# Town of Barnard

# February 10, 2010 Certificate of Highway Mileage

# with

# Act 178 Ancient Road Additions

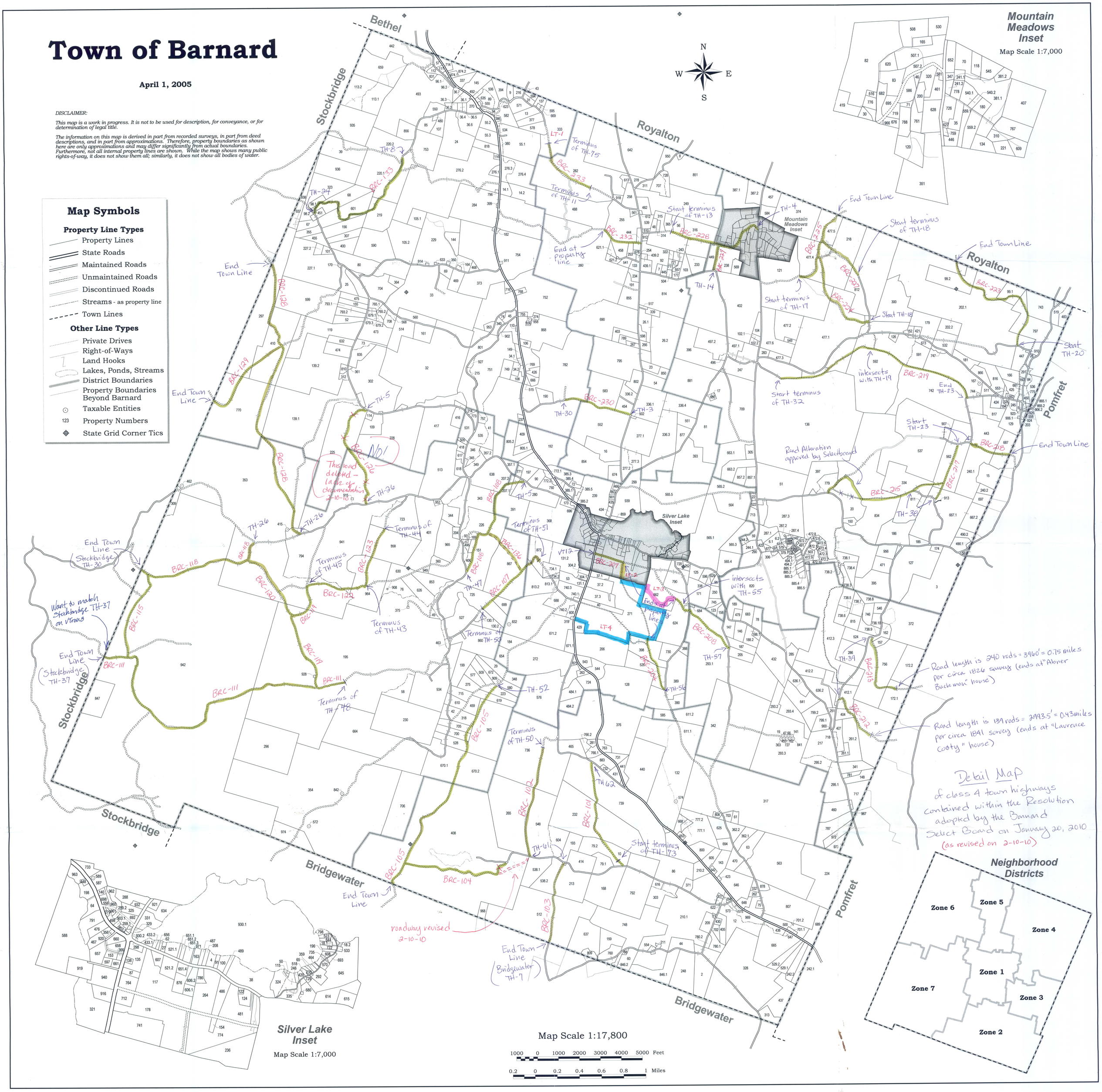
# Town of Barnard

**April 1, 2005**

*DISCLAIMER:*

*This map is a work in progress. It is not to be used for description, for conveyance, or for determination of legal title.*

*The information on this map is derived in part from recorded surveys, in part from deed descriptions, and in part from approximations. Therefore, property boundaries as shown here are only approximations and may differ significantly from actual boundaries. Furthermore, not all internal property lines are shown. While the map shows many public rights-of-way, it does not show them all; similarly, it does not show all bodies of water.*



**Moulton, Sara**

**From:** Croft, Johnathan
**Sent:** Monday, August 30, 2010 10:42 AM
**To:** 'mike@lewisandbaldwin.com'
**Cc:** Dunleavy, John; Moulton, Sara
**Subject:** RE: BRC-228 Litigated Town Road

Good morning Mike,

The VTrans Mapping Unit does not currently tag or note highways that are under litigation. We have added a note to the road that was dropped as a town highway due to the court decision in the case of Austin v. the Town of Middlesex. There is currently no mechanism for the VTrans Mapping Unit to be notified of any legal action that may be pending in regards to town highways or changes that have been submitted on the Mileage Certificate.

