hummel seconded. All on the Underhill board agreed.

Town of Westford Selectboard
and
Town of Underhill

RETURN

On April 10, 2000, The Town of Westford Selectboard, in conjunction with the town of Underhill Selectboard, appointed the time for a joint hearing to examine the Goodrich Road (TH#24) in the town of Westford and Repa Road (TH#21) in the Town of Underhill pursuant to 19 V.S.A. @ 708 et seq. Westford Town Highway #24 and Underhill Town Highway #21 form a continuous public highway through both towns. The time set for the public hearing on Westford Town highway #24 known as Goodrich Road, and Underhill Town Highway #21 known as Repa Road, was May 10,2000 at 5:00 p.m. The hearing began at the site on a portion of the highway in the Town of Westford and continued on the Underhill portion of the highway in question.

The Westford Selectboard gave thirty days notice of the time and place of the hearing to the property owner's involved and other interested parties, which are listed as follows:

WITH RESPECT TO GOODRICH ROAD (TH#24)

Richard and Adeline Lees -	143 Machia Hill Road
Kenneth & Heidi Tardie -	97 Machia Hill Road
Jacob and Laura Holzscheiter -	162 Machia Hill Road
David and Lois Cooley -	c/o John Cooley 13 Tanglewood Ln. White River Jct., Vt.
The A. Johnson Co. -	900 Rte 16, Bristol, Vermont
Barbara Eastman Trust -	1 Oakledge, Burlington Vt.
Joseph Bornstein -	465 North St., Burlington Vt.
Frances Mary Donaghy -	132 Horn of Moon Road, Montpelier, Vt.
Town of Underhill Selectboard -	P.O. Box 32, Underhill, Vt.
Planning Commission -	Westford and Underhill
Tim Budell -	105 Chase Lane, Colchester, Vt.

The Underhill Selectboard gave thirty days notice of the time and place of the hearing to the property owner's involved and other interested parties, which are listed as follows:

WITH RESPECT TO REPA ROAD (th#21)

ABUTTERS

Town of Westford Selectboard and Planning Commission
Barbara Eastman Trust, 1 Oakledge, Burlington, Vt.
David Arnold, c/o Presto Music, 166 Dorset St. Burlington, Vt 05403

NEIGHBORS

Mary Phelps, 100 Repa Road, Underhill, Vt.
Stan & Susan Senger, 99 Repa Road, Underhill, Vt.
Bernie & Judy Couillard, 86 Repa Road, Underhill, Vt.
Meg & Craig Armstrong, 41 Sam Ward Rd., Underhill, Vt.

All of the abutters were given notice of the time and place of examination by Return Receipt mail. Notice was given to the Minicipal Planning Commissions of the Town of Westford and the Town of Underhill. A copy of said notice was posted in the offices of the Town Clerk of Westford and Underhill, and the like notice was published in the Burlington Free Press.

At the time and place appointed the Selectboards made the site visit to the Goodrich Road and Repa Road and heard all interested parties. This hearing was adjourned to allow the Selectboard to gather additional information on the public highway in question. The public hearing continued on June 12, 2000, at which time the Selectboards heard further testimony.

Upon due consideration the Westford Selectboard has determined that the public good and convenience requires that the following action be taken with respect to Goodrich Road:

The Goodrich Road (TH#24) be classified as a trail in its entirety.

Upon due consideration the Underhill Selectboard has determined that the public good and convenience requires that the following action be taken with respect to Repa Road:

The Repa Road (TH#21) be classified as a Trail from the Westford/Underhill Town line a Distance of 238 feet, more or less, to the Arnold Driveway and the conjunction with the Class 3 Portion of Repa Road.

You have a right to appeal this decision to the superior court of this county, in writing within 30 days of the date of the decision, pursuant to V.R.C.P. 75. You need to serve the towns, as you would do in any civil action, through a constable or sheriff, or using the alternative first class mail method explained V.R.C.P. 4(1). Merely sending a written notice of appeal is not enough. The fee is \$150.00. If you fail to appeal within that time, you may lose your right to challenge this decision at some future time.

