

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2015

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2015 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of NORWICH in WINDSOR 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, and Unidentified Corridor.

* 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).
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.

Adjustments by S. Moulton 4/6/2015

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

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

TOWN MANAGER

[Handwritten Signature]

T/C/V Clerk Signature: Bonnie J. Munday

Date Filed: 1/20/15

Please sign ORIGINAL and return it for Transportation signature.

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

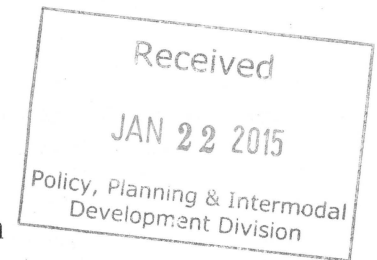
APPROVED:

Representative, Agency of Transportation Johnathan Croft

DATE: 1/22/2015

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.

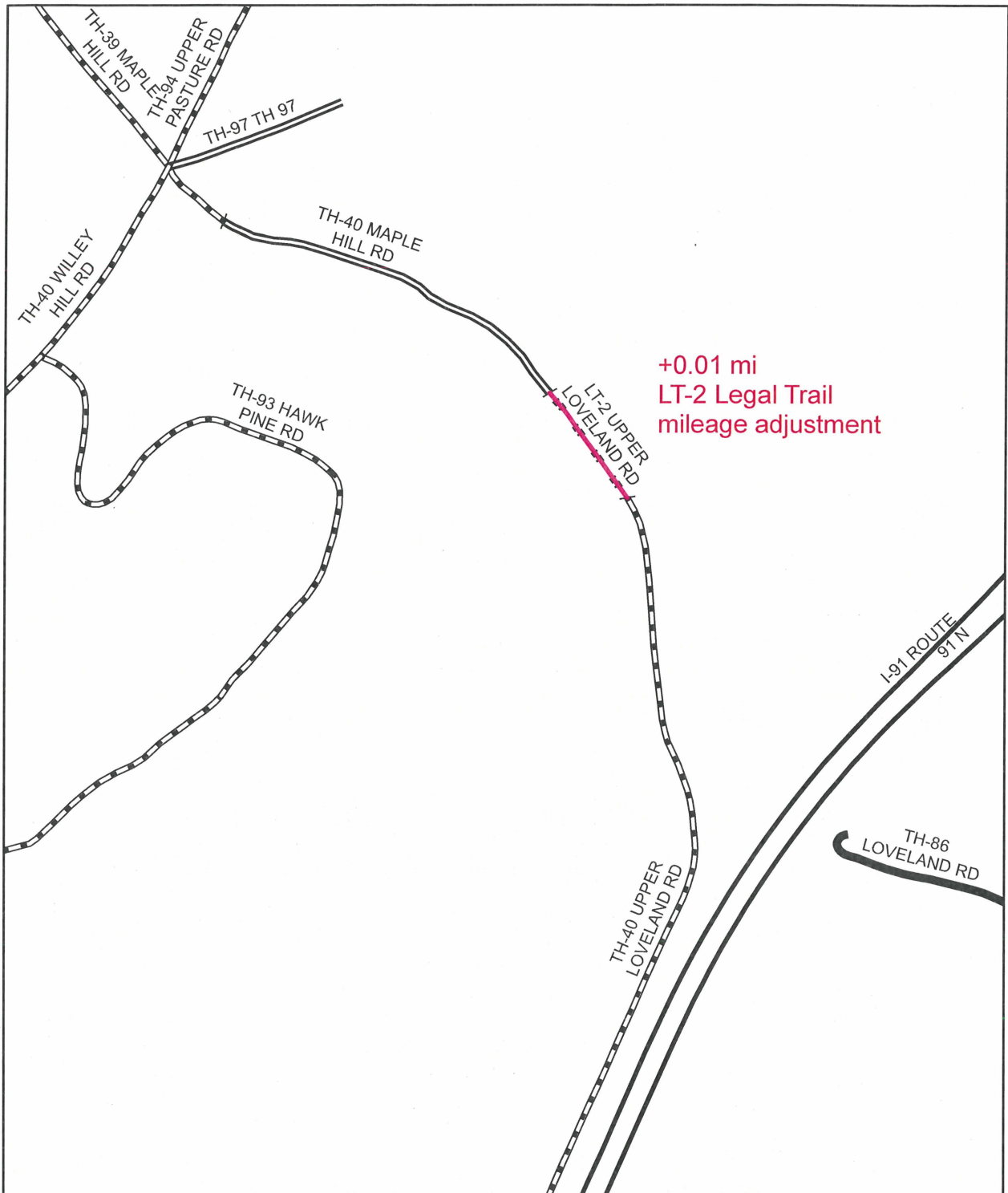
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of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

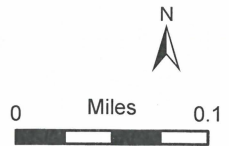
Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at – <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=19&Chapter=003&Section=00305>