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600

---

**From:** Mike Baldwin [mailto:mike@lewisandbaldwin.com]
**Sent:** Wednesday, August 25, 2010 9:10 AM
**To:** Croft, Johnathan
**Cc:** neuh@dishmail.net; Lisa Baldwin
**Subject:** BRC-228 Litigated Town Road

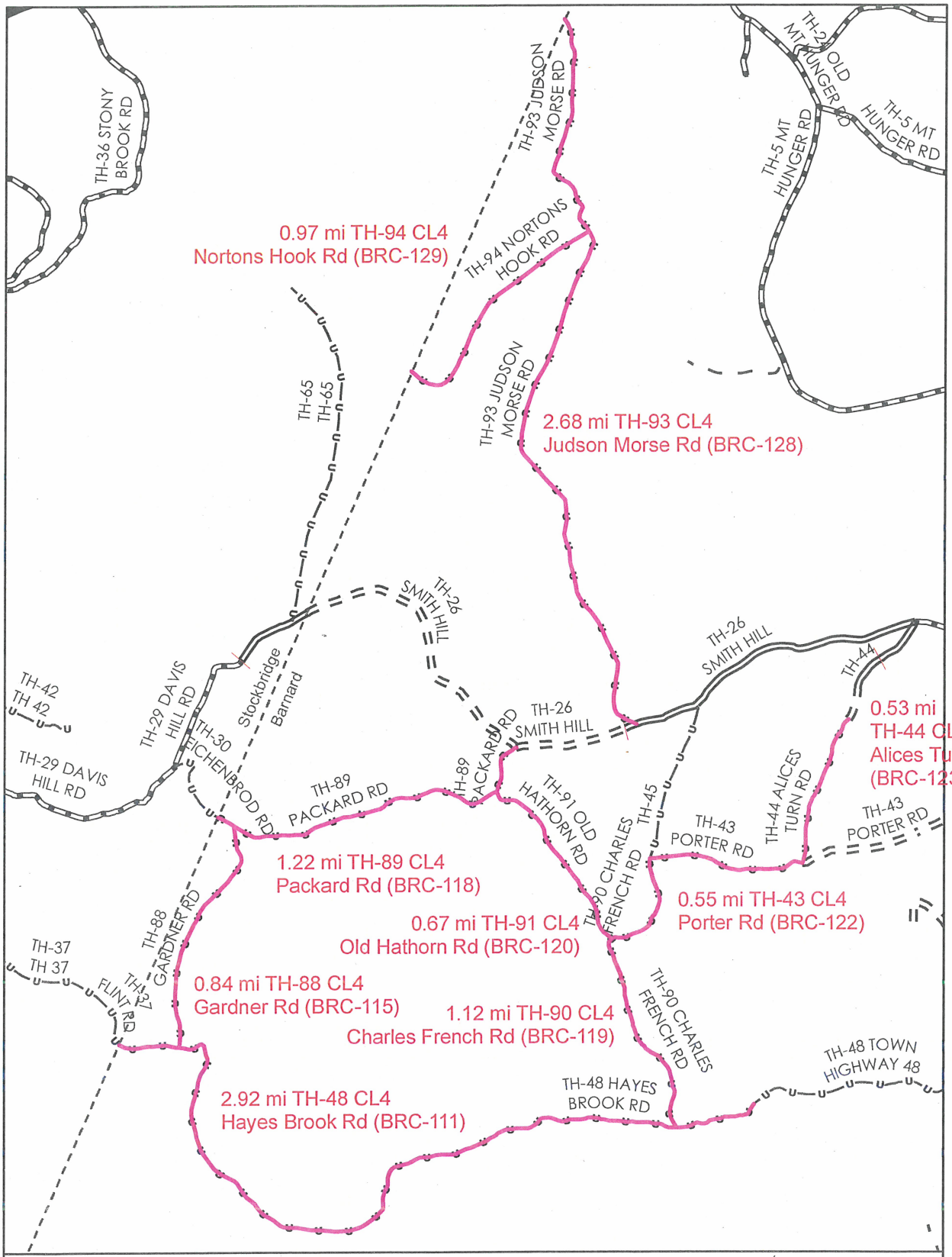
Hi Johnathan,

Just as a follow-up to my earlier phone call, I filed suit against the Town of Barnard regarding proposed town road BRC-228 back in March, 2010. There are a number of pending motions before the Court. My question to you is "does VT's Agency of Transportation tag proposed highways that are in litigation pending the outcome of the litigation?" I would assume that the agency would not pursue adding highways to Vermont's road network pending the outcome of litigation simply to avoid rework. Are my assumptions correct? If not, how does the agency treat roads that are in the midst of litigation? I hope you enjoyed your vacation and I look forward to speaking with you upon your return.