DATED AT WESTFORD, VERMONT THIS 28th DAY OF JULY 2000.

WESTFORD SELECTBOARD

Robert A. Bancroft
Robert Bancroft, Chair

William Leach
William Leach

Kenneth Tardie

DATED AT UNDERHILL, VERMONT THIS 2nd DAY OF August 2000.

UNDERHILL SELECTBOARD

Ted Tedford

Margaret P. Himmel

Justin Hurd

Westford, Vermont, Town Clerk's Office
August 9, 2000 at
3 o'clock 00 minutes P. M
received for record and recorded in
book 88 on page 297 of
Westford records.
Attest: Irena Phillips
Town Clerk

Received for record August 16, 2000 at 4:30 P.M.

ATTEST: Nancy C. Bradford, Town Clerk

Alley, Kerry

From: Brian Bigelow <BBigelow@underhillvt.gov>
Sent: Monday, March 07, 2016 10:51 AM
To: Alley, Kerry
Subject: RE: Repa Road Underhill, Vt TH21

Kerry,

Nate Sullivan (Underhill Road Foreman) and I reviewed the provided pdf. He confirms that the section of TH#21 currently mapped as "Not Up To Standard" is currently receiving maintenance 12 months per year. The turnaround used by the Road Crew for winter maintenance is as shown, across from the driveway of 106 Repa Road.

Thanks again for all of your help.

Brian

Brian Bigelow
Town Administrator
Town of Underhill
P.O. Box 120
Underhill, VT 05489
(802) 899-4434 x100

From: Alley, Kerry [mailto:Kerry.Alley@vermont.gov]
Sent: Friday, March 04, 2016 5:01 PM
To: Brian Bigelow <BBigelow@underhillvt.gov>
Subject: RE: Repa Road Underhill, Vt TH21

Attached: Underhill_TH-21_NUTS.pdf;

Hi Brian,

Thanks for letting me know. Just in case it helps, I've attached a map with imagery showing the NUTS portion of TH-21 in red. It might be sufficient for the Road Foreman to indicate whether it is plowed or not.

Have a great weekend!

Kerry

From: Brian Bigelow [mailto:BBigelow@underhillvt.gov]
Sent: Friday, March 04, 2016 3:36 PM
To: Alley, Kerry <Kerry.Alley@vermont.gov>
Subject: RE: Repa Road Underhill, Vt TH21

Hi Kerry –

Sorry I both missed your call today and for the late reply to your email (all the usual excuses: vacation, Town Meeting, short a body in the office, etc.). I am still hoping to get up there with the Road Foreman. He says we may be plowing

(turning around) partway up the trail. So if the standard is solely a winter maintenance issue it may be appropriate. If it is something else (width/roughness) perhaps not.

I will get back to you next week.

Have a good weekend - Brian

Brian Bigelow
Town Administrator
Town of Underhill
P.O. Box 120
Underhill, VT 05489
(802) 899-4434 x100

From: Alley, Kerry [<mailto:Kerry.Alley@vermont.gov>]
Sent: Thursday, February 25, 2016 12:57 PM
To: Brian Bigelow <BBigelow@underhillvt.gov>
Subject: RE: Repa Road Underhill, Vt TH21

Hi Brian,

I am about to process Underhill's 2016 Mileage Certificate, but first I want to double-check with you about the portion of TH-21 (Repa Rd) that is currently shown as "Not Up to Standards" (NUTS) on the Town Highway Map. Is the entire gravel portion of Repa Rd (up to the Legal Trail) maintained year-round? If so, I can restore its fully class 3 status for funding purposes by adding another line to the RECLASSIFIED section of the Mileage Certificate: "0.04 mi CL4 TH-21 Not Up To Standards (NUTS) now CL3 TH-21 (Up To Standards)". (Also see previous mention of the NUTS segment in an earlier email below).