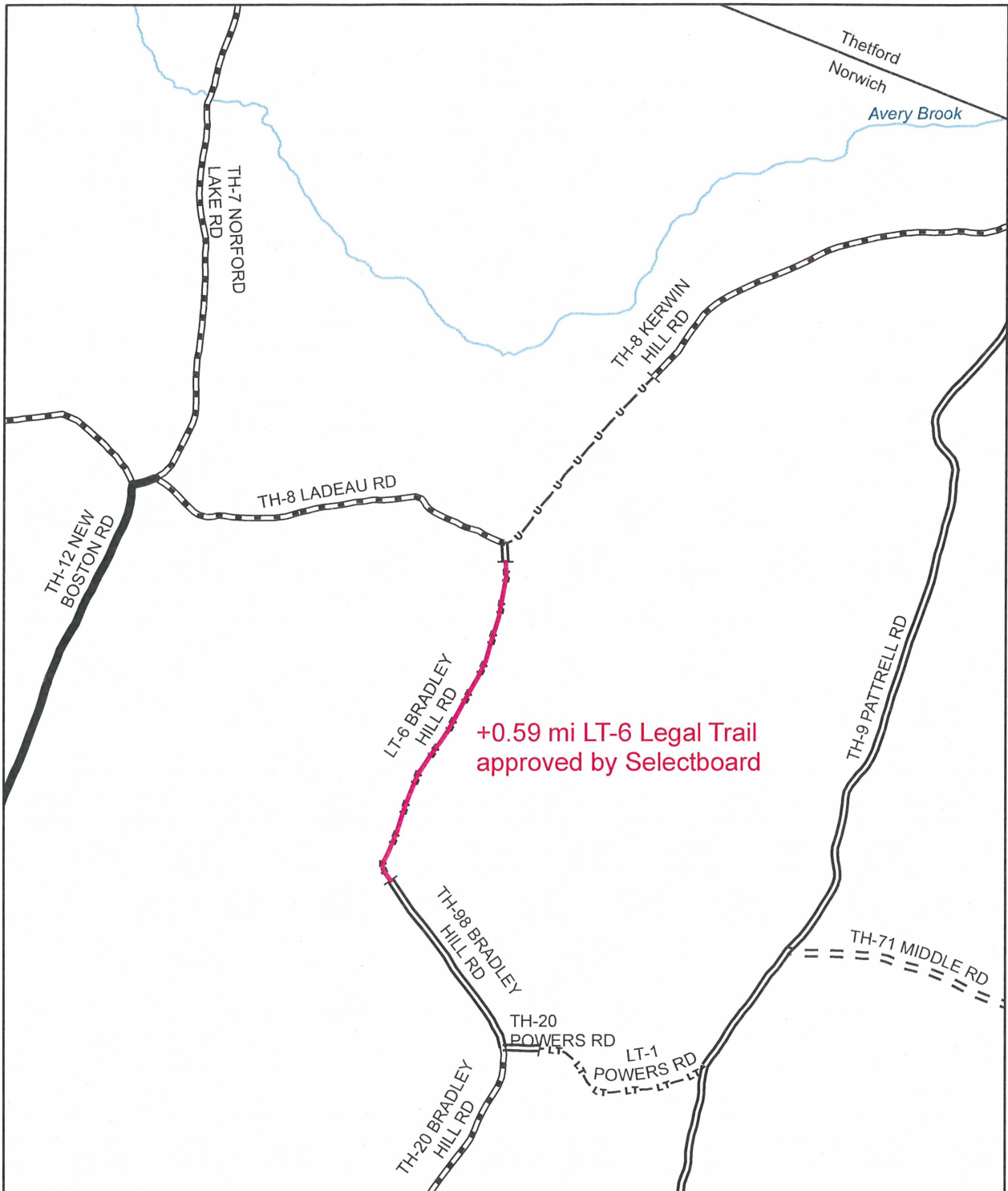
January 2015



**Mileage Certificate Change 2015
NORWICH**

Mapping Section
 Division of Policy, Planning and Intermodal Development
 Vermont Agency of Transportation - April 2015





**+0.59 mi LT-6 Legal Trail
approved by Selectboard**

Mileage Certificate Change 2015 NORWICH

Mapping Section
 Division of Policy, Planning and Intermodal Development
 Vermont Agency of Transportation - April 2015



Moulton, Sara

From: Neil Fulton <NFulton@norwich.vt.us>
Sent: Monday, April 06, 2015 8:51 AM
To: Moulton, Sara
Cc: Croft, Johnathan
Subject: RE: Norwich Legal Trails

Sara,

The changes are acceptable and thank you.

Neil

From: Moulton, Sara [<mailto:Sara.Moulton@state.vt.us>]
Sent: Monday, April 06, 2015 8:44 AM
To: Neil Fulton
Cc: Croft, Johnathan
Subject: FW: Norwich Legal Trails

I will be adjusting the 2015 Mileage Certificate based on the information you emailed to us on March 20. Specifically, the Legal Trail mileage will be increased by 0.60 miles (see attached).

Bradley Hill Road LT-6, 0.59 miles: This mileage was not included in the previous Legal Trail town total of 2.16 miles.

The LT-2 mileage will be increased by 0.01 miles to 0.09. We record Legal Trail mileage to two decimal places and will round the mileage of 0.085 up to 0.09.

These two changes increase Norwich's total Legal Trail mileage from 2.16 to 2.76.

Please let us know if this is not acceptable, otherwise we will incorporate these changes in this year's mileage certificate process.

Sara Moulton, GISP
Mapping & GIS Specialist, Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation (VTrans)
Tel: 802-828-2109

From: Croft, Johnathan
Sent: Friday, March 20, 2015 2:46 PM
To: Moulton, Sara
Subject: FW: Legal Trails

FYI – I have printed these materials and added them to Mileage Certificate Packet.

Johnathan Croft
VTrans Mapping Section

(802) 828-2600

From: Neil Fulton [<mailto:NFulton@norwich.vt.us>]
Sent: Friday, March 20, 2015 1:49 PM
To: Croft, Johnathan
Subject: Legal Trails

Jonathan,

I have received your letter dated March 17, 2015 to the Town of Norwich regarding legal trails. Attached are the Record of Decisions for the six trails. My numbers differ slightly from your numbers for two trails as follows.

LT-2 0.085

LT-6 0.59

Please let me know if you need any other information.

Neil R. Fulton
Town Manager
Town of Norwich
300 Main Street
PO Box 376
Norwich, VT 05055-0376
802-649-1419 x102



State of Vermont
 Policy, Planning & Intermodal Development Division
 Mapping Section
 One National Life Drive
 Montpelier, VT 05633-5001
<http://vtrans.vermont.gov>

Agency of Transportation

Telephone: 802-828-2600
 Fax: 802-828-2334
 Email: johnathan.croft@state.vt.us

March 17, 2015

Christopher Ashley, Selectboard Chair
 Norwich, c/o Town Clerk
 PO Box 376
 Norwich, VT 05055

Dear Mr. Ashley,

The VTrans Mapping Section is in the process of working through changes to highway mileage supplied by municipalities with the Annual Certificate of Highway Mileage. These changes will be reflected on the General Highway Map, also known as the Town Highway Map.

One item that was missed this year in the Certificates that were sent to your Town is mileage for Legal Trails that have not been included in the total Trail mileage. The trails are shown on the Town Highway Map, but have not been formerly acknowledged on the Mileage Certificate by the Selectboard. In many cases, these trails were created from the reclassification of a town highway to legal trail. A letter was sent to each municipality in 2007 and again in 2010 regarding this situation, and in 2012 VTrans Mapping preloaded the mileage to the Mileage Certificate in order to aid the town in adding the mileage. Enclosed is a copy of the 2010 letter and 2012 Mileage Certificate. To date, this Legal Trail mileage has not been confirmed by the Selectboard.

With July 1, 2015 being the sunset of Act 178 of 2006 (the "Ancient Roads Act"), which requires municipalities to map all Class 1, 2, 3 and 4 Town Highways and Legal Trails, we would like to have correlation between the Mileage Certificate and the Town Highway Map. Since the Selectboard has not confirmed the status of these Legal Trail, we plan to remove them from the Town Highway Map unless we receive documentation from the town confirming their Legal Trail status by April 15, 2015.

LEGAL TRAIL LIST

Townname	Legal Trail Identifier	AOTMILES (mileage on record)	ARCMILES (GIS generated mileage)	Former Town Highway
NORWICH	LT-6	0.00	0.57	(PRE 1973)

Please feel free to contact me with any questions or comments regarding the legal trails that are listed, or mapping in general.

Sincerely,


 Johnathan Croft
 AOT GIS Database Administrator
 VTrans Mapping Section



JFC/jfc

Enclosures

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2012

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2012 to:
Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development,
One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of NORWICH in WINDSOR County
on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,
added 1985, is as follows:

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PART III - SIGNATURES - PLEASE SIGN.