Thanks,
Mike

Intellectual Property & Patent Attorney
Lewis & Baldwin PLLC - Attorneys at Law
802-728-9604 (Law Office)
802-356-7400 (Mobile)
mike@lewisandbaldwin.com (Law Office)
mdbaldwin@me.com (iPhone Direct)
www.lewisandbaldwin.com

THIS MESSAGE IS FROM A LAW FIRM AND IS INTENDED ONLY FOR THE ADDRESSEE. USE OF PRIVILEGED AND CONFIDENTIAL INFORMATION BY SOMEONE OTHER THAN THE ADDRESSEE IS PROHIBITED. DISCLAIMER: ABSENT A SIGNED RETAINER AGREEMENT, THIS MESSAGE IS NOT INTENDED TO ESTABLISH AN ATTORNEY-CLIENT RELATIONSHIP AND ANY RELIANCE ON THE INFORMATION CONTAINED HEREIN IS TAKEN AT ONE'S OWN RISK.




**Mileage Certificate Change 2010**
**BARNARD**

Mapping Unit
Division of Planning, Outreach and Community Affairs
Vermont Agency of Transportation -- May 2010

N W E S

0 0.5 Miles

## Moulton, Sara

**From:** Pete Fellows [pfellows@trorc.org]
**Sent:** Thursday, February 18, 2010 12:03 PM
**To:** Croft, Johnathan; Moulton, Sara
**Subject:** RE: Request for Barnard ancient road additions
**Attachments:** BAancrds.zip

All these alignments are centerlines from the tax parcel ROWs. I am not sure how CTI (Brattleboro) used the original surveys in developing these ROWs.
136 was cartooned in so it will need to be verified from the survey.

-Pete

**CTI**
**P.O. Box 992, Putney, Vermont 05346**
**Phone (802) 257-7823**

---

**From:** Croft, Johnathan [mailto:Johnathan.Croft@state.vt.us]
**Sent:** February 18, 2010 11:44 AM
**To:** 'pfellows@trorc.org'
**Subject:** Request for Barnard ancient road additions

Good morning Pete,

I met with Preston Bristow yesterday regarding the addition of a series of class 4 town highways and legal trails, based on the extensive research the town has done. He mentioned that you had created a shapefile of the highways as part of the process. Can you send this shapefile along to VTrans to assist in the inclusion of the highways and trails in the RDS data layer?

Thanks for your assistance with this request.

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600

BARNARD SUMMARY

10-May-10

| | CL2 | CL3 | CL4 | LT |
|---|---|---|---|---|
| | 0.08 | -0.06 | 0.06 | 0.01 |
| | | -0.34 | | 0.16 |
| | | -0.40 | 0.96 | 0.43 |
| | | | 0.96 | 1.85 |
| | | | 0.74 | |
| | | | 1.24 | |
| | | | 0.96 | |
| | | | 1.16 | |
| | | | 2.92 | |
| | | | 0.84 | |
| | | | 1.22 | |
| | | | 1.12 | |
| | | | 0.67 | |
| | | | 0.55 | |
| | | | 0.53 | |
| | | | 2.68 | |
| | | | 0.97 | |
| | | | 1.34 | |
| | | | 0.51 | |
| | | | 0.26 | |
| | | | 0.66 | |
| | | | 0.57 | |
| | | | 0.74 | |
| | | | 1.25 | |
| | | | 0.55 | |
| | | | 0.38 | |
| | | | 1.93 | |
| | | | 1.25 | |
| | | | 0.88 | |
| | | | 0.77 | |
| | | | 0.47 | |
| | | | 1.04 | |
| | | | 0.24 | |
| | | | 0.61 | |
| | | | 0.37 | |
| | | | 0.48 | |
| Change Total | 0.08 | -0.80 | 31.88 | 2.45 |
| Old Total | 15.56 | 43.50 | 13.48 | 0 |
| New Total | 15.64 | 42.70 | 45.36 | 2.45 |

