

District 2  
 Certcode 1301-0

**CERTIFICATE OF HIGHWAY MILEAGE  
 YEAR ENDING FEBRUARY 10, 2022**

Fill out form, make and file a copy with the Town Clerk, and submit the Mileage Certificate on or before February 20, 2022 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section via email to: aot.mileagecertificates@vermont.gov or if necessary via mail to: VTrans PPAID - Mapping Section, 219 North Main Street, Barre VT 05641.

We, the members of the legislative body of ATHENS in WINDHAM 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	6.750				0.000
Class 3	11.14				0.000
State Highway	0.000				0.000
<b>Total</b>	<b>17.890</b>				<b>0.000</b>
* Class 1 Lane	0.000				
* Class 4	2.96		.96	2.00	0.000
* Legal Trail	0.00	.96		.96	

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

DS  
 PO

**PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.**

1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".

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

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

Please find documentation reclassifying Sam Lane Road from class 4 to legal trail. .96 miles

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

Received  
 FEB 2 2022  
 Policy, Planning & Intermodal  
 Development Division

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

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

Signatures of Selectmen/ Aldermen/ Trustees:

*Handwritten signatures: Denise R. Addell, Janet R. Berry*

Signature of T/C/V Clerk:

*Handwritten signature: Darlene Lyman*

Date Filed:

*Handwritten date: 6/20/22*

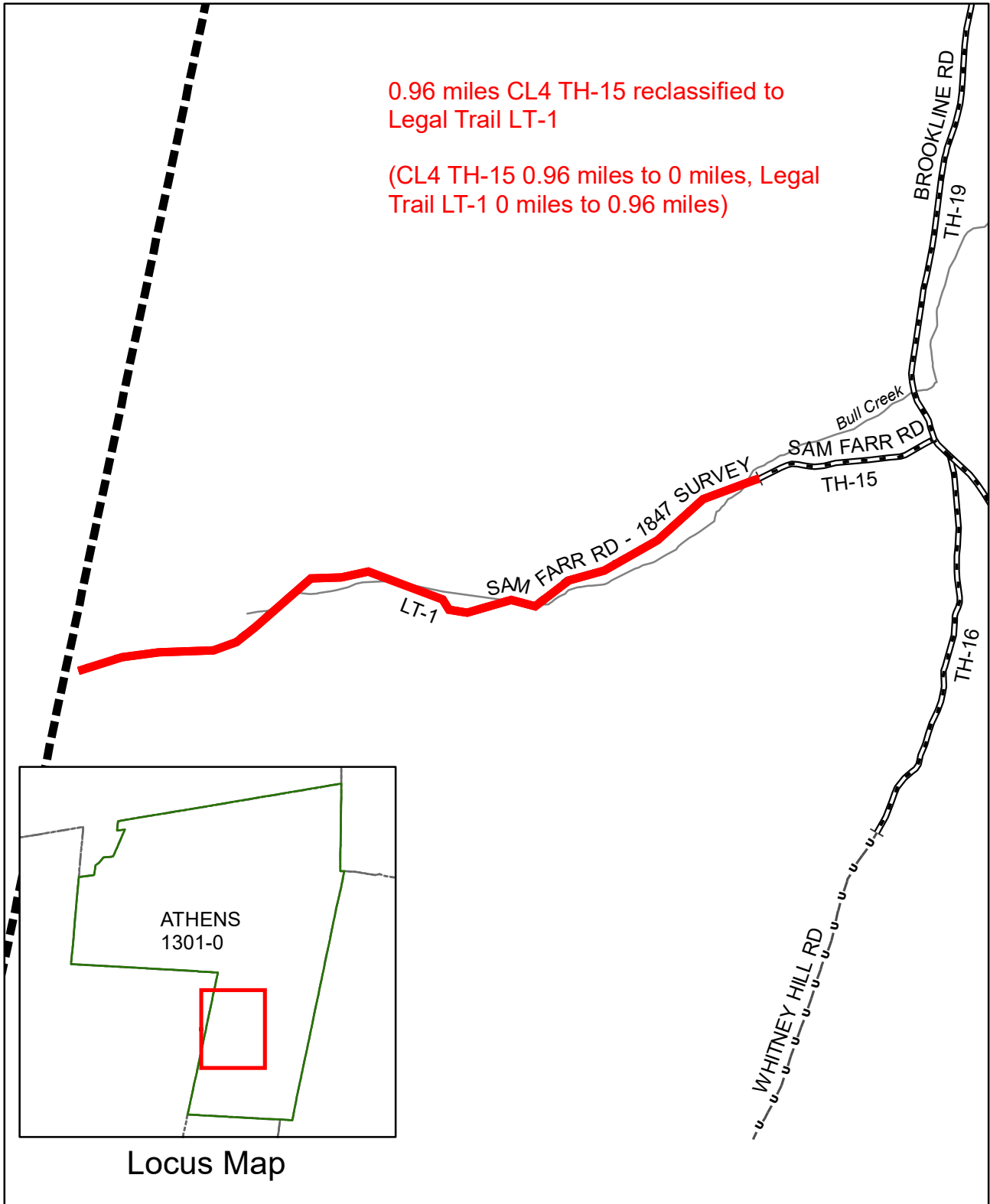
Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