Thanks,

Kerry

From: Brian Bigelow [<mailto:BBigelow@underhillvt.gov>]
Sent: Thursday, February 11, 2016 12:53 PM
To: Alley, Kerry <Kerry.Alley@vermont.gov>
Subject: RE: Repa Road Underhill, Vt TH21

Ah I see now. Thanks - Brian

From: Alley, Kerry [<mailto:Kerry.Alley@vermont.gov>]
Sent: Thursday, February 11, 2016 12:13 PM
To: Brian Bigelow <BBigelow@underhillvt.gov>
Subject: RE: Repa Road Underhill, Vt TH21

Brian,

The date to have it to VTrans is 2/20. The date that it should be on file in the Clerk's office is 2/10 based on 305(b) found here: <http://legislature.vermont.gov/statutes/section/19/003/00305>.

Kerry

From: Brian Bigelow [<mailto:BBigelow@underhillvt.gov>]
Sent: Thursday, February 11, 2016 12:05 PM
To: Alley, Kerry <Kerry.Alley@vermont.gov>
Subject: RE: Repa Road Underhill, Vt TH21

Kerry ,

Thanks, but isn't the due date 2/20?

Brian

Brian Bigelow
Town Administrator
Town of Underhill
P.O. Box 120
Underhill, VT 05489
(802) 899-4434 x100

From: Alley, Kerry [<mailto:Kerry.Alley@vermont.gov>]
Sent: Thursday, February 11, 2016 12:00 PM
To: Brian Bigelow <BBigelow@underhillvt.gov>
Subject: RE: Repa Road Underhill, Vt TH21

Attached: Underhill_MileageCertificate_1996.pdf;

Hi Brian,

Thanks for helping to clarify the history of Repa Rd. I've attached a scan of the 1996 Mileage Certificate and associated documentation provided by Underhill. If you add the change to the Mileage Certificate and provide some documentation that indicates that the 1996 change was invalid, I can process this change in our records. I don't know what ramifications there may be for filing a Mileage Certificate after the statutory Feb 10 deadline. The wording on the Certificate could be: "0.05 mi CL3 TH-21 reclassified to LT-2 (supersedes 1996 discontinuance due to court order)"

Is Repa Rd maintained to class 3 standards (including winter plowing) up to where the legal trail begins (106 Repa Rd)? If so, then there is another change to add to the Certificate:

"0.04 mi CL4 TH-21 Not Up To Standards (NUTS) now CL3 TH-21 (Up To Standards)"

Because the NUTS designation was made by VTrans and is not a formal reclassification, it is not necessary for the Selectboard to formally undo it. The change does, however, have to be included on a Mileage Certificate.

Thanks for the information!

Kerry

Kerry Alley
AOT Mapping & GIS Specialist

Vermont Agency of Transportation (VTrans)
Kerry.Alley@vermont.gov – Please note new email address
(802) 828-3666

From: Brian Bigelow [<mailto:BBigelow@underhillvt.gov>]
Sent: Thursday, February 11, 2016 10:44 AM
To: Alley, Kerry <Kerry.Alley@vermont.gov>
Subject: FW: Repa Road Underhill, Vt TH21