+0.08 mi TH-2 CL2 due to boundary change with Pomfret
0.06 mi TH-14 reclassified from CL3 to CL4
0.96 mi TH-73 CL4 Richmond Rd (BRC-101)
0.96 mi TH-60 CL4 Seth Dean Rd (BRC-102)
0.74 mi TH-85 CL4 Green Gate Rd (BRC-103)
1.24 mi TH-86 CL4 Luce Pond Rd (BRC-104)
0.96 mi TH-50 CL4 Barlow Rd (BRC-107)
1.16 mi TH-87 CL4 Wheat Rd (BRC-108)
2.92 mi TH-48 CL4 Hayes Brook Rd (BRC-111)
0.84 mi TH-88 CL4 Gardner Rd (BRC-115)
1.22 mi TH-89 CL4 Packard Rd (BRC-118)
1.12 mi TH-90 CL4 Charles French Rd (BRC-119)
0.67 mi TH-91 CL4 Old Hathorn Rd (BRC-120)
0.55 mi TH-43 CL4 Porter Rd (BRC-122)
0.53 mi TH-44 CL4 Alices Turn Rd (BRC-123)
2.68 mi TH-93 CL4 Judson Morse Rd (BRC-128)
0.97 mi TH-94 CL4 Nortons Hook Rd (BRC-129)
1.34 mi TH-95 CL4 Masterson Rd (BRC-133)
0.51 mi TH-96 CL4 General Foster Rd (BRC-204)
0.26 mi TH-97 CL4 Old East Rd (BRC-207)
0.66 mi TH-98 CL4 Jabez Wright Rd (BRC-208)
0.57 mi TH-99 CL4 Cootey Rd (BRC-212)
0.74 mi TH-100 CL4 Buckman Rd (BRC-213)
1.25 mi TH-101 CL4 Aikens Rd (BRC-215)
0.55 mi TH-102 CL4 Ruth Paige Rd (BRC-217)
0.38 mi TH-103 CL4 Hugon Rd (BRC-218)
1.93 mi TH-32 CL4 Old East Barnard Rd (BRC-219)
1.25 mi TH-104 CL4 Olivers Cave Rd (BRC-223)
0.88 mi TH-105 CL4 Wilbur Rd (BRC-224)
0.77 mi TH-17 CL4 Elijah Barns Rd (BRC-225)
0.47 mi TH-18 CL4 Levasseur Rd (BRC-227) old
1.04 mi TH-13 CL4 Stagecoach Rd (BRC-228)
0.24 mi TH-106 CL4 Ferguson Rd (BRC-229)
0.61 mi TH-107 CL4 Blackmer Rd (BRC-230)
0.37 mi TH-108 CL4 Robert Dean Rd (BRC-232)
0.48 mi TH-11 CL4 Plimy Ward Rd (BRC-233)

The BRC number is the identifer given to each highway by the Barnard Class 4 Road Committee (BRC)

BARNARD
6 May 2010

0.40 mi TH-20 CL3 Discontinued

0.34
~~0.50~~ mi TH-14 CL3 Discontinued
0.06 mi TH-14 reclassified from CL3 to CL4

+0.08 mi TH-1 CL2 due to boundary change

LT-1 approved
LT-2 through LT-4 added

Town of Barnard, Vermont

*Chartered July 17, 1761*

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Received
VT Agency of Transportation
MAY 04 2010
Planning Outreach and
Community Affairs Division

April 28, 2010

Johnathan Croft
AOT GIS Database Administrator
VTrans Mapping Unit
1 National Life Drive
Montpelier, VT 05633-5001

**Re: Your Letter to Barnard Selectboard of March 5, 2010**

Dear Mr. Croft:

This letter is our reply to your letter of March 5, 2010 with regard to the 2010 Certificate of Highway Mileage for Barnard and the associated documentation. Our answers are in the same order and numbering as your questions.

1) TH-20 (Ellis Farm Road)

You have already received our answer on this question, which you asked in an earlier letter dated February 28, 2010.

2) BRC-101 (Richmond Road)

We agree that TH-73 appears to have been included in the mileage for BRC-101, and that the correct mileage for BRC-101 is 1.05 miles. 1.05 - 0.09 = 0.96 mi Moulton 5/6/10

3) BRC-105 (Bridgewater Hollow Road)

Although this is an important road to us, we accept your request to not certify this road until such time as the courts have rendered a decision on it.

4) BRC-107 (Barlow Road)

We accept the adjustment of BRC-107 to 0.96 miles, altered from the original submittal of 0.80 miles.

5) BRC-128 (Judson Morse Road)

We are aware of the 1994 discontinuance of former TH-69, thought at that time to be a 0.10 mile dead-end stub. It has been our position that this discontinuance was illegal. Based upon a legal opinion provided by attorney Thomas Hayes dated April 12, 2010, the Selectboard voted on April 14, 2010 to VOID the 1994 Discontinuance of TH-69, 0.1 miles as illegally discontinued (see copies attached). We request that our certification of BRC-128 remain at 2.68 miles with connectivity to TH-26 (Smith Hill Road).

6) BRC-136 (Edmunds Road)

We acknowledge that the documentation for this road is inadequate and request that this road not be included in this year's certification.

7) BRC-228 (Old Stagecoach Road)

We agree that the mileage for BRC-228 should be adjusted to 1.04 miles instead of the initial submission of 0.86 miles.

8) LT-1 (former TH-75)

We agree that there has been an error in the addition of the mileage for LT-1, and we accept the sum of the adjusted legal trail mileage to be a total of 2.455 (rounded to 2.46?) miles.

Thank you for your patience in awaiting this reply.

Sincerely,
BARNARD SELECTBOARD

Tom Morse, Chair

Rock Webster

Tim Johnson

Town of Barnard, Vermont

*Chartered July 17, 1761*

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selex Min 041410

**Selectmen's Minutes** **April 14, 2010**

Called to order 7:10pm.
Present: Johnson, Webster, Morse, R. Lamphere, L. Webster

Act 178/Class 4 Roads Submissions to AOT: Rec'd letter (attached) from Atty Hayes re 1994 discontinuance of portion of TH69 advising that the discontinuance was illegal because road travels into Stockbridge and because a parcel was landlocked. Recommends voting to void 1994 discontinuance.
Vote to VOID 1994 Discontinuance of TH69, 0.1mile as illegally decided per recommendation of Atty Hayes.