*Handwritten signature: Johnathan Croft*  
 Representative, Agency of Transportation

DATE: 2/23/2022



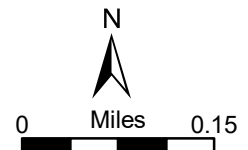
### Mileage Certificate Changes

#### ATHENS

(CTUA:1301-0)

(CERTCODE:-1301-0)

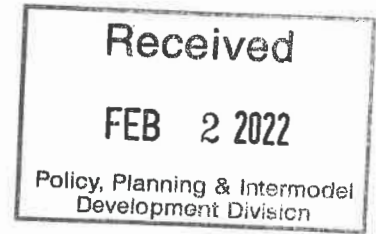
Mapping Section  
Division of Policy and Planning  
Vermont Agency of Transportation -- February 23, 2022



Sam Farr Road Hearing

November 26, 2018

3:00pm



Present were Steve Oakes, Henry Woodbury, Bob Bova, Kate Bova, Darlene Wyman, Andy Toepfer, David Bemis, Denise Randall, Matt Perry, Hannah Regier, and Douglas Francis.

At 3:01 pm, David started the hearing on reclassification of the Sam Farr Road. No decisions will be made at this time. The group walked to the stone culvert for inspection.

The hearing will be convened to the Town Office at 3:30pm.

Mark Trienkman, Sandi Capponcelli and Tom Taylor joined the group.

At 3:30pm, David convened the hearing.

David asked for comments. Henry, Steve, Bob and Kate asked the road continue to have a public right of way. Hannah and Sandi asked it be reclassified as a trail and have an ordinance to support this. Mark commented he would like to see the land go back to the landowners. Denise and Tom commented to keep the road as a trail until further notice.

Discussion followed. At this hearing, a decision to discontinue this road cannot be done. A survey is not needed to discontinue the road. This hearing will determine whether to keep the road as a class four or turn it into a trail. An ordinance on top of the reclassification to a trail will help to keep vehicles off the trail. It would not be able to keep specific groups and people off the trail, but there could be a weight limit. David will be in contact with the lawyer about drafting an ordinance. To pass the ordinance the town will have to have two hearings.

**David made the motion to reclassify Sam Farr Road starting at 1100 feet from Brookline Road to the Townshend town line from a class four town highway road to a town legal trail. Denise seconded. Put to a vote. The motion carried.**

There being no further business, David made the motion to adjourn. Denise seconded. Put to a vote. The motion carried. The hearing adjourned at 3:45pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Darlene Wyman".