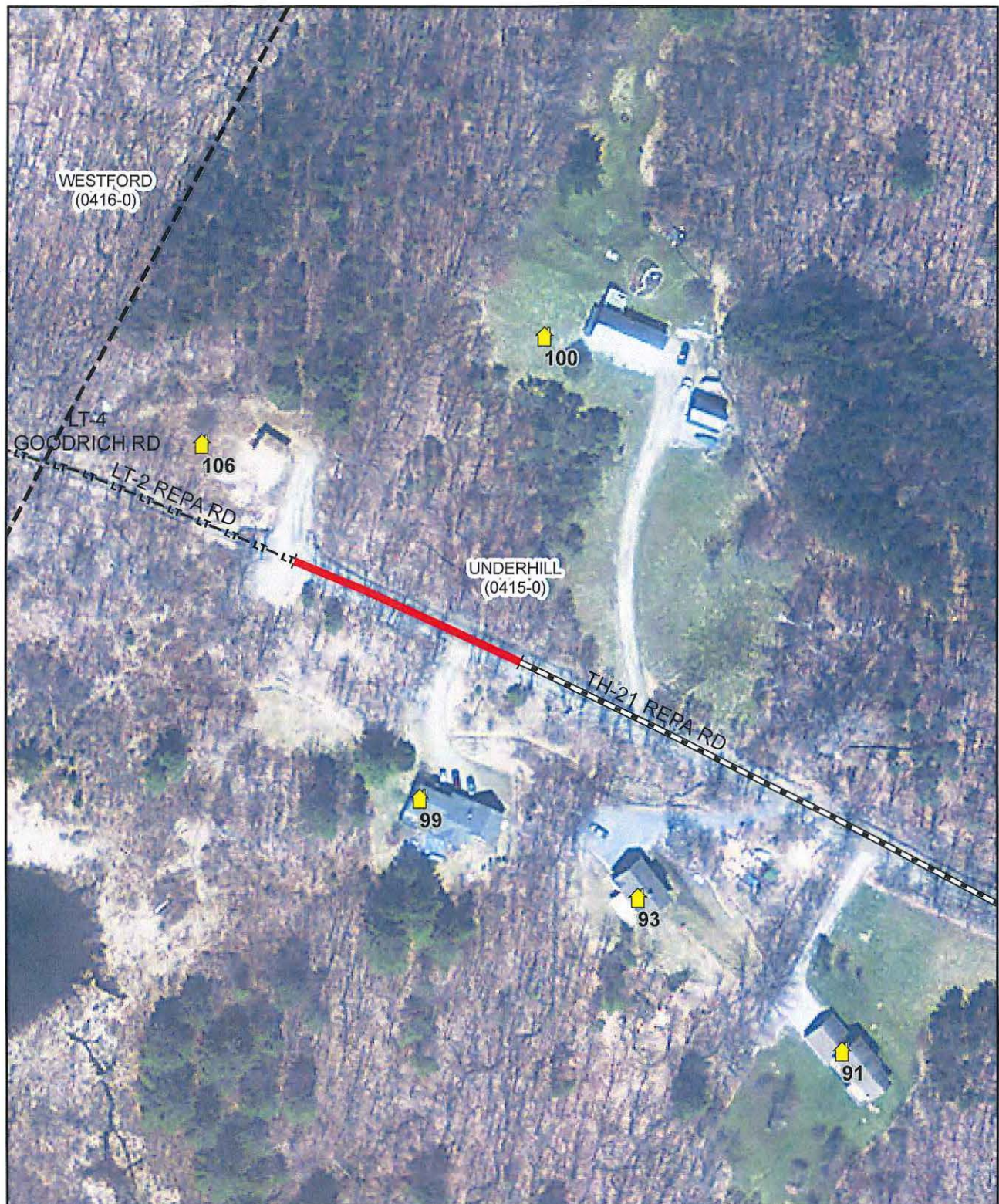
Kerry,

Thank you for the call back. Attached please find the 2000 Return from the Underhill Land Records (vol 102 / page 33-35) and the subsequent 2001 Superior Court Stipulation.

Please advise what other additional information would be helpful.