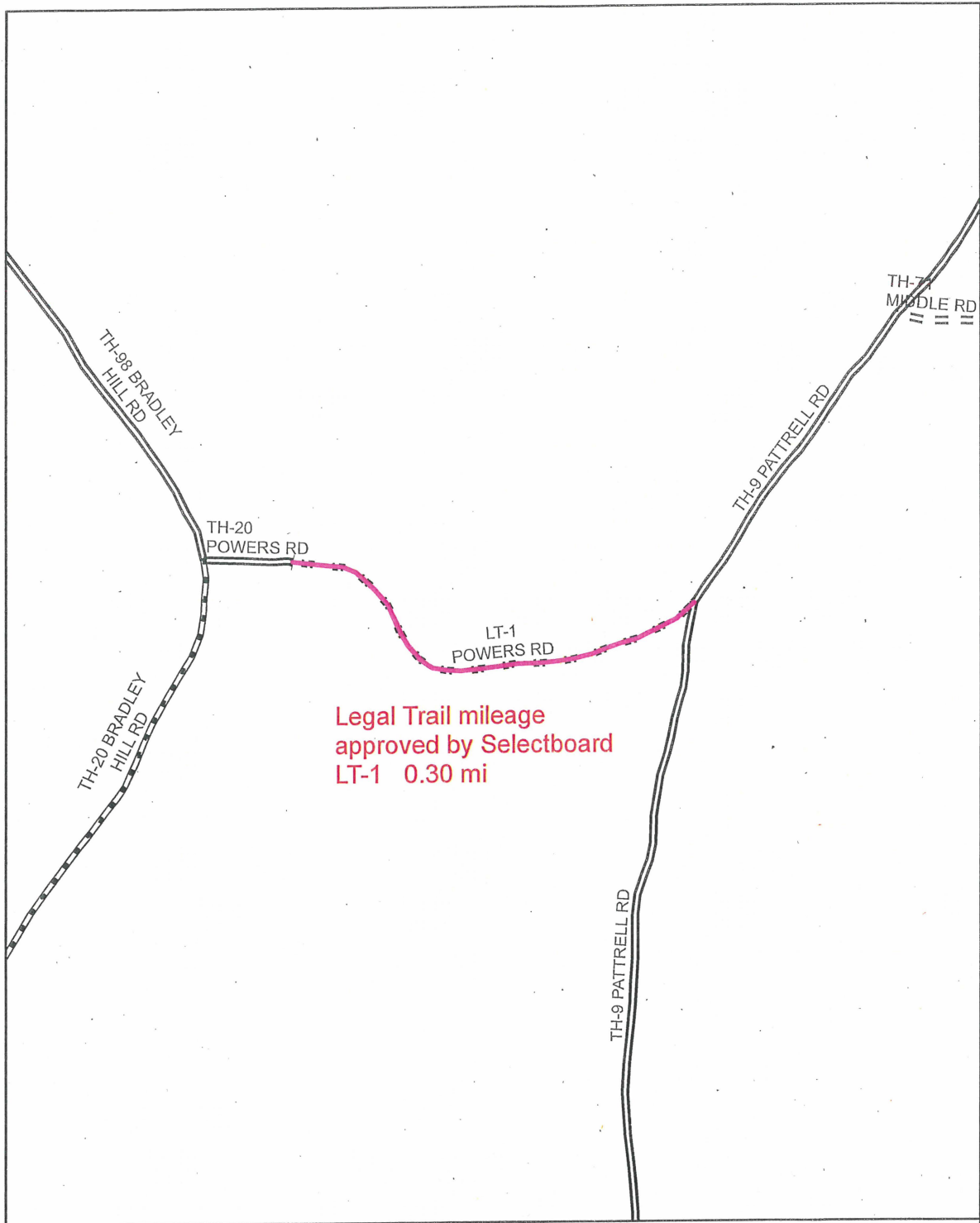
Selectmen/ Aldermen/ Trustees Signatures: [Signature] Town Manager

T/C/V Clerk Signature: [Signature] Date Filed: February 7, 2012

Please sign ORIGINAL and return it for Transportation signature.

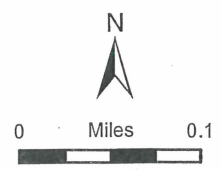
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

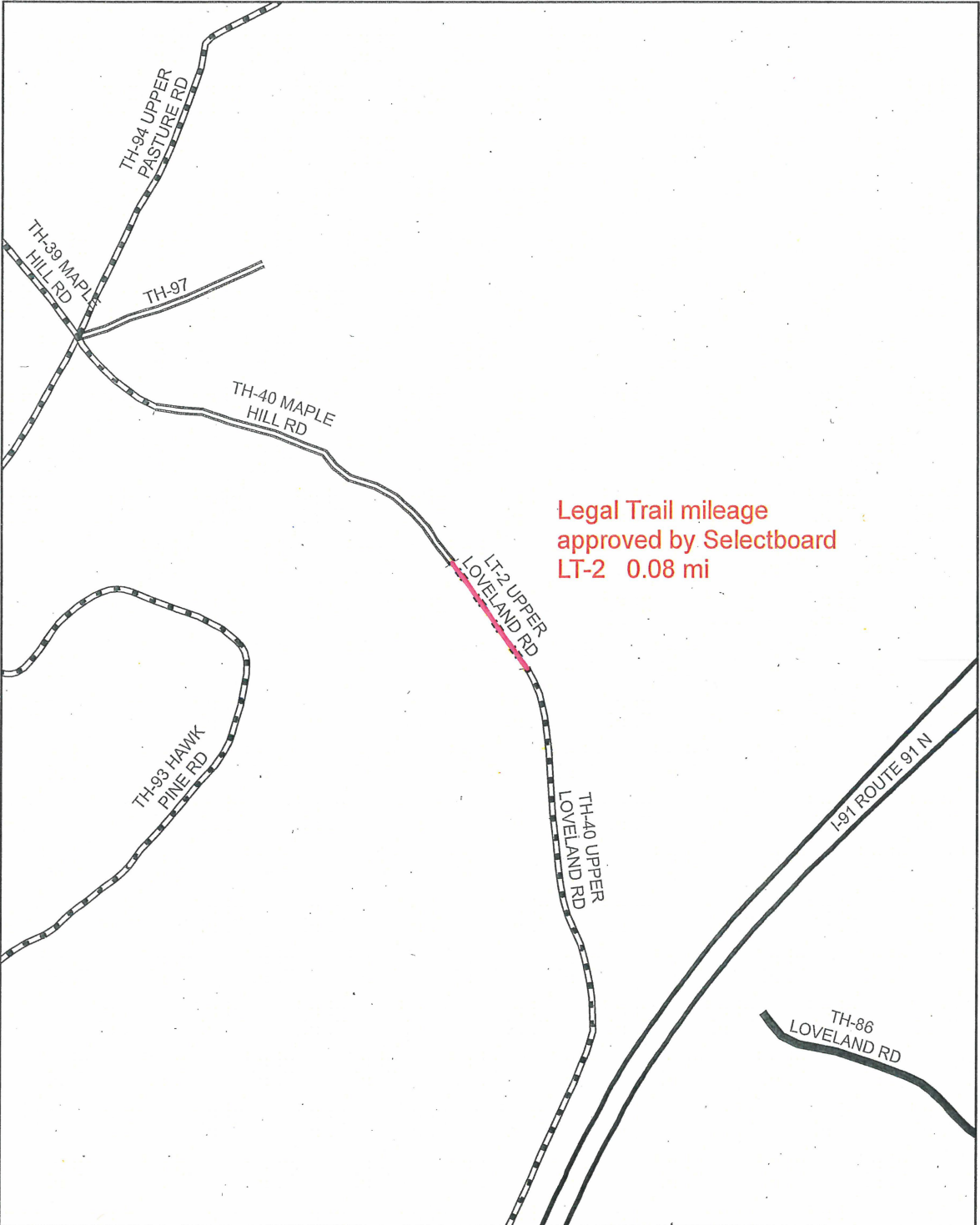
APPROVED: [Signature] DATE: 6/25/2012
Representative, Agency of Transportation
Johnathan Croft