Darlene Wyman, Town Clerk

Received

FEB 23 2022

Policy, Planning & Intermodal  
Development Division

Town of Athens

c/o 56 Brookline Road

Athens, Vermont 05143

February 14, 2022

Hello,

Enclosed please find copies I have on file for the discontinuance of Sam Farr Road.

Thank you,

Darlene Wyman, Town Clerk

April 25th, 2010

Dear Members of the Select Boards of Athens and Townshend,

My name is Mark Treinkman and I am a landowner in Athens. The western border of my property runs along the town line between Athens and Townshend and the property is most easily accessed by Billy Smith Road in Townshend.

As you know, Billy Smith Rd turns into a class 4 which in turn becomes Sam Farr Rd. at the town line. At that point, Sam Farr Rd has long ago washed away and goes through a large swamp and ANR recognized wetland.

Due to the rugged condition of Sam Farr Rd closer to Athens, a number of 4-wheel drive clubs are organizing trips here. Unable to cross the worst sections, they make the connection between Townshend and Athens by way of my logging roads.

In order to accommodate their vehicles on my property, they cut trees, move rocks, create ruts and cause a surprising amount of destruction to property they do not have permission to be on. A neighbor has also told me the clubs have crossed the wetland at times, likely causing damage to a fragile and protected ecosystem. Tommy and Danny Taylor have been kind enough to join me at the property and Tommy has attested to the damage at the February 2017 Athens Select board meeting.

I would like to kindly request the select board members of Athens and Townshend consider the harm this has caused and completely discontinue Sam Farr Rd, which will prevent all types of motor vehicles from having a legal right to be in the vicinity. If the road were only reclassified as a trail, ATV's would then have a right-of-way (which they do not now since they are not street-legal). It would be to my great dismay to substitute a new problem in place of the old one. In fact, ATV's are already abusing the situation.

The out-of-town clubs have been treating our land without concern or respect, which has been a sore point and complaint of many neighbors and residents in our area. They show up unexpectedly in groups of up to 50 vehicles, loud, dirty and destructive and have even posted their exploits on private land to the internet.

Thank you for your understanding and consideration. I am sure you can agree that use of private land should be reserved for considerate neighbors that treat it with the respect it deserves. Please feel free to call me anytime.

Sincerely,



Mark Treinkman  
917-658-4314

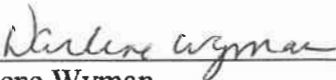
CERTIFICATION

I, Darlene Wyman, Town Clerk, Town of Athens, Vermont, hereby certify that on October 22, 2018, I caused the within and foregoing notice of hearing to be posted at the Town of Athens Town Clerk's Office, and caused copies thereof to be mailed by certified mail, return receipt requested, to:

(See attached list of all owners of lands affected, mortgagees, and owners of rights of way, with full addresses, plus the telephone and electric companies serving or using the road.)

I further certify that I caused the within and foregoing notice to be published in the October 24 2018 issue of the Brattleboro Reformer, a newspaper circulating within the Town of Athens, Vermont.

Dated at Athens, Vermont this 22<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
Darlene Wyman  
Athens Town Clerk

NOTICE OF HEARING TO ADOPT A TOWN ORDINANCE  
RESTRICTING USE OF THE TOWN TRAIL  
ON SAM FARR ROAD (T.H. 15)  
TO NON-MOTORIZED TRAVEL

The Selectboard of the Town of Athens, Vermont gives notice that on December \_\_\_\_, 2018, the board will consider the adoption of an ordinance restricting use of the town trail on Sam Farr Road (T.H. 15) to non-motorized travel. The draft ordinance is as follows:

ORDINANCE RESTRICTING TRAVEL ON SAM FARR ROAD  
(T.H. 15) TO NON-MOTORIZED TRAFFIC

Section 1. No motorized vehicles shall use that portion of Sam Farr Road (Town Highway 15) from the end of the Class 3 section of this highway to the Townshend town line. Traffic shall be limited to pedestrian, bicycle, and horseback uses, without express written approval by the Selectboard.