Roy Lanphere/Fairpoint: Requests easement on Town Hall lot property to install equipment for fiber optic service station to be redistributed as DSL internet service to Barnard residents. See attached letter and photos. Discuss further conditions for easement: Fairpoint to bury phone/elec lines from North Rd to Hall & remove 2 poles, reduce size of easement request. Lamphere will consult Fairpoint engineer, stake site. Will discuss further.

Lance Webster/Road Foreman:
1. Discuss Class 2 Resurfacing Grant Appl. for pavement & gravel resurfacing of portions of Stage Road, TH1.
2. Discuss Webster's meeting with Pat Ross (Water Resources) & Pete Fellows (TRORC) re head waters grant for bridge & culvert replacement on Class 4 portion of Chateauguay Rd.
3. Discuss Structures Grant Appl. recommendations for large culvert on Wayside and specs for box culvert installation on Royalton Tnpk at Webster Hill.

Approved Town & Highway orders for payment, minutes of 4/7/10, reviewed mail.

Adjourned 8pm. Recorded by Morse.

Tim Johnson Rock Webster Tom Morse, Selectmen

cc: P. Bristow ~~(with Hayes letter)~~
TH 69 file ~~(with Hayes letter)~~
Act 178/Class 4 Roads Book ~~(with Hayes letter~~)

THOMAS HAYES
RICHARD J. WINDISH
BONNIE B. SHAPPY
SUSAN J. MANLEY*

**HAYES & WINDISH**
A PROFESSIONAL CORPORATION
ATTORNEYS LICENSED IN
VERMONT & NEW HAMPSHIRE
**45 PLEASANT STREET**
**WOODSTOCK, VERMONT 05091**
WWW.HAYES-WINDISH.COM
TELEPHONE (802) 457-2123
FACSIMILE (802) 457-3656

LEE W. RESSEGUIE
MICHAEL R. KAINEN
OF COUNSEL

*ADMITTED IN VERMONT ONLY

April 12, 2010

Mr. Tom Morse
P.O. Box 101
Barnard, VT 05031

Re: Discontinuance of TH-69

Dear Tom:

I met recently with Preston Bristow to discuss the Town's 1994 action to discontinue TH-69, which was believed to be a short section of road one-tenth of a mile long off of Smith Road. The vote to discontinue the road occurred on January 5, 1994.

At the time of the discontinuance action two important facts were not known to the select board. First, that the road discontinuance "land locks" a parcel of land, and second, that the road continued across the Stockbridge town line.

The first problem would be relatively easy to deal with because when a town discontinues the public access to a road it does not extinguish the private rights of abutters. *Okemo Mountain, Inv. v. Ludlow*, 171 VT 201 (2000). However, because of my analysis below, I do not think it will be necessary.

In 1994 the statutory requirements to discontinue a road were found at 19 V.S.A. §771. The select board was required to comply with the following provisions:

"The selectmen of two or more towns may discontinue a highway continuing into each of the towns by individually following [section 708-711 of this title.] The public hearing may be jointly held if the selectmen agree. If the decision is not the same in all towns involved, the superior court shall be petitioned to resolve the issue."

The provisions of Section 708 to 711 are attached.

Because the select board did not know that the road in question extended into another town, it did not follow the applicable procedure for discontinuance in that case. The law in Vermont is that "[t]the procedure to be followed in laying out or discontinuing a highway is wholly statutory and the method prescribed must be substantially complied with or the proceedings will be void. In re Bill, 168 VT 439, 724 A2d 444 (1998). Actions of a select board

are presumed to be in accordance with statutory requirements, however, when a select board acts outside its statutory authority with respect to a discontinuance, the defect is akin to lack of subject matter jurisdiction. Id; In re Mattison 120 VT 459, 144 A2d 778 (1958). Those proceedings would be void and may be impeached in any way at any time. Id.

Since the select board is now aware that the 1994 discontinuance of the TH-69 did not comply with the statutory requirements of the time, and the action is therefore void, and since such action may be impeached at any time and in any way, I recommend that the select board acknowledge that the January 5, 1994 discontinuance of TH-69 was void and set it aside on its own initiative.

Returning to the issue of the "land locked" parcel, because the 1994 discontinuance was void when it was attempted, the parcel was not land locked by the Town's action, and no change of status occurred.

Yours truly,

Thomas Hayes, Esq.

TH/ps
Encls.

provisions of section 33 of this title and shall mark each termination of the survey by a permanent monument or boundary or refer the termination or survey by course and distance, to some neighboring permanent monument. The survey shall describe the highway and the right-of-way by courses, distances and width, and shall describe the monuments and boundaries.—Added 1985, No. 269 (Adj. Sess.), § 1; amended 1993, No. 195 (Adj. Sess.), § 3.

HISTORY

**Amendments—1993 (Adj. Sess.).** Inserted "in accordance with the provisions of section 33 of this title" preceding "and shall mark" in the first sentence.

**Prior law.** 19 V.S.A. § 296.

ANNOTATIONS UNDER FORMER § 296

**1. Effect of failure to establish boundaries.** The neglect of the authority establishing a road to prescribe its width excused a town from liability for not opening and working the road. State v. Town of Leicester (1861) 33 Vt. 653.