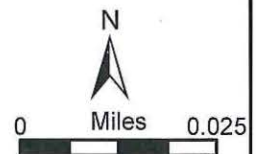
Thanks in advance - Brian

Brian Bigelow
Town Administrator
Town of Underhill
P.O. Box 120
Underhill, VT 05489
(802) 899-4434 x100



**Mileage Certificate Changes 2016
UNDERHILL (0415-0)**

Mapping Section
 Division of Policy and Planning
 Vermont Agency of Transportation -- March 4, 2016



Underhill_TH-21_NUTS.pdf

Alley, Kerry

From: Brian Bigelow <BBigelow@underhillvt.gov>
Sent: Thursday, February 11, 2016 10:44 AM
To: Alley, Kerry
Subject: FW: Repa Road Underhill, Vt TH21
Attachments: Repa Road 2001 Stipulation.pdf; Repa Road 2000 Return Joint with Westford.pdf

Kerry,

Thank you for the call back. Attached please find the 2000 Return from the Underhill Land Records (vol 102 / page 33-35) and the subsequent 2001 Superior Court Stipulation.

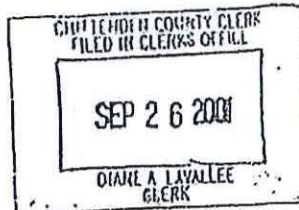
Please advise what other additional information would be helpful.

Thanks in advance - Brian

Brian Bigelow
Town Administrator
Town of Underhill
P.O. Box 120
Underhill, VT 05489
(802) 899-4434 x100

Westford, Vermont, Town Clerk's Office
Oct. 5, 2001 at
1 o'clock 20 minutes P M
received for record and recorded in
book 92 on page 321-325 of
Land records.
Attest: Dianna A. Lavallee
Town Clerk

STATE OF VERMONT
CHITTENDEN COUNTY, SS.



THE A. JOHNSON COMPANY and)
JOSEPH BORNSTEIN,)
Petitioners)
v.) CHITTENDEN SUPERIOR COURT
TOWN OF WESTFORD, Respondent,) DOCKET NO. S1201-00 CnC
and TOWN OF UNDERHILL, Respondent)

STIPULATION TO DISMISSAL WITH PREJUDICE AND ORDER

Now come the Petitioners, The A. Johnson Company and Joseph Bornstein, and the Respondents, Town of Westford and Town of Underhill, in the above-captioned matter, with the approval of their undersigned counsel, and hereby stipulate and agree that the above-captioned matter may be DISMISSED WITH PREJUDICE under the following terms and conditions.

1. Consistent with the Return of the Board of Selectmen for the Town of Westford dated July 28, 2000 and recorded in Volume 88, Page 297 of the Westford Land Records, it is determined that the public good and convenience requires that the Goodrich Road, Westford Town Highway No. 24, be classified as a trail in its entirety. Pursuant to 19 V.S.A. §775, the Selectmen and now this Court designate that the trail be continued at the same width or three rods.

2. Consistent with the Return of the Board of Selectmen for the Town of Underhill dated August 2, 2000 and recorded in Volume 102, Page 33 of the Underhill Land Records, it is

ITZEL, PAGE &
LETCHER, PC
ATTORNEYS AT LAW
1 BATTERY STREET
WINDSOR, VERMONT
05102 1107



determined that the public good and convenience requires that the Repa Road, Underhill Town Highway No. 21, be classified as a trail from the Westford/Underhill Town Line, a distance of 238 feet, more or less, to the Arnold Driveway and the conjunction with the Class III portion of Repa Road. Pursuant to 19 V.S.A. §775, the Selectmen and now this Court designate that said portion of Repa Road shall be continued as a trail at the same width or three rods.

3. Both Joseph Bornstein and The A. Johnson Company may need to continue to utilize the Goodrich Road and Repa Road (hereinafter referred to as the "Trails") for timber management and removal of timber and other forest products on their respective properties as well. As such, the parties enter into this Stipulation and Order to ensure that the Petitioners may not be deprived of access to, or any economic benefits from, their respective parcels.