Section 2. Violation of this ordinance may result in the imposition of a civil penalty of not more than \$800 per day. This ordinance shall be enforced pursuant to 24 V.S.A. § 1974a, as amended from time to time.

Ordinance history:

Date of Adoption: \_\_\_\_\_  
Date notice posted and published: \_\_\_\_\_  
Hearing date (if requested): \_\_\_\_\_  
Effective date of ordinance: \_\_\_\_\_

*After you've adopted the ordinance, you'll need to post and publish this notice not more than 14 days following the adoption, plus post it in five public places in town. See 19 V.S.A. § 1972.*

NOTICE

On November \_\_, 2018, the Athens Selectboard promulgated an ordinance limiting the use of a portion of Sam Farr Road (Town Highway 15) to non-motorized use from the end of the Class 3 section of the road to the Townshend town line. The ordinance will become effective on the 60<sup>th</sup> day following the vote, unless a petition signed by five percent of the voters is submitted to the Selectboard within 44 days of the vote by the Selectboard, requesting a vote on the question of whether the ordinance shall be disapproved.

If a petition is received within those 44 days, the Selectboard will call a special meeting of the voters to consider the question of whether the ordinance shall be disapproved. If the vote is to disapprove the ordinance, the ordinance will not take effect; if the vote is against disapproval, the ordinance shall take effect immediately.

More information can be obtained about the ordinance from David Bemis, Chair, Selectboard, who may be reached by writing him c/o the Selectboard, 59 Brookline Road, Athens, Vermont 05143 or by calling the town office at 868-3370.

Date: December \_\_, 2018.



August 2018

Dear Athens Selectboard:

As town residents, we ask you to take immediate action to prohibit 4x4 vehicular travel on the class 4 section of Sam Farr Rd. in order to protect it from further damage. We would like the public right-of-way to remain available for personal use with ATVs, snowmobiles and all non-motorized travel.

*Douglas Francis*      DOUGLAS FRANCIS      2 SAM FARR RD.  
Signature      Printed Name      Address

*Lynn M Morgan*      Lynn M Morgan      250 Brookline Rd  
Signature      Printed Name      Address

*Philip H Morgan*      Philip H. Morgan      250 Brookline Rd  
Signature      Printed Name      Address

*Katherine Woodbury*      Katherine Woodbury      302 Brookline Rd  
Signature      Printed Name      Address

*Henry K. Woodbury*      Henry K. Woodbury      302 Brookline Rd.  
Signature      Printed Name      Address

*John Oberling*      JOHN OBERLING      144 REED RD  
Signature      Printed Name      Address

*Bob Bova*      Bob Bova      237 Brookline Rd.  
Signature      Printed Name      Address

*Kate Bova*      Kate Bova      237 Brookline Rd.  
Signature      Printed Name      Address

*David Jacob*      DAVID JACOB      1 Brookline Rd.  
Signature      Printed Name      Address

*Sheryl A. Maher*      Sheryl A. Maher      230 Rte 35.  
Signature      Printed Name      Address

*Karen S. Hunt*      Karen S. Hunt      52 McCusker Rd  
Signature      Printed Name      Address


*Dennis Hunt*      Dennis Hunt      52 McCusker Rd  
Signature      Printed Name      Address

August 2018

Dear Athens Selectboard:


As town residents, we ask you to take immediate action to prohibit 4x4 vehicular travel on the class 4 section of Sam Farr Rd. in order to protect it from further damage. We would like the public right-of-way to remain available for personal use with ATVs, snowmobiles and all non-motorized travel.