## § 705. Papers to be recorded

A copy of any order of a court establishing, altering, or discontinuing a highway, together with a survey of so much of the road as is in any one town, certified by the clerk of the court, shall be recorded in the office of the town clerk.—Added 1985, No. 269 (Adj. Sess.), § 1.

HISTORY

**Prior law.** 19 V.S.A. § 297.

CROSS REFERENCES

Resurvey when original survey not properly recorded, see § 33 of this title.

## § 706. Duties of commissioners appointed by the supreme or superior court

Any commissioners appointed by the supreme or superior court to build or repair a bridge, or lay out, alter or discontinue a highway, may order the town or towns, in or through which they lay out or alter a highway, to grade the hills to such inclination as they deem proper, and to gravel the portions they deem necessary. The commissioners shall estimate the expense and report to the court. The court may accept or reject the report in whole or in part and order the town or towns to gravel portions of the highway and to grade the hills in the manner and to the extent it deems proper.—Added 1985, No. 269 (Adj. Sess.), § 1.

HISTORY

**Prior law.** 19 V.S.A. § 1056.





CROSS REFERENCES

Maintenance of highways generally, see § 901 et seq. of this title.

## § 707. Powers of supreme and superior courts

Upon petition for that purpose as in case of laying out, altering or discontinuing a highway, and by similar proceedings, the supreme or superior court may order hills to be graded and surfaces to be graveled on existing highways under the provisions of section 706 of this title.—Added 1985, No. 269 (Adj. Sess.), § 1.

HISTORY

**Prior law.** 19 V.S.A. § 1057.

### *Subchapter 2. Laying Out, Altering, Reclassifying or Discontinuing Highways by Petition to Selectmen*

CROSS REFERENCES

Appeal from selectmen's damage award, see § 725 et seq. of this title.
Assessment for failure to build highway or bridges, see § 781 et seq. of this title.
Damages generally, see § 808 et seq. of this title.
Discontinuance, see § 771 et seq. of this title.
Duties of selectmen as to town highways generally, see § 304 of this title.
Highways involving two or more towns, see § 790 et seq. of this title.
Objections to laying out, alteration or reclassification, see § 740 et seq. of this title.
Proceedings in superior court upon failure of selectmen to act, see § 750 et seq. of this title.

## § 708. Petition

(a) Persons who are either voters or landowners, and whose number is at least five percent of the voters, in a town, desiring to have a highway laid out, altered, reclassified, or discontinued, may apply by petition in writing to the selectmen for that purpose. The selectmen may also initiate these proceedings on their own motion.

(b) A class 4 highway need not be reclassified to class 3 merely because there exists within a town one or more class 3 highways with characteristics similar to the class 4 highway. In considering whether to reclassify a class 4 highway to class 3, consideration may be given as to whether the increased traffic and development potential likely to result from the reclassification is desirable or is in accordance with the town plan.—Added 1985, No. 269 (Adj. Sess.), § 1.

HISTORY

**Prior law.** 19 V.S.A. § 341.

CROSS REFERENCES

Classification of highways, see § 302 of this title.

Petition to lay out, alter, reclassify or discontinue highway on or intersecting town lines, see § 792 of this title.

Proceedings on refusal of selectmen to act, see § 750 et seq. of this title.

ANNOTATIONS

**1. Review.** Town's argument that trial court hearing an appeal of selectmen's denial of reclassification of town highway petition could not order reclassification of road without finding that town acted discriminatorily or arbitrarily in refusing reclassification was rejected since a finding of discrimination is not a prerequisite to reclassification by the superior court, and statutory amendment states that a class 4 highway need not be reclassified to class 3 because there exists one or more class 3 highways with characteristics similar to the class 4 highway. Hansen v. Town of Charleston (1991) 157 Vt. 329, 597 A.2d 321.

**2. Procedure.** Procedure to be followed in laying out or discontinuing a highway is wholly statutory, and method prescribed must be substantially complied with or proceedings will be void. In re Bill (1998) 168 Vt. 439, 724 A.2d 444.

Because highway was laid through two or more towns, New Haven town selectboard lacked jurisdiction when it attempted to discontinue its portion of highway in 1926; selectboard's failure to comply with then-existing statutory scheme voided its proceedings and its order purporting to discontinue highway segment, and therefore highway was held to still legally exist. In re Bill (1998) 168 Vt. 439, 724 A.2d 444.

**Cited.** Cited in Kelly v. Town of Barnard (1990) 155 Vt. 296, 583 A.2d 614.

## § 709. Notice and hearing

The selectmen shall promptly appoint a time and date both for examining the premises and hearing the persons interested, and give thirty days' notice to the petitioners, and to persons owning or interested in lands through which the highway may pass or abut, of the time when they will inspect the site and receive testimony. They shall also give notice to any municipal planning commission in the town, post a copy of the notice in the office of the town clerk, and cause a notice to be published in a local newspaper of general circulation in the area not less than ten days before the time set for the hearing. The notice shall be given by certified mail sent to the official residence of the person(s) required to be notified.—Added 1985, No. 269 (Adj. Sess.), § 1.