4. Pursuant to 19 V.S.A. §304, the Boards of Selectmen of the respective Towns not only have the duty and responsibility, but the authority to make regulations governing the use of trails and to extend permission regarding the use of such trails. Likewise, the Board of Selectmen in taking the action noted above and creating Trails in both Westford and Underhill, did not intend by their respective actions to prevent access to and egress from the respective lots of the Petitioners/Appellants.

5. The A. Johnson Company and Joseph Bornstein may use the reclassified Town Highways, now designated as Trails, for access

to The A. Johnson Company and Joseph Bornstein parcels, respectively.

6. The Town of Westford and Town of Underhill shall have no obligation to construct, maintain, plow or repair said Trails within the respective Towns, and all responsibility for maintenance, construction, plowing and repair shall be the responsibility of The A. Johnson Company or Joseph Bornstein, as the case may be.

7. The A. Johnson Company shall acquire no vested rights or interest in the Trails by the construction of or improvements to said Trails for however long a period of time, nor from the use thereof for however long a period of time.

8. The A. Johnson Company and Joseph Bornstein, prior to the construction of any improvements or maintenance of the Trails, shall obtain the approval of the Board of Selectmen and/or Road Commissioner for the respective Towns wherein said Trail is located.

9. The A. Johnson Company and Joseph Bornstein are hereby granted, pursuant to 19 V.S.A. §1111, the right to use the Trails by any motor vehicles, pick-up trucks, four-wheel drive vehicles, logging trucks, logging equipment and the like in order to continue their programs of forestry management on The A. Johnson Company lands and the Bornstein parcel, respectively, and, periodically, to effect the removal of timber from their respective lots during the term of this Stipulation. The parties

agree that the designation of said Town Highways as Trails does not preclude the use of the herein described vehicles.

10. The parties to this Stipulation recognize that the existence of Goodrich Road, or Westford Town Highway No. 24 has been challenged in the matter of Timothy W. Budell and Della J. Budell, Petitioners v. Town of Westford, Respondent, Docket No. S1149-00CnC. If the resolution of the issues in the Budell case affects the existence of the Westford Town Highway No. 24 and the Court determines that said Town Highway does not exist, then this Stipulation is a nullity.

11. This Stipulation shall run with the land and be valid for and binding upon the Town of Westford, the Town of Underhill, The A. Johnson Company, Joseph Bornstein, and their respective heirs, successors, and assigns.

12. The parties understand and agree that this Stipulation will be incorporated into a Court Order in this case.

DATED at Burlington, Vermont, this 14th day of September, 2001.

TOWN OF WESTFORD

By: 

Timothy M. Eustace, Esq.

DATED at Montpelier, Vermont, this 19th day of September, 2001.

TOWN OF UNDERHILL

By: 

Paul S. Gillies, Esq.

FITZEL, PAGE &
LETCHER, P.C.
ATTORNEYS AT LAW
10 BATTERY STREET
P.O. BOX 1401
LINGTON, VERMONT
05447-1401

Town of Westford Selectboard
and
Town of Underhill

Repa Road 2000 Return Joint with
Westford.pdf

RETURN

On April 10, 2000, The Town of Westford Selectboard, in conjunction with the town of Underhill Selectboard, appointed the time for a joint hearing to examine the Goodrich Road (TH#24) in the town of Westford and Repa Road (TH#21) in the Town of Underhill pursuant to 19 V.S.A. @ 708 et seq. Westford Town Highway #24 and Underhill Town Highway #21 form a continuous public highway through both towns. The time set for the public hearing on Westford Town highway #24 known as Goodrich Road, and Underhill Town Highway #21 known as Repa Road, was May 10,2000 at 5:00 p.m. The hearing began at the site on a portion of the highway in the Town of Westford and continued on the Underhill portion of the highway in question.