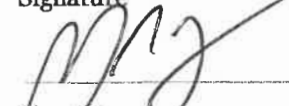
	<i>Scapponcelli</i>	<i>142 Reed Rd</i>
Signature	Printed Name	Address

	<i>DONALD CRAPONCELLI</i>	<i>142 REED RD</i>
Signature	Printed Name	Address

<i>Carol A. Bingham</i>	<i>Carol A. Bingham</i>	<i>126 Brookline Rd.</i>
Signature	Printed Name	Address

<i>Rita Pichette</i>	<i>RITA PICHETTE</i>	<i>144 REED RD.</i>
Signature	Printed Name	Address

	<i>Laurie Indenbaum</i>	<i>60 Herring Hill Rd.</i>
Signature	Printed Name	Address

	<i>Mickey Parker Jennings</i>	<i>238 Brookline Rd</i>
Signature	Printed Name	Address

<i>Mary Kay Brass</i>	<i>Mary C Brass</i>	<i>7 Reed Rd</i>
Signature	Printed Name	Address

<i>Manny Mansbach</i>	<i>Manny Mansbach</i>	<i>7 Reed Rd</i>
Signature	Printed Name	Address

	<i>Tim Stevenson</i>	<i>230 Rte 35</i>
Signature	Printed Name	Address

Signature	Printed Name	Address
-----------	--------------	---------

Signature	Printed Name	Address
-----------	--------------	---------

Signature	Printed Name	Address
-----------	--------------	---------

## Town of Athens, Vermont

### Property owners on and along the Sam Farr Road in Athens

PennyMac Loan Services, LLC  
3043 Townsgate Road Suite 200  
Westlake Village, CA 91361

Douglas Francis  
1 Sam Farr Road  
Athens, VT 05143

Charles Leigus  
175 R Tuttle Road  
Durham, CT 06422

Robert Smith  
10 Water Street  
Clinton, NJ 08809

Paul Stoddard  
PO Box 961  
Chester, VT 05143

Mark Treinkman  
Apt PHD 305 E 24<sup>th</sup> Street  
New York, NY 10010-4011

Town of Townshend  
PO Box 223  
Townshend, VT 05353

## RE: Athens Road

Paul Gillies <pgillies@tgrvt.com>

Tue 8/28/2018 8:30 AM

To: Bemis, David <David.Bemis@vermont.gov>;

Morning, Dave,

Sure, I can help. I've done a lot of these road reclassification hearings. I know the attorney, and how he goes about his adventures. Reclassifying it to a trail, and then adopting an ordinance banning vehicular traffic is just the ticket.

It starts with notice to all affected parties, including landowners, lenders, power and telephone companies, and those having rights-of-way. Thirty days prior to a hearing, plus a posted and published notice. I have the form, if you can supply the names and addresses, and details of the road—length (in Athens only), town highway number, etc. I don't suppose you have a layout. As we've learned, you're in a deficit in that regard.

Townshend only gets notice. Its consent is not required to reclassify. It could appeal, just as any affected person or entity could. Peter's group could not, however.

You have a site visit, and a hearing, and then 60 days to draft and issue a decision. Appeals are 30 days after that. I can write your decision if you like, if you get me good minutes of the hearing. Sometimes a board wants me to conduct the hearing, but it isn't necessary if you've comfortable with it. After that you send the materials to the State mapping people. Then you adopt an ordinance. That has its own notice requirements, and allows for a petition to object, which can be signed by any voter or landowner, which then forces a town meeting to disapprove the reclassification. There's no need for a survey.

Let me know what I can for you.

Any date for construction of our other road?

Thanks,

Paul

**From:** Bemis, David <David.Bemis@vermont.gov>

**Sent:** Monday, August 27, 2018 6:19 PM

**To:** Paul Gillies <pgillies@tgrvt.com>

**Subject:** Athens Road

Paul

We are having a bit of an issue with a road again in Athens. The road is called the Sam Farr RD and is a class 3 and 4 town highway which goes between Athens and Townshend.

A group of 4x4 vehicles the estimates range from 25 to 60 which travel on class 4 roads around VT were on a ride and went up the Sam Farr RD. A stone bridge / culvert on the class 4 section of the road was damaged with one of the headers tipped over into the brook and the cap stone moved.

