

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2011

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2011 to: Vermont Agency of Transportation, Division of Planning, Outreach and Community Affairs, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of MARLBORO 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.

Table with 6 columns: Town Highways, Previous Mileage, Added Mileage, Subtracted Mileage, Total, Scenic Highways. Rows include Class 1, Class 2, Class 3, State Highway, Total, Class 1 Lane, Class 4, Legal Trail, Unidentified Corridor.

Totals by S. Moulton 3/9/2011

* Mileage for Class 1 Lane, Class 4, Legal Trail, and Unidentified Corridor 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".
2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting). attached - 0.12 mi. CL4 TH-48 (staver Rd)
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
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:

Handwritten signatures of selectmen and trustees.

T/C/V Clerk Signature:

Date Filed: 2-17-2011

Please sign ORIGINAL and return it for Transportation signature.

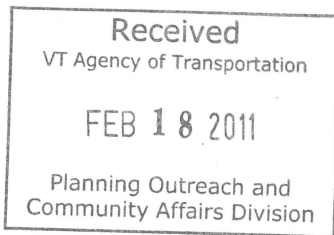
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED:

Signature of Jonathan Croft, Representative, Agency of Transportation.

DATE:

6/30/2011



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.

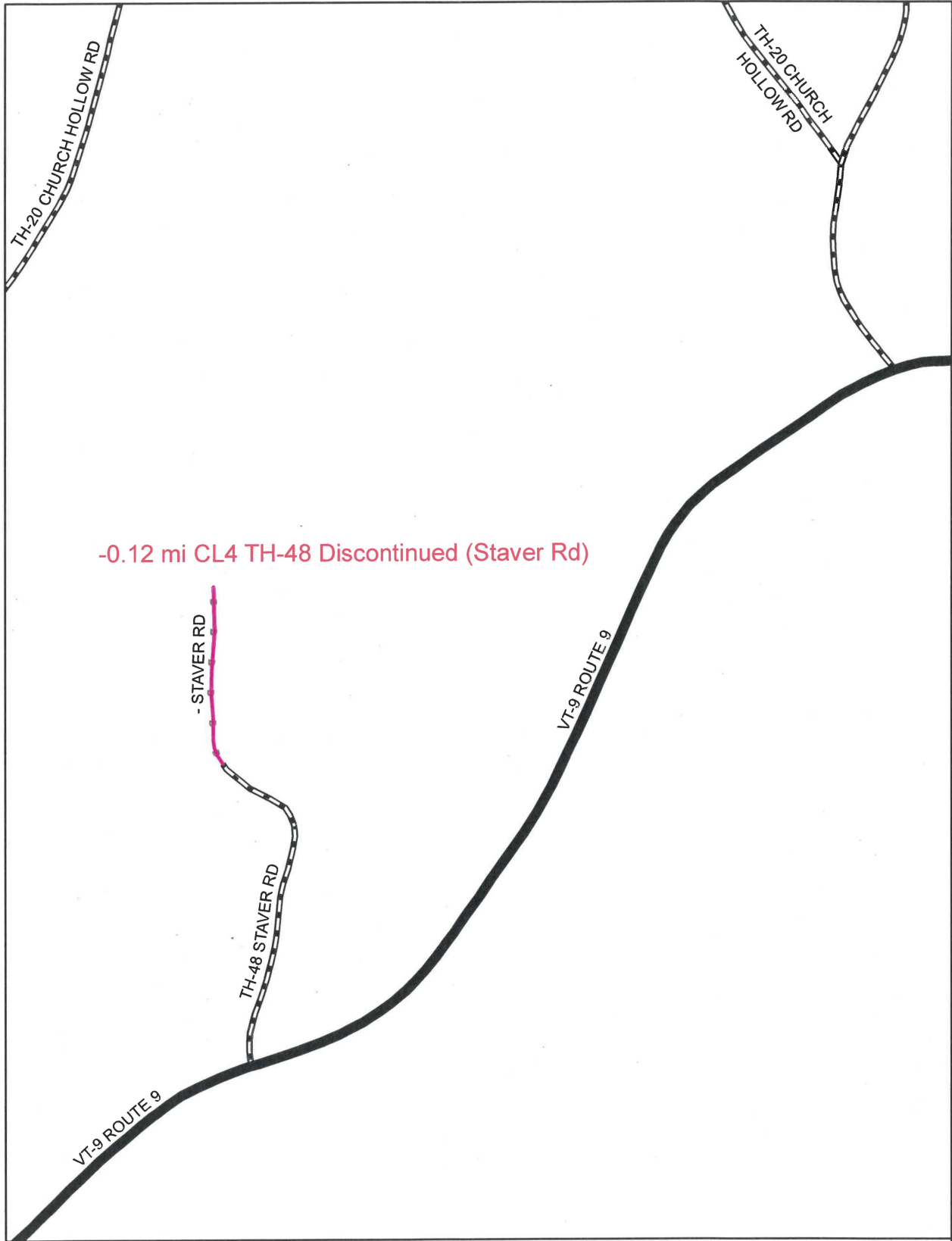
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of 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://www.leg.state.vt.us/statutes/fullsection.cfm?Title=19&Chapter=003&Section=00305>