**Mileage Certificate Change 2012
NORWICH**

Mapping Unit
Division of Policy and Planning
Vermont Agency of Transportation -- March 2012

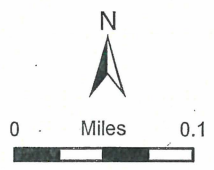


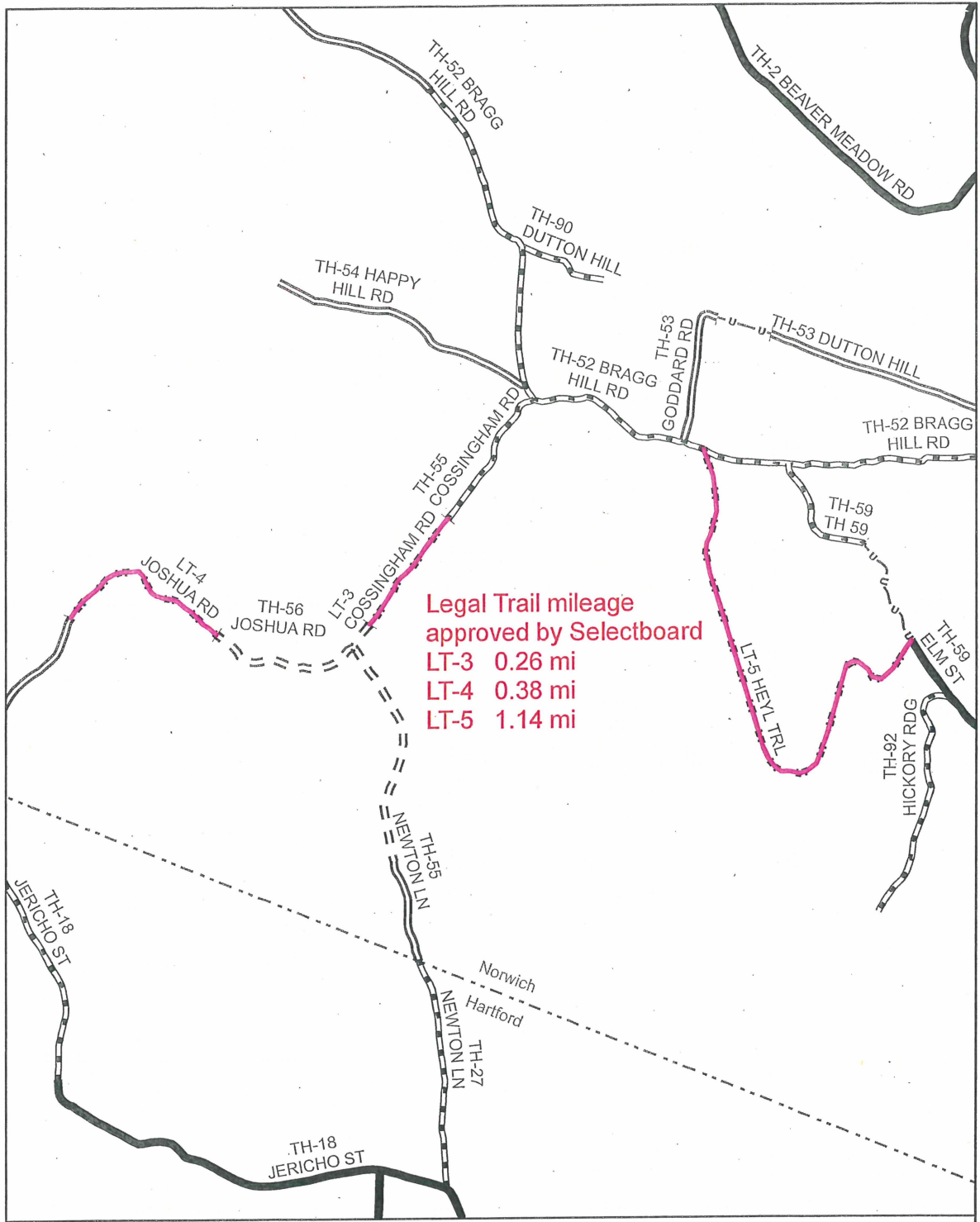


Legal Trail mileage
approved by Selectboard
LT-2 0.08 mi

**Mileage Certificate Change 2012
NORWICH**

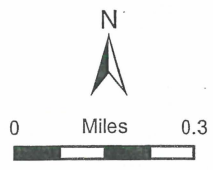
Mapping Unit
Division of Policy and Planning
Vermont Agency of Transportation -- March 2012





**Mileage Certificate Change 2012
NORWICH**

Mapping Unit
 Division of Policy and Planning
 Vermont Agency of Transportation -- March 2012



State of Vermont

Agency of Transportation

Division of Policy, Planning and Intermodal Development - Mapping Unit

1 National Life Drive
Montpelier, VT 05633-5001
<http://www.aot.state.vt.us>

Telephone: 802-828-2109
Fax: 802-828-2334
Email: sara.moulton@state.vt.us

Norwich
Chair, Selectboard
Norwich, c/o Town Clerk
PO Box 376
Norwich, VT 05055

January 2012

The Agency of Transportation – Mapping Unit has on file information regarding legal trails within municipalities. A legal trail is a trail that is defined within Vermont Statutes in 19 V.S.A. § 301(8) and 19 V.S.A. § 302(5).

In 2006, Act 178 added the requirement that all legal trails are to be mapped by July 1, 2015. As a means of working toward this requirement, the Mapping Unit has reviewed its municipal files and noted all the legal trails currently on record at VTrans. Starting in the 1940's many trails have been shown on the General Highway Maps as dashed lines, with the letters "LT" added to the dashed lines in more recent decades.

In some cases, the mileage of the trails has been included on the Certificate of Highway Mileage and also on the Trail Mileage Summary on the General Highway Map. In other cases, a trail may be on the map but the mileage is not accounted for. The mileage for these legal trails needs to be added for compliance with Act 178 of 2006 and the requirements defined in 19 V.S.A. § 305(b) and 19 V.S.A. § 305(c).