---

**From:** Peter Vollers  
**Sent:** Monday, August 6, 2018 11:10 AM  
**To:** townofathens@hotmail.com  
**Subject:** Sam Farr Road stop by Athens Constable on July 31

Hi Darlene:

Thank you for taking the time to speak with me about Sam Farr Road. As I'm sure you can imagine, it's a pretty serious matter when towns arbitrary block certain users from accessing their public roads in licensed, registered motor vehicles. Here's an example of a case in 2007 that cost the town of Jamaica \$125,000: <https://www.reformer.com/stories/club-set-to-end-its-lawsuit-with-town-sheriff-over-rally,260036>

The road is clearly depicted as a public highway (TH 15) on the 2017 town highway map: [http://vtransmap01.aot.state.vt.us/Maps/TownMapSeries/WINDHAM\\_Co/ATHENS/ATHENS\\_MILEAGE\\_2017.pdf](http://vtransmap01.aot.state.vt.us/Maps/TownMapSeries/WINDHAM_Co/ATHENS/ATHENS_MILEAGE_2017.pdf) and there was no signage on the road closing same.

Without a passed ordinance closing the road and proper signage put in place, your Constable, acting on behalf of a private individual, committed a flagrant illegal stop opening up the town to substantial liability. I truly hope for the sake of other users that the town can keep this valuable jeep trail open to the public, but if it chooses not to, it should ensure that an ordinance is enacted and that signage is put in place.

Thanks again for your time.

**Peter K. Vollers, Esq.**  
**Law Office of Peter K. Vollers, PLC**  
**T'Other House**  
**4 The Green**  
**Woodstock, VT 05091**  
**802-457-2420 (phone)**  
**802-457-9960 (fax)**  
**[www.vollerslaw.com](http://www.vollerslaw.com)**

September 19, 2018

Dear Members of the Select Board and residents and landowners in the town of Athens, Vermont,

I regret that I am unable to read this at the Selectman's meeting in person, but am very grateful to Sandi for presenting this in my absence.

Over the course of my time as a landowner in Athens, I have met many of you and am happy to call you acquaintances and friends. I have done my best to be a respectful neighbor and become a member of a great community. I regularly attend community events and spend money with local businesses and contractors.

As you know, I have been victimized by an organization that is taking advantage of the legal nuances of the class 4 section of Sam Farr Rd. I have suffered monetary, emotional and time damages as a result of their abusive behavior, which includes blatantly disregarding landowner property rights.

It is my understanding that the Select Board and members of the town are supportive of a plan to reclassify Sam Farr Rd. as a town trail. While I think this is an important step in the right direction, I am adamant in my opinion that it will not solve the long-term problems.

Peter Vollers, the owner of Vermont Overland, not only organizes 4x4 vehicle outings, but also a mountain bike outing with as many as 700 participants. Based on the interactions and correspondence I and others in Athens have had with Peter, it is a guarantee that Peter will bring these bikes to Sam Farr Rd, if for no other reason than to assert his superiority over the town. If Sam Farr Rd is only reclassified as a trail, we will still have no legal right to prevent him from using it with bikes.

Mr. Voller's past behavior, and more recent legal threats against Athens, should be proof enough of his future intentions. No landowner will suffer more than me when he abuses the law and property rights for his own profit.

Therefore, I strongly encourage the Select Board and townspeople to support and move forward with a plan to discontinue Sam Farr Rd. It is my understanding that some people are concerned they would then lose access to hiking, but I'd like to take this opportunity to publicly state on record that I will not block access to Sam Farr Rd, and do not have a legal ability to do so anyway because my property line does not extend across its entire width.

Sincerely,

Mark Treinkman

The constable was called and responded to the road and told the 4x4's that hadn't started up the road that they couldn't proceed. In talking with him he did this for 2 reason the bridge / culvert damage and the fact that a section of the Sam Farr road is under a beaver pond and to travel through to Townshend one would need to cross private property. This didn't please an attorney in the group and he has sent an email and made calls to several people in town suggesting it was illegal and citing a case where the Town of Jamaica had to pay a group that was prevented traveling on their class 4 roads. One of the local residence has contacted the Agency of Natural Resources and I believe an investigation is underway however I haven't heard that officially. The 4 x 4's did travel over and through wetlands and the complainant to the state did take some photographs.