HISTORY

**Prior law.** 19 V.S.A. § 342a.

ANNOTATIONS

**Cited.** Cited in Kelly v. Town of Barnard (1990) 155 Vt. 296, 583 A.2d 614.

## § 710. Survey or order of discontinuance

After examining the premises and hearing any interested parties, and if the selectmen judge that the public good, necessity and convenience of the inhabitants of the municipality require the highway to be laid out, altered





or reclassified as claimed in the petition, they shall cause the highway to be surveyed in accordance with the provisions of section 33 of this title if the highway right-of-way cannot be determined and shall place suitable monuments to properly mark the bounds of the survey. If they decide to discontinue a highway, the discontinuance shall be in writing setting forth a completed description of the highway.—Added 1985, No. 269 (Adj. Sess.), § 1; amended 1993, No. 195 (Adj. Sess.), § 4.

HISTORY

**Amendments—1993 (Adj. Sess.).** Inserted "in accordance with the provisions of section 33 of this title" following "surveyed" in the first sentence.

**Prior law.** 19 V.S.A. § 343.

ANNOTATIONS

**1. Generally.** The standard applicable in road reclassification cases is whether the public good, necessity and convenience of the inhabitants of the municipality require the highway to be reclassified as claimed in the petition. Hansen v. Town of Charleston (1991) 157 Vt. 329, 597 A.2d 321.

ANNOTATIONS UNDER FORMER § 343

Laying out of private road, 2
Necessity for survey and tender of damages, 3
Status of selectmen, 1

**1. Status of selectmen.** The selectmen sat in a quasi-judicial position at hearings held before them under the statute. Whitcomb v. Town of Springfield (1963) 123 Vt. 395, 189 A.2d 550.

**2. Laying out of private road.** A road which began and ended upon the lands of a single individual did not connect with or intersect any other highway; was not accessible to any other person without trespassing upon the lands of such individual; and was not required by the public good nor the convenience and necessity of any other person, was not a public highway and could not be laid in invitum. Snow v. Town of Sandgate (1894) 66 Vt. 451, 29 A. 673.

**3. Necessity for survey and tender of damages.** Neither a survey nor tender of land damages was necessary when a former owner had dedicated the land and caused a survey and record thereof to be made where the order referred to and adopted such survey. Winooski Lumber & Water Power Co. v. Town of Colchester (1885) 57 Vt. 538, overruled on other grounds, Demers v. City of Montpelier (1958) 120 Vt. 380, 141 A.2d 676.

## § 711. Selectmen's return; recording

(a) Within sixty days after the examination and hearing, the selectmen shall return the original petition with a report of their findings and of the manner of notifying the parties together with the survey or discontinuance, to the town clerk's office. Their order laying out, altering, reclassifying or discontinuing the highway, with the survey, shall be recorded by the clerk.

(b) As part of the report of findings provided for in subsection (a) of this section, 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.—Added 1985, No. 269 (Adj. Sess.), § 1; amended 1991, No. 47, § 2.

HISTORY

**Amendments—1991.** Designated the existing provisions of the section as subsec. (a) and added subsec. (b).

**Prior law.** 19 V.S.A. § 344.

CROSS REFERENCES

Appeal from order of selectmen, see § 740 et seq. of this title.

## § 712. Damages paid or tendered

When the selectmen determine that a person, through whose land the highway passes or abuts, is entitled to damages, the town shall pay or tender to him or her, damages as the selectmen determine reasonable before the highway is opened.—Added 1985, No. 269 (Adj. Sess.), § 1.

HISTORY

**Prior law.** 19 V.S.A. § 345.

CROSS REFERENCES

Allowance lands considered in estimating damages, see § 810 of this title.
Appeal from selectmen's award for damages, see § 725 et seq. of this title.
Benefits to landowner considered in estimating damages, see § 811 of this title.
Damages for highways discontinued before completion, see § 776 of this title.
Value of discontinued highway considered in estimating damages, see § 809 of this title.

ANNOTATIONS UNDER FORMER § 345

**1. Determination of damages generally.** Where a public highway was laid out over a private road in such a manner as to convert it into a public thoroughfare, the landowner was not entitled to recover as damages the expenses of constructing the private road, but simply such damages as were actually done him by the taking, notwithstanding that the public had the benefit of his labor. Prince v. Town of Braintree (1892) 64 Vt. 540, 26 A. 1095.

**2. Establishment of damages by agreement of parties.** The selectmen could agree with the owner of land on the amount of damages to be paid to him before opening a road through his land, and draw an order therefor. Battles v. Town of Braintree (1842) 14 Vt. 348.

An owner of land was not precluded from claiming damages by reason of any parol agreement made between his grantor and the selectmen, waiving damages, if the road had not been opened in manner pointed out by statute. Battles v. Town of Braintree (1842) 14 Vt. 348.