The Westford Selectboard gave thirty days notice of the time and place of the hearing to the property owner's involved and other interested parties, which are listed as follows:

WITH RESPECT TO GOODRICH ROAD (TH#24)

- Richard and Adeline Lees - 143 Machia Hill Road
- Kenneth & Heidi Tardie - 97 Machia Hill Road
- Jacob and Laura Holzscheiter - 162 Machia Hill Road
- David and Lois Cooley - c/o John Cooley 13 Tanglewood Ln.
White River Jct., Vt.
- The A. Johnson Co. - 900 Rte 16, Bristol, Vermont
- Barbara Eastman Trust - 1 Oakledge, Burlington Vt.
- Joseph Bornstein - 465 North St., Burlington Vt.
- Frances Mary Donaghy - 132 Horn of Moon Road,
Montpelier, Vt.
- Town of Underhill Selectboard - P.O. Box 32, Underhill, Vt.
- Planning Commission - Westford and Underhill
- Tim Budell - 105 Chase Lane, Colchester, Vt.

The Underhill Selectboard gave thirty days notice of the time and place of the hearing to the property owner's involved and other interested parties, which are listed as follows:

WITH RESPECT TO REPA ROAD (th#21)

ABUTTERS

- Town of Westford Selectboard and Planning Commission
- Barbara Eastman Trust, 1 Oakledge, Burlington, Vt.
- David Arnold, c/o Presto Music, 166 Dorset St. Burlington, Vt 05403

NEIGHBORS

- Mary Phelps, 100 Repa Road, Underhill, Vt.
- Stan & Susan Senger, 99 Repa Road, Underhill, Vt.
- Bernie & Judy Couillard, 86 Repa Road, Underhill, Vt.
- Meg & Craig Armstrong, 41 Sam Ward Rd., Underhill, Vt.

All of the abutters were given notice of the time and place of examination by Return Receipt mail. Notice was given to the Municipal Planning Commissions of the Town of Westford and the Town of Underhill. A copy of said notice was posted in the offices of the Town Clerk of Westford and Underhill, and the like notice was published in the Burlington Free Press.

At the time and place appointed the Selectboards made the site visit to the Goodrich Road and Repa Road and heard all interested parties. This hearing was adjourned to allow the Selectboard to gather additional information on the public highway in question. The public hearing continued on June 12, 2000, at which time the Selectboards heard further testimony.

Upon due consideration the Westford Selectboard has determined that the public good and convenience requires that the following action be taken with respect to Goodrich Road:

The Goodrich Road (TH#24) be classified as a trail in its entirety.

Upon due consideration the Underhill Selectboard has determined that the public good and convenience requires that the following action be taken with respect to Repa Road:

The Repa Road (TH#21) be classified as a Trail from the Westford/Underhill Town line a Distance of 238 feet, more or less, to the Arnold Driveway and the conjunction with the Class 3 Portion of Repa Road.

You have a right to appeal this decision to the superior court of this county, in writing within 30 days of the date of the decision, pursuant to V.R.C.P. 75. You need to serve the towns, as you would do in any civil action, through a constable or sheriff, or using the alternative first class mail method explained V.R.C.P. 4(1). Merely sending a written notice of appeal is not enough. The fee is \$150.00. If you fail to appeal within that time, you may lose your right to challenge this decision at some future time.

DATED AT WESTFORD, VERMONT THIS 28th DAY OF JULY 2000.

WESTFORD SELECTBOARD

Robert Bancroft
Robert Bancroft, Chair

William Leach
William Leach

Kenneth Tardie

DATED AT UNDERHILL, VERMONT THIS 2nd DAY OF August 2000.

UNDERHILL SELECTBOARD

Ted Tedford
Margaret P. Himmel
Justin A. Aulet

Westford, Vermont, Town Clerk's Office
August 7, 20 00 at
3 o'clock 00 minutes p. M
received for record and recorded in
book 88 on page 297 of
Westford records.
Attest: Trina Phillips
Town Clerk

Received for record August 16, 2000 at 4:30 P.M.

ATTEST: Nancy C. Bradford, Town Clerk