12/20/2010



-0.12 mi CL4 TH-48 Discontinued (Staver Rd)

NOTICE OF ROAD SITE INSPECTION AND HEARING: NOTICE IS HEREBY GIVEN that the Select Board of the Town of Marlboro, pursuant to Title 19, VSA Chapter 7, proposes to discontinue the Class 4 section of Staver Road, a distance of approximately 640 feet, or 0.12 miles. Therefore, pursuant to Title 19, Chapter 7, you are hereby notified that a site inspection will be held at 5:45 p.m. Thursday, May 13, 2010 beginning at the junction of Indian Pipe Road. A hearing will be held after the site inspection at 6:15 p.m. at the Marlboro Town Office to receive testimony and hear all persons interested in the discontinuance of the Class 4 section of Staver Road. Testimony will be taken only at the hearing and not at the site inspection. Dated at Marlboro, Vermont, this 12th day of April, 2010. Town of Marlboro Select Board, PO Box 518, Marlboro, VT 05344; Gail MacArthur, Chair, Lucy Gratwick, Craig Hammond.

Notice in Brattleboro Reformer

TOWN OF MARLBORO
SELECT BOARD
PO BOX 518
MARLBORO, VT 05344
marlboroselectboard@gmail.com

NOTICE OF ROAD SITE INSPECTION AND HEARING

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Background: Last year the Select Board made the decision to classify the first approximately 260 feet or approximately 0.049 miles beyond the portion of Staver Road from private to Class 3, and the remaining approximately 640 feet or approximately 0.121 miles to the home of the Christensens from private to Class 4. Subsequently, the Select Board received a letter from the Christensens requesting the Board restore the Class 4 section to private. The Select Board agreed but had to complete the first process at that time. The site inspection and hearing on May 13, 2010 will comply with State statutes regarding discontinuing highways.

Dated at Marlboro, Vermont, this 12th day of April, 2010.