To assist in the process of accounting for known legal trails, the Mapping Unit is providing a listing of the trails on record and including the total mileage on the Certificate of Highway Mileage. The majority of trails were created by the reclassification of a town highway into a trail, thus the legal trail inherited an official measurement. The former town highway number has been included in the FORMER TOWN HIGHWAY NUMBER column, and the former town highway mileage in the AOTMILES column for each trail. VTrans has assigned a trail number, such as LT-1, to make the trails distinct. If the AOTMILES column is zero, the municipality will need to provide a mileage. The column ARCMILES provides guidance on the mileage of a trail, derived from the geometry of the trail, as digitized in the Geographic Information System (GIS).

The legal trail mileage on file is as follows:

HIGHWAY / LEGAL TRAIL IDENTIFIER	AOTMILES	ARCMILES	FORMER TOWN HIGHWAY NUMBER
LT-1	0.30	0.31	TH-20
LT-2	0.08	0.09	TH-40
LT-3	0.26	0.26	TH-55
LT-4	0.38	0.38	TH-56
LT-5	1.14	1.14	(HEYL TRL)
LT-6	0.00	0.57	(PRE 1973)
Total	2.16	2.75	

To account for the known legal trails currently on file in the VTrans Mapping Unit records, the total mileage of the trails listed has been pre-loaded as added mileage on the Certificate of Highway Mileage. The legislative body of the municipality may make any adjustments and provide the necessary documentation for the changes.

State of Vermont

Agency of Transportation

Division of Policy, Planning and Intermodal Development - Mapping Unit

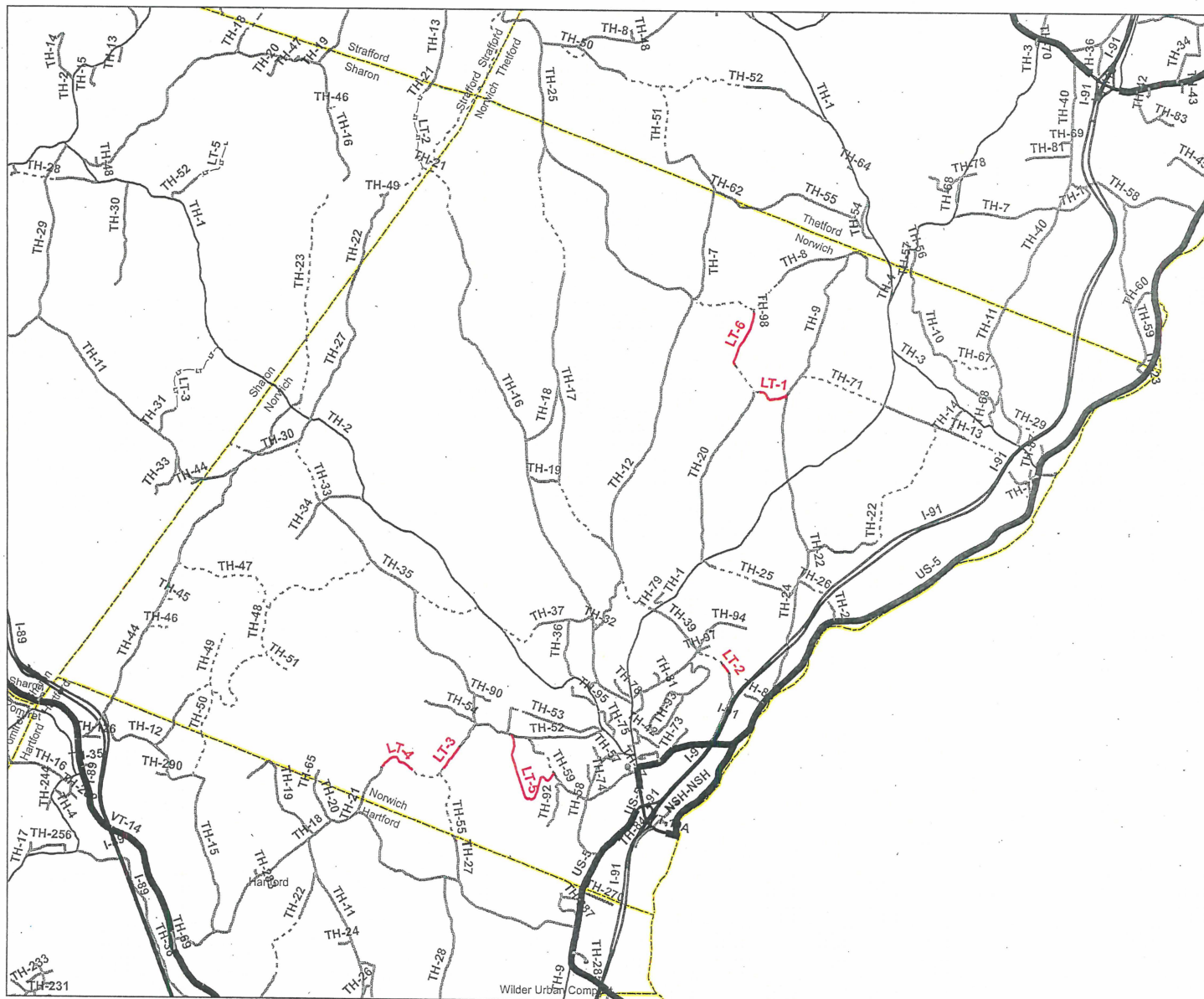
1 National Life Drive
Montpelier, VT 05633-5001
<http://www.aot.state.vt.us>

Telephone: 802-828-2109
Fax: 802-828-2334
Email: sara.moulton@state.vt.us

If you have any questions, please call me at 802-828-2109 or send email to sara.moulton@state.vt.us.

Thank you.

Sara Moulton
Mapping and GIS Specialist



LEGAL TRAIL NUMBER	LENGTH IN MILES
LT-1	0.30
LT-2	0.08
LT-3	0.26
LT-4	0.38
LT-5	1.14
LT-6	0

HIGHWAYS

- UNVERIFIED LEGAL TRAIL
- INTERSTATE OR DIVIDED HIGHWAY
- STATE - HARD SURFACE OR PAVED
- CLASS 1
- CLASS 2
- CLASS 3
- CLASS 4
- - - VERIFIED LEGAL TRAIL
- - - DISCONTINUED

LEGAL TRAIL VERIFICATION

Town of Norwich

WINDSOR COUNTY
 Map generated: December 15, 2011
 Mapping Unit
 Vermont Agency of Transportation

SCALE 1:62,469



Croft, Johnathan

From: Neil Fulton <NFulton@norwich.vt.us>
Sent: Friday, March 20, 2015 1:49 PM
To: Croft, Johnathan
Subject: Legal Trails
Attachments: Legal Trails RODs.pdf

Jonathan,

I have received your letter dated March 17, 2015 to the Town of Norwich regarding legal trails. Attached are the Record of Decisions for the six trails. My numbers differ slightly from your numbers for two trails as follows.