The town has now gotten a petition to ban 4 x 4 vehicles on the road. The Selectboard voted at the last meeting to consider the classification of the road.

We are wondering if you would be able to assist us in the process, so we do not miss a step or cause ourselves headaches while considering the roads classification.

I know if we were going to discontinue the road we would need to work in concert with Townshend. The early feeling I am getting is we might wish to change the classification to a trail but not discontinue the road.

Any assistance you could give us would be appreciated.

Dave Bemis

---

**From:** Chalmers, Rebecca  
**Sent:** Tuesday, August 14, 2018 12:01 PM  
**To:** townofathens@hotmail.com  
**Subject:** Sam Farr Rd Wetland Project 2017-336

Dear Selectboard and Town Clerk,

This email is to let you know how the Vermont Wetland Rules pertain to the Town-owned Sam Farr Road in Athens. Attached is a standardized report form filled out with specific information regarding the classification of your wetland. Please take a look and let me know if you have any questions. I encourage you to contact me directly if you have any questions about wetlands for this project, or any other projects proposed in my district. Consultation with wetlands staff early in your project plans can help to determine if the project is permissible, and if so how to avoid impacts to wetlands and reduce the cost of permitting a project.

Class II significant wetlands are protected under the Vermont Wetland Rules (VWR). Any activity in a Class II wetland or its buffer zone that is not an allowed use designated in Section 6 of the VWR will require a State Wetland Permit. Motorized vehicle tours through wetlands and their buffers is not an Allowed Use. Driving through the wetland identified in the attached report would likely result in vegetation removal and ditching which would adversely affect the wetland's function. Both landowners and agents of an activity may be held liable.

Sam Farr Road has completely naturalized in the area where it is now wetland and Bull Creek. Therefore, if the Town were to want to make it back in to a road, this activity would require a Vermont Wetland Permit. The Wetland Program provides the following guidance document about how naturalized "roads" are regulated under the Vermont Wetland Rules: <http://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/VWRRoads2017.pdf>. I understand that there are no plans to do this, but want to make you aware of this fact.

The Town is exempt from municipal road general permit requirements (MRGPs) in the area of the wetland/buffer zone because the work would trigger a Wetland Permit and/or Army Corps permits. To learn more about Class 4 road stormwater regulations (MRGPs) please read the last page of the document at this link: [http://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/Permitinformation/MunicipalRoads/sw\\_MRGP\\_FAQ.pdf](http://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/Permitinformation/MunicipalRoads/sw_MRGP_FAQ.pdf) or contact Jim Ryan by email [jim.ryan@vermont.gov](mailto:jim.ryan@vermont.gov) or phone at (802) 490-6140.

The Town may consider reclassifying Sam Farr Road, in the area of the wetland and buffer zone, as a legal trail (the Town retains ROW) or "throwing the road up" (the Town gets rid of road all together, with no right of way any longer). For more information on these topics, please contact: [VTrans District 2 \(Tammy.Ellis@vermont.gov\)](mailto:VTrans.District.2@vermont.gov) and refer to the [VTrans Orange Book](#).

Please feel to contact me about the above, or about other wetland related questions.



Sincerely,  
Rebecca

**Rebecca Chalmers**  
***District Wetlands Ecologist***  
Rebecca.Chalmers@vermont.gov  
802-490-6192 cell

Wetland Program: <http://dec.vermont.gov/watershed/wetlands>

Wetland Maps: <http://anrmaps.vermont.gov/websites/WetlandProjects/default.html>



**VERMONT DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**

**WATERSHED  
MANAGEMENT DIVISION**

**WETLANDS PROGRAM**

100 Mineral Street, Suite 303  
Springfield, VT 05156