TOWN OF MARLBORO SELECT BOARD

Gail MacArthur, Chair
Lucy Gratwick
Craig Hammond

George Schneeberger
PO Box 273
Marlboro, VT 05344

Barbara Parker
PO Box 411
Marlboro, VT 05344

Cheryl L. Smith
PO Box 21
Marlboro, VT 05344

Carl and Lisa Christensen
PO Box 233
Marlboro, VT 05344

Robert and Nancy Anderson
PO Box 20
Marlboro, VT 05344

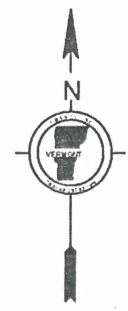
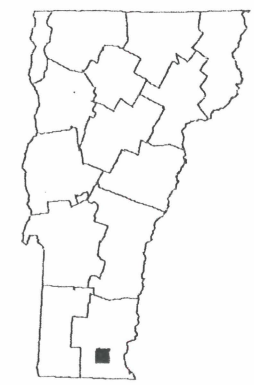
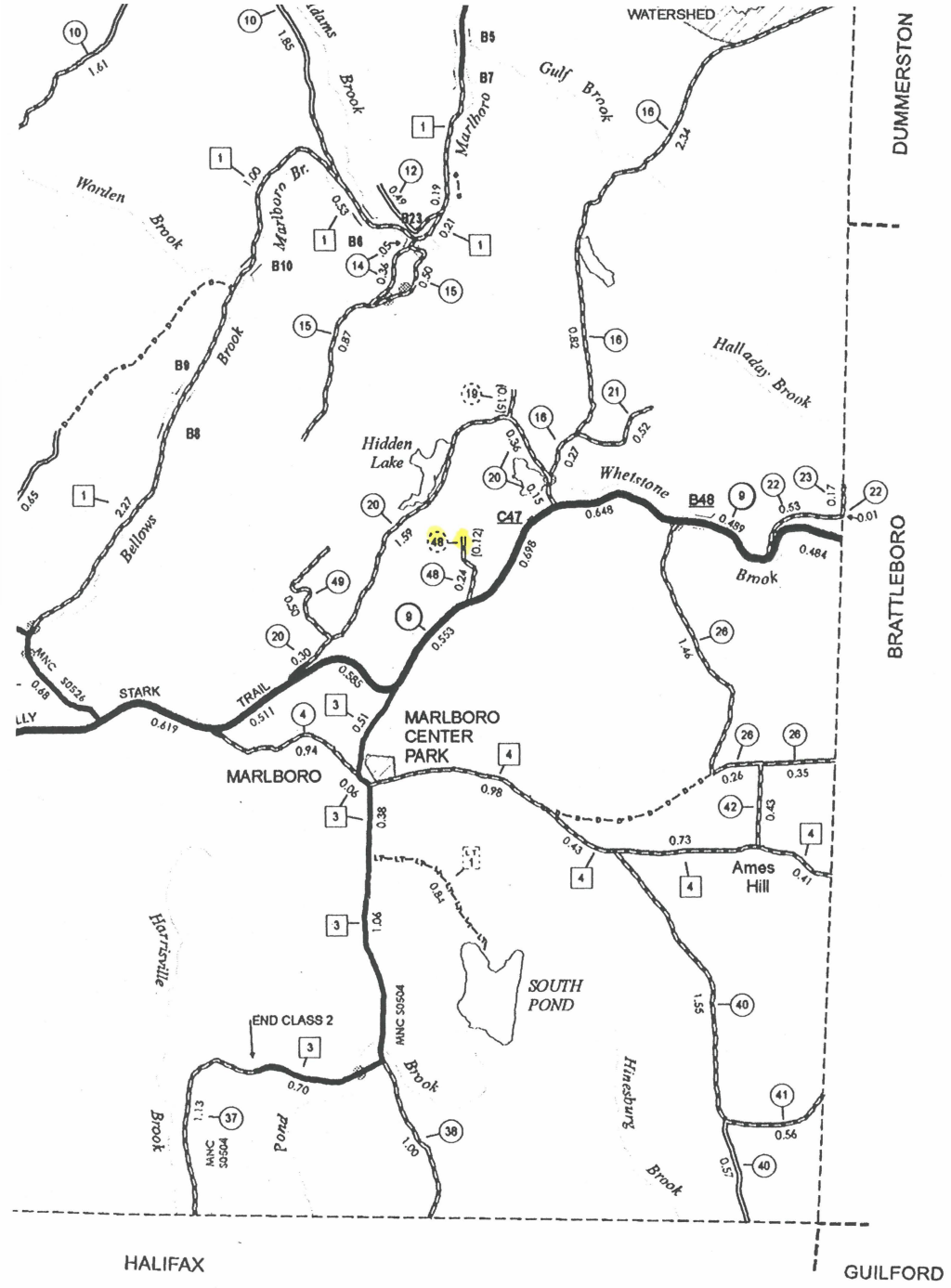
David Elliott
3127 Higley Hill Road
Wilmington, VT 05363