LT-2 0.085
LT-6 0.59

Please let me know if you need any other information.

Neil R. Fulton
Town Manager
Town of Norwich
300 Main Street
PO Box 376
Norwich, VT 05055-0376
802-649-1419 x102

TOWN OF NORWICH
P.O. Box 376
NORWICH, VERMONT 05055-0376
SELECTBOARD

**Record of Decision in the Matter of the
Reclassification of a Portion of Bradley Hill Road**

The Norwich Selectboard, on its own motion pursuant to 19 V.S.A. § 708, held a public hearing on May 10, 2001 pursuant to 19 V.S.A. § 709 to consider reclassification of a portion of Bradley Hill Road from a Class 4 road to a Trail (specifically, from just north the intersection of Bradley Hill Road and the driveway of the property owned by Ellen Kitchel to 150 feet South of the intersection with Kerwin Hill Road and Ladeau Road).

In addition to public testimony at the hearing, interested parties were invited to provide written comments to the Selectboard. The record for written comments was kept open until May 24, 2001 at 4:00 PM. The record of the hearing of June 26, 2000 on the reclassification of a portion of Bradley Hill Road from a Class 4 Road to a trail was made a part of the hearing record.

The Selectboard examined the sections of road described above at 4 PM on May 10, 2001.

Notice of the hearing and examination was provided to petitioners, landowners and others as required by law.

Approximately 11 persons testified at the hearing and, in addition, a number of written comments were received.

Based on the record of the hearing and public Town documents, the Selectboard makes the following findings, conclusions and decisions.

Findings of Fact

1. Bradley Hill Road is a Class 4 Road from its intersection with Powers Road to its intersection with Kerwin Hill Road and Ladeau Road, a distance of approximately 4,975 feet.
2. Bradley Hill Road is improved and privately maintained with one travel lane from Powers Road to the driveway of the property owned by Ellen Kitchel (641 Bradley Hill Road), a distance of approximately 1,725 feet.
3. Bradley Hill Road is unimproved and unmaintained from the driveway of the property owned by Ellen Kitchel (641 Bradley Hill Road) to the intersection with Kerwin Hill Road and Ladeau Road, a distance of approximately 3,250 feet.
4. The unimproved portion of Bradley Hill Road is overgrown with vegetation, has not been used as a road for many years, and is used extensively for recreational purposes as a trail for hiking, mountain biking, horseback riding, cross country skiing, snowshoeing and similar uses.
5. The unimproved portion of Bradley Hill Road is a significant scenic and environmental resource.
6. The unimproved portion of Bradley Hill Road is not safely usable by normal motorized vehicles.
7. The north end of the unimproved portion of Bradley Hill Road is characterized by a deep gully with an intermittent stream that runs along the centerline of the ROW.

8. There are stone walls and fences alongside sections of the unimproved portion of Bradley Hill Road.
9. The Vermont Agency of Natural Resources Department of Forests, Parks and Recreation took no position on the proposed reclassification.

Conclusion

The decision of the Selectboard on any reclassification of the unimproved portion of Bradley Hill Road from the driveway of the property owned by Ellen Kitchel (641 Bradley Hill Road) to 150 feet South of the intersection with Kerwin Hill Road and Ladeau Road, a distance of approximately 3,100 feet, is to be based on the “. . . the public good, necessity and convenience of the inhabitants of the municipality . . .” The adopted Town Plan includes the following language:

Class 4 roads are town highways that are not maintained for year-round travel. The town must replace larger culverts and repair bridges on Class 4 roads, but they are not otherwise maintained. Landowners whose property is accessible by a Class 4 road may maintain the road themselves with permission from the Selectboard.

Class 4 roads form a part of a long-standing network of trails/tracks used for recreational purposes. In the future, some Class 4 roads could be upgraded to Class 3 to increase the efficiency and safety of the town's road system or to allow development in suitable areas. Many areas along the western and northern boundaries of Norwich are inaccessible from each other without first traveling back to the center of the town. Upgrading of some existing Class 4 roads to Class 3 would create alternative routes for emergency vehicles and detours if roads are closed in major storms. In some cases, Class 4 roads provide the only access to individual properties. Careful consideration should be given to the value of Class 4 roads and how they may contribute to the quality of life of Norwich's residents.

A long-range plan for future roads and trails should be prepared and updated on a regular schedule.

The potential value of Class 4 roads for recreational trails or for future roads should be taken into consideration before any reclassification or change in these roads.

Bradley Hill Road between the Kitchell property and Ladeau Road/Kerwin Hill Road has not been used as a road for many years. It has been, and is being used extensively for recreational purposes as a trail for hiking, mountain biking, horseback riding, cross country skiing, snowshoeing and similar uses. The Town Plan recognizes the importance of Class 4 Roads as recreational resources and also recognizes the importance of maintaining the ROW for future road uses. Many Class 4 roads provide benefits to the community, such as trails and tracks used for recreation purposes.

Because of the period of development when Norwich's roads were laid out, roads exist along the valleys and run as fingers from the village center. This has created a number of dead end roads with access from only one direction. In the case of a flood that washes out bridges or culverts, or a windstorm that causes road blockage, access to areas such as Bradley Hill Road could be

severely restricted or eliminated for emergency vehicles. This would limit the ability of the fire department to respond to a structure fire and increase risk of life and property damage. The same is true for medical emergencies such as heart attacks where quick response and early intervention is critical.

At some time in the future it may be in the public interest to upgrade Bradley Hill Road to provide an alternative access to the developed portion of Bradley Hill Road. Reclassifying the Class 4 road to a trail maintains the existing ROW and would not prevent this modification in the future. In addition, reclassifying the road as a trail gives the Town (through its Selectboard) considerably more authority on regulating the uses of the ROW. The Selectboard could limit or prohibit unnecessary vehicular traffic, thus maintaining the ROW in the condition it is now in and preserving it for use as a trail. Reclassifying Bradley Hill Road from a Class 4 road to a trail does not prevent the Selectboard from granting permission for the construction of a driveway, consistent with adopted standards, for access to abutting property where there is no other reasonable access.

In summary, there seem to be very few, if any, negatives to reclassifying the unimproved portion of Bradley Hill Road from a Class 4 Road to a Trail and many positives. It is the conclusion of the Selectboard that the public good, necessity and convenience of the inhabitants of the Town of Norwich is best served by reclassifying the unimproved portion of Bradley Hill Road from a Class 4 Road to a Trail.

Decision

The unimproved portion of Bradley Hill Road from just north of the driveway of the property owned by Ellen Kitchel (641 Bradley Hill Road) to 150 feet South of the intersection with Kerwin Hill Road and Ladeau Road, a distance of approximately 3,100 feet, is reclassified from a Class 4 Road to a Trail effective on August 15, 2001.

For the Norwich Selectboard



Neil R. Fulton
Chair

Date of decision – June 12, 2001.