Malcolm Moore
PO Box 123
Marlboro, VT 05344

Michael Fraysier
ANR Lands Director
Dept. of Forests, Parks and Recreation
103 South Main Street, 10 South
Waterbury, VT 05671-0601

Marlboro Planning Commission
PO Box E
Marlboro, VT 05344

Marlboro
Staver Road Labels for
mailings of Notice and
Decision



VERMONT GENERAL HIGHWAY MAP Town of Marlboro

WINDHAM COUNTY

Transportation District #2

Prepared by the
Vermont Agency of Transportation
Division of Planning, Outreach
and Community Affairs
in cooperation with
U.S. Department of Transportation

44,000

40,000

36,000

TOWN OF MARLBORO
SELECT BOARD REPORT
DECISION TO DISCONTINUE CLASS 4 SECTION OF STAVER ROAD
July 8, 2010

These are the findings of fact, conclusions of law, and decision of the Marlboro Select Board relating to a request of private landowners to discontinue a portion of Staver Road in Marlboro.

2009 History

The Select Board issued a decision September 24, 2009 to classify the first approximately 260 feet or approximately 0.049 miles beyond the established Town Class 3 portion of Staver Road (TH 48), from private to Class 3, and the remaining approximately 640 feet or approximately 0.121 miles to the home of the Carl and Lisa Christensen from private to Class 4. The Select Board contacted Malcolm Moore and asked him to survey the road and present the Select Board with a survey plat. His schedule would permit him to survey the road later in the fall. The Select Board held a meeting in December for all interested parties to review the survey plat.

The Select Board received a letter from the Christensens requesting the Board restore the Class 4 section of Staver Road, essentially their driveway, to private so they would have more control over maintenance and unwelcomed traffic. The Select Board agreed to follow the discontinuance of the subject Class 4 section, but had to complete the first process to upgrade and reclassify the private section already in motion at that time. The Board would have to arrange for a survey of Staver Road. The formal appeal process to Windham Superior Court was not initiated by mutual agreement in this instance.

2010 Business

The Selectboard gave more than thirty days' notice, by certified mail, to persons owning or interested in lands near Staver Road and Indian Pipe Road; gave notice to the Town planning commission and Town Road Foreman; Vermont Agency of Natural Resources, Lands Director, Department of Forests, Parks and Recreation; posted copies of the notice inside and outside of the Town Clerk's office, at Sweeties' Store and on the Town Web Site; and caused a notice to be published in the *Brattleboro Reformer*, which, as required, was not less than ten days before the time set for the hearing on May 13, 2010 at the Marlboro Town Office.

The hearing opened at 6:15 p.m. Present were Select Board members Gail MacArthur, chair, and Lucy Gratwick. Also present were David Elliott, Road Foreman; Lisa and Carl Christensen, residents on Staver Road; and Marcia Hamilton Select Board Assistant.

There was discussion about culverts, snow banks and the fact that the Town would not provide summer or winter maintenance after discontinuance on the section of road in question, and Lisa Christensen acknowledged her understanding. That section had always been used as a driveway. The Town will plow the road, up to the driveway, and

turn the plow trucks around at the junction with Indian Pipe Road. Plowing and maintenance from Indian Pipe Road to the Christensens house will be the responsibility of the Christensens hereafter.

Based on the oral evidence presented at the hearing and review and of the survey plat, the Board makes the following findings and decision.

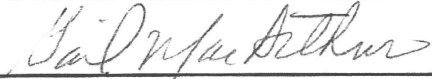
1. Carl and Lisa Christensen urged the Select Board to discontinue the Class 4 section of Staver Road because they would have more control over summer and winter maintenance and unwelcomed traffic after it becomes a private driveway.
2. The Select Board agreed to the request of Carl and Lisa Christensen to discontinue the Class 4 section of road because they are the only residents on that section of road.
3. At the first hearing on August 20, 2009, there had been no discussion to classify the most northerly section, the Christensen's driveway, as Class 4. The Select Board made that decision because it felt "the public good, necessity and convenience of the inhabitants require..." it be classified 4 for the same reason as today's decision, so as not to spend a disproportionate amount of highway funds on a section of road serving only one house.
4. No other residents would be impacted by the discontinuance of the approximately 640 feet, or approximately 0.121 miles of Class 4 road.

Based on the preceding findings and the public good, necessity, and convenience of the inhabitants, the Marlboro Select Board orders the Class 4 section of Staver Road be discontinued.

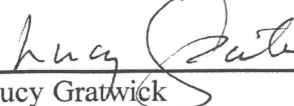
Any person interested in this decision to discontinue the northerly most approximately 640 feet or approximately 0.121 miles of Class 4 Staver Road may appeal this decision to the Superior Court of Windham County in writing within 30 days of the decision.

Dated: July 8, 2010 at Marlboro, Vermont.

TOWN OF MARLBORO SELECT BOARD



Gail MacArthur, Chair



Lucy Gratwick

Craig Hammond

State of Vermont
Department of Forests, Parks and Recreation
103 South Main Street, 10 South
Waterbury, VT 05671-0601
www.vtfpr.org

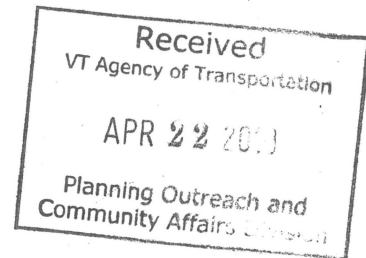
[fax] 802-244-1481
[tdd] 800-253-0191

Agency of Natural Resources

802.241.3693
ANR Lands Division

April 19, 2010

Town of Marlboro Selectboard
c/o Nora Wilson, Town Clerk
P O Box E
510 South Road
Marlboro, Vermont 05344



Dear Board Members:

We are in receipt of the notice pursuant to the requirements of Title 19 V.S.A. that you propose to discontinue the Class 4 section of Staver Road in the Town of Marlboro. The Department of Forests, Parks & Recreation has reviewed the proposal and finds that this will not affect any existing trail corridors and therefore, has no objection to the proposed discontinuation. For your information, it has been the policy of this Department to encourage towns to continue ownership of highway rights-of-way where they are of sufficient length or location to be of value to recreational users. Such existing rights-of-way can be valuable recreation resources for our growing population.

With the passage of H. 83 in the 1991 Legislature, the laws regarding Class 4 roads and trails give much more strength to towns in their ability to preserve these rights-of-way. Title 19 V.S.A. 711 states in part:

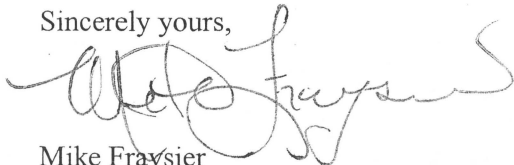
"...the selectmen may order that the petitioner bear the cost of upgrading a class 4 town highway to the class 3 town highway standards established in 19 V.S.A. 302(a)
(3)(B). Nothing in this section shall be construed to require a town to maintain a class 4 highway or to upgrade a highway from class 4 to class 3."

Enclosed is a copy of the "Town Policy on Class 4 Roads and Trails," issued by the Vermont Trails and Greenways Council. In addition, you will find a copy of the Department's policy on road discontinuance. You may want to consider a similar policy in Marlboro. Having such a policy will help to ensure that you will not be required to maintain Class 4 roads or trails or upgrade them to Class 3.

This Department will not be represented at your meeting on May 13, 2010 but we ask that this letter and attachments be entered into the proceedings. We also request that local trail organizations such as snowmobile clubs be notified of the proposed discontinuance.

Thank you for contacting us on this matter. We always appreciate the opportunity to comment on these important recreation resources.

Sincerely yours,



Mike Fraysier
ANR Lands Director

Enclosures

Cc: Trails Coordinator, VAST; FPR District Trails Coordinator, Rick White; Planning Office, AOT