TOWN OF NORWICH
P.O. Box 376
NORWICH, VERMONT 05055-0376
SELECTBOARD

Record of Decision in the Matter of the Reclassification
Of a Section of
Cossingham Road, Joshua Road, Powers Road, Upper Loveland Road and Heyl Trail

The Norwich Selectboard, on its own motion pursuant to 19 V.S.A. § 708, held a public hearing on December 17, 2002 pursuant to 19 V.S.A. § 709 to consider reclassification of the following sections of Class 4 Roads as Trails. Selectboard members Hoffman, Hoggson, Fulton and Blum were present.

LT-3 Cossingham Road (TH55): Starting at a distance of 1,586 feet from the intersection with Bragg Hill Road (120 feet South of the Brook) and continuing in a southerly direction 1,375 feet to the Valley property boundary with the National Park Service boundary.

LT-4 Joshua Road (TH56): Starting at a distance of 2,040 feet from the Hartford Town Line (North of the Early residence driveway) and continuing in a northerly then easterly direction 2,020 feet to the Valley and Early property boundaries.

LT-1 Powers Road (TH20): Starting at a distance of 316 feet easterly from the intersection with Bradley Hill Road (East of the Hannam driveway) and continuing in an easterly direction 1,604 feet to Pattrell Road.

LT-2 0.085 Upper Loveland Road (TH40): Starting at a distance of 4,161 feet from Church Street (the Class 3 turnaround) and continuing northerly for 450 feet to the edge of the Mills driveway.

LT-5 Heyl Trail: starting at the north side of the upper end of Elm Street and continuing in a southwest then west then northerly direction 6,000 feet to Bragg Hill.

Notice of the hearing and examination were provided to landowners and others as required by law.

Selectboard members Hoffman, Blum and Fulton examined the sections of road described above starting at 9 AM on December 14, 2002. Selectboard member Hoggson examined the sections of road described above, with the exception of Joshua Road, on December 15, 2002. Selectboard member Cook examined the sections of the roads described above on November 30, and December 1, 2002 and listened to the audio tape of the hearing and reviewed the record on January 14, 2003.

Public testimony was provided by Ralph Hybels, Liz Russell and Peter Richardson all members of the Committee to Identify Specific Class 4 Roads for Possible Reclassification as Trails. The Final Report of the Committee to Identify Specific Class 4 Roads for Possible Reclassification as Trails dated September 2002 was made a part of the hearing record. In addition to public testimony at the hearing, interested parties were invited to provide written comments to the Selectboard. The record for written comments was kept open until January 7, 2003 PM. One written comment was received.

Based on the record of the hearing and public Town documents, the Selectboard makes the following findings, conclusions and decisions.

Findings of Fact

1. The Sections of Class 4 Roads being considered for reclassification as Trails are not currently needed for utilization as improved and maintained roads.
2. The Vermont Agency of Natural Resources Department of Forests, Parks and Recreation took no position on the proposed reclassifications.

Cossingham Road

1. Cossingham Road is a Class 3 Road from its intersection with Bragg Hill Road to the former Sises' driveway (70 Cossingham Road), a distance of approximately 1,274 feet and a Class 4 Road to its intersection with Joshua Road and Newton Lane, a distance of approximately 1,795 feet.
2. The Class 3 section of Cossingham Road is improved and maintained with two travel lanes from Bragg Hill Road to the Sises' driveway (70 Cossingham Road), a distance of approximately 1,274 feet.
3. The Class 4 section of Cossingham Road is unimproved and unmaintained from a waterbar located approximately 312 feet south of the Sise driveway and 120 feet south of a brook crossing under the road to the intersection with Joshua Road and Newton Lane a distance of approximately 1,645 feet.
4. Cossingham Road is not used for access to any property for a distance of 1,375 feet south from the waterbar cited in number 3 and there was no objection to reclassification of this section of the Class 4 Road to a Trail.
5. The Class 4 section of Cossingham Road is overgrown with vegetation, has not been used as a road for many years, and is used extensively for recreational purposes as a trail for hiking, mountain biking, horseback riding, cross country skiing, snowshoeing and similar uses.
6. The unimproved section of Cossingham Road is a significant scenic and environmental resource and is crossed by the Appalachian National Scenic Trail.
7. The unimproved section of Cossingham Road is not safely usable by normal motorized vehicles.

Joshua Road

1. Joshua Road is a Class 3 Road from the Hartford/Norwich town line for a distance of approximately 1,393 feet and Class 4 Road for a distance of 646 feet for a total of 2,039 feet to near the Early driveway (531 Joshua Road) and continues as a Class 4 Road to its intersection with Cossingham Road and Newton Lane, a distance of approximately 4,435 feet.
2. The Class 3 section of Joshua Road is improved and maintained with two travel lanes from the Hartford/Norwich town line to a point 646 feet before the Early driveway (531 Joshua Road).
3. The Class 4 section of Joshua Road north and east of the Early driveway is unimproved and unmaintained.
4. The Class 4 section of Joshua Road north and east of the Early driveway is not used for access to any property for a distance of 2,020 feet from the end of the improved section cited in number 2 and there was no objection to reclassification of this section of the Class 4 Road to a Trail.

5. The unimproved section of Joshua Road north and east of the Early driveway is overgrown with vegetation, has not been used as a road for many years, and is used extensively for recreational purposes as a trail for hiking, mountain biking, horseback riding, cross country skiing, snowshoeing and similar uses.
6. The unimproved section of Joshua Road is a significant scenic and environmental resource.
7. The unimproved section of Joshua Road is not safely usable by normal motorized vehicles.

Powers Road

1. Powers Road is a Class 4 Road from the its intersection with Bradley Hill Road to its intersection with Pattrell Road a distance of approximately 1,920 feet.
2. Powers Road is privately maintained as a two-lane road for a distance of approximately 316 feet from its intersection with Bragg Hill Road.
3. The remainder of Powers Road is unimproved and unmaintained for a distance of approximately 1,604 feet.
4. The unimproved section of Powers Road is not used for access to any property and there was no objection to reclassification of this section of the Class 4 Road to a Trail.
5. The unimproved section of Powers Road is overgrown with vegetation, has not been used as a road for many years, and is used extensively for recreational purposes as a trail for hiking, mountain biking, horseback riding, cross country skiing, snowshoeing and similar uses.
6. The unimproved section of Powers Road is a significant scenic and environmental resource.
7. The unimproved section of Powers Road is not safely usable by normal motorized vehicles.

Upper Loveland Road

1. Upper Loveland Road is a Class 3 Road from Church Street for approximately 4,161 feet to the turnaround and continues as a Class 4 Road for approximately 1,600 feet to a merge with Maple Hill Road 440 feet east of Willey Hill Road.
2. The Class 3 section of Upper Loveland Road is improved and maintained with two travel lanes.
3. The Class 4 section of Upper Loveland Road is unimproved and unmaintained except for 540 feet of road west of the segment under consideration that is used and maintained by Mills as a driveway.
4. The Class 4 section of Upper Loveland Road under consideration is not used for access to any property and there was no objection to reclassification of this section of the Class 4 Road to a Trail.
5. The unimproved section of Upper Loveland Road under consideration is overgrown with vegetation, has not been used as a road for many years, and is used extensively for recreational purposes as a trail for hiking, mountain biking, horseback riding, cross country skiing, snowshoeing and similar uses.
6. The unimproved section of Upper Loveland Road under consideration is a significant scenic and environmental resource.
7. The unimproved section of Upper Loveland Road under consideration is not safely usable by normal motorized vehicles.

Heyl Trail

1. Heyl Trail is a Class 4 Road from Elm Street to Bragg Hill Road a distance of approximately 6,000 feet

2. Heyl Trail is unimproved and unmaintained.
3. Heyl Trail is not used for access to any property and there was no objection to reclassification of the Class 4 Road to a Trail.
4. Heyl Trail is overgrown with vegetation, has not been used as a road for many years, and is used extensively for recreational purposes as a trail for hiking, mountain biking, horseback riding, cross country skiing, snowshoeing and similar uses.
5. Heyl Trail is a significant scenic and environmental resource.
6. Heyl Trail is not safely usable by normal motorized vehicles.

Conclusion

19 VSA §301 defines a trail as follows: "'Trail' means a public right-of-way which is not a highway and which: (A) previously was a designated town highway having the same width as the designated town highway, or a lesser width if so designated; or (B) a new public right-of-way laid out as a trail by the selectmen for the purpose of providing access to abutting properties or for recreational use. Nothing in this section shall be deemed to independently authorize the condemnation of land for recreational purposes or to affect the authority of selectmen to reasonably regulate the uses of recreational trails."

The decision of the Selectboard on any reclassification of the a Class 4 Road to a Trail, as defined in 19 VSA §301, is to be based on the "... the public good, necessity and convenience of the inhabitants of the municipality" (19 VSA §710)

The Norwich Town Plan includes the following language:

Class 4 roads are town highways that are not maintained for year-round travel. The town must replace larger culverts and repair bridges on Class 4 roads, but they are not otherwise maintained. Landowners whose property is accessible by a Class 4 road may maintain the road themselves with permission from the Selectboard.

Class 4 roads form a part of a long-standing network of trails/tracks used for recreational purposes. In the future, some Class 4 roads could be upgraded to Class 3 to increase the efficiency and safety of the town's road system or to allow development in suitable areas. Many areas along the western and northern boundaries of Norwich are inaccessible from each other without first traveling back to the center of the town. Upgrading of some existing Class 4 roads to Class 3 would create alternative routes for emergency vehicles and detours if roads are closed in major storms. In some cases, Class 4 roads provide the only access to individual properties. Careful consideration should be given to the value of Class 4 roads and how they may contribute to the quality of life of Norwich's residents.

A long-range plan for future roads and trails should be prepared and updated on a regular schedule.

The potential value of Class 4 roads for recreational trails or for future roads should be taken into consideration before any reclassification or change in these roads.

The following sections of Class 4 Roads will be referred to collectively as "Potential Trails."

Cossingham Road (TH55): Starting at a distance of 1,586 feet from the intersection with Bragg Hill Road (120 feet South of the Brook) and continuing in a southerly direction 1,375 feet to the Valley property boundary and the National Park Service boundary.

Joshua Road (TH56): Starting at a distance of 2,040 feet from the Hartford Town Line (North of the Early residence driveway) and continuing in a northerly then easterly direction 2,020 feet to the Valley and Early property boundaries.

Powers Road (TH20): Starting at a distance of 316 feet easterly from the intersection with Bradley Hill Road (East of the Hannam driveway) and continuing in an easterly direction 1,604 feet to Patrell Road.

Upper Loveland Road (TH40): Starting at a distance of 4,161 feet from Church Street (the Class 3 turnaround) and continuing northerly for 450 feet to the edge of the Mills driveway.

Heyl Trail: starting at the north side of the upper end of Elm Street and continuing in a southwest then west then northerly direction 6,000 feet to Bragg Hill.

The Potential Trails have not been used as roads for many years. They have been, and are being used extensively for recreational purposes as trails for hiking, mountain biking, horseback riding, cross country skiing, snowshoeing and similar uses. The Town Plan recognizes the importance of Class 4 Roads as recreational resources and also recognizes the importance of maintaining the ROW for future road uses. Many Class 4 roads provide benefits to the community, such as trails, and are used extensively for recreation purposes.

Because of the period of development when Norwich's roads were laid out, roads exist along the valleys and run as fingers from the village center. This has created a number of dead end roads with access from only one direction. In the case of a flood that washes out bridges or culverts, or a windstorm that causes road blockage, access to areas such as the Potential Trails could be severely restricted or eliminated for emergency vehicles. This would limit the ability of the fire department to respond to a structure fire and increase risk of life and property damage. The same is true for medical emergencies such as heart attacks where quick response and early intervention is critical.

At some time in the future it may be in the public interest to upgrade some of the Potential Trails to provide an alternative access to the developed section of the Class 4 Roads or adjacent properties. Reclassifying the Potential Trails to a trail maintains the existing ROW and would not prevent this modification in the future. In addition, reclassifying the road as a trail gives the Town considerable more authority to regulate the uses of the ROW. The Town could limit or prohibit unnecessary vehicular traffic, thus maintaining the ROW in its present condition and preserving it for use as a trail. Reclassifying the Potential Trails from Class 4 roads to trails does not prevent the Town from granting permission for the construction of a driveway, consistent with adopted standards, for access to abutting property where there is no other reasonable access.

In summary, there seem to be very few, if any, negatives to reclassifying the unimproved section of the Potential Trails from Class 4 Roads to trails and many positives. It is the conclusion of the Selectboard that the public good, necessity and convenience of the inhabitants of the Town of

Norwich is best served by reclassifying the unimproved sections of the referenced Class 4 Roads referred to collectively as Potential Trails from Class 4 Roads to Trails.

Decision

The unimproved sections of the Class 4 Roads described below are reclassified from Class 4 Roads to Trails.

Cossingham Road (TH55): Starting at a distance of 1,586 feet from the intersection with Bragg Hill Road and continuing in a southerly direction 1,375 feet.

Joshua Road (TH56): Starting at a distance of 2,040 feet from the Hartford/Norwich Town Line and continuing in a northerly then easterly direction 2,020 feet.

Powers Road (TH20): Starting at a distance of 316 feet easterly from the intersection with Bradley Hill Road and continuing in an easterly direction 1,604 feet to Pattrell Road.

Upper Loveland Road (TH40): Starting at a distance of 4,161 feet from Church Street (the Class 3 turnaround) and continuing northerly for 450 feet.

Heyl Trail: Starting at the north side of the upper end of Elm Street and continuing in a southwest then west then northerly direction 6,000 feet to Bragg Hill.

Members Participating: Hoffman, Hoggson, Fulton, Blum and Cook

Voting For: Hoffman, Hoggson, Fulton, Blum and Cook

Voting Against: None

For the Norwich Selectboard



Douglas Hoffman
Chair

Date of decision – January 14, 2003