## § 713. Time for vacating land

When the selectmen lay out or alter a highway, they shall fix in their order the time within which the owner of the lands taken shall remove his or her buildings, fences, timber, wood or trees. Without the consent of the owner, the time shall not be less than two months, but if the lands taken have buildings, the time shall not be less than six months, nor, in either case, until compensation for damages is paid, if the sum fixed by the selectmen is accepted or damages are awarded by referees. Notice of the time when the removal shall be made shall be given to the owner and included in the selectmen's order. An appeal of the damages awarded shall not stay the work contemplated.—Added 1985, No. 269 (Adj. Sess.), § 1.

HISTORY

**Prior law.** 19 V.S.A. § 346.

CROSS REFERENCES

Stay of proceedings upon appeals to superior court, see § 743 of this title.

ANNOTATIONS UNDER FORMER § 346

**1. Effect of failure to provide notice.** A failure to specify the time for removal of fences, timber, etc., did not render the proceedings of the selectmen void. Kidder v. Jennison (1849) 21 Vt. 108; Robinson v. Winch (1893) 66 Vt. 110, 28 A. 884; LaFarrier v. Hardy (1894) 66 Vt. 200, 28 A. 1030.

## § 714. Possession after time expires

When a highway is laid out or altered, the selectmen may take possession of the land within the surveyed limits, at any time after the expiration of the time fixed by the selectmen unless appealed to the superior court for landowners to remove their buildings, fences, trees, timber or wood. They may remove obstructions, and open the lands for working and travel, if they have previously paid or tendered to the landowners the damages awarded by them or by the commissioners laying out or altering the highway. An appeal of the damages awarded shall not stay the work contemplated.—Added 1985, No. 269 (Adj. Sess.), § 1.

HISTORY

**Prior law.** 19 V.S.A. § 347.

## §§ 715, 716. Repealed. 1999, No. 156, § 21(2) and 21(3), eff. May 29, 2000.

HISTORY

Former § 715, relating to the certificate of completion and acceptance, was derived from 1985, No. 269 (Adj. Sess.), § 1.

VERMONT

**State of Vermont**
**Division of Planning, Outreach and Community Affairs**
**Mapping Unit**
1 National Life Drive
Montpelier, VT 05633-5001
**http://www.aot.state.vt.us**

*Agency of Transportation*

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

March 15, 2010

Tom Morse, Selectboard Chair
Barnard, c/o Town Clerk
PO Box 274
Barnard, VT 05031-0274

Dear Mr. Morse,

The VTrans Mapping Unit has received a class 2 town highway change on the Pomfret 2010 Certificate of Highway Mileage that will affect the Town of Barnard. Due to a change in the town line, the amount of mileage for the Stage Road is decrease for TH-2 in Pomfret by 400 feet (0.08 miles) and increase for TH-1 in Barnard by 400 feet (0.08 miles).

This increase in mileage was not identified on Barnard's Certificate of Highway Mileage and I would request the inclusion of this 0.08 miles addition of class 2 town highway.

I have enclosed copies of the information supplied by the Town of Pomfret regarding the survey of the boundary line and alteration in the mileage.

Please feel free to contact me with any questions or comments related to this addition, or mapping in general.

Sincerely,

Johnathan Croft
AOT GIS Database Administrator
VTrans Mapping Unit

JFC/jfc

Enclosures

cc: Preston Bristow, Barnard Zoning Administrator
Doug Tuthill, Pomfret Selectboard Chair
Susan Clark, VTrans Planning Coordinator

Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

400' of additional Stage Rd (TH 1) in Barnard

# NOTICE OF PUBLIC HEARING

## BARNARD - POMFRET TOWN LINE BOUNDARY SURVEY

**The Barnard Board of Selectmen will hold a Public Hearing on the results and effects to property owners of a recent survey of the Barnard-Pomfret Town Line where it crosses the Stage Road in the southeastern corner of Barnard. The Public Hearing will take place at the Barnard Town office on Wednesday, January 28, 2009 at 7pm.**

**Barnard and Pomfret Selectmen and surveyor Robert Farnsworth will be present to explain the reasons for the recent survey, its results and tangible effects to property owners as well as answer questions from the public. Copy of the survey is available at both Barnard and Pomfret town offices.**

**Signed this 30TH day of December, 2008 at Barnard, Vermont.**

**Tim Johnson**

**Rock Webster**

**Tom Morse, Selectmen**

Mailed as per reverse side 12/31/08

Town of Pomfret
PO Box 64 · S. Pomfret, VT 05067
802·457·3861

Mailing list

December 19, 2008

Tom Morse
Town of Barnard
PO Box 274
Barnard, VT 05031

Tom,

Our Selectboard asked me to forward to you a list of affected property owners regarding the Barnard/Pomfret Town Line survey. There are also a few extra names on the list included because they attended our Hearing last week.

I sent everyone on the list a note telling them that Robert Farnsworth would be at the Barnard hearing (he wasn't at ours), in case they have any questions for him. I also told them that you would include them on your list when you send out Notices for the Barnard hearing. At least that's my understanding, so if you aren't going to notice them, please let me know so I can.

Would you also please let me know what will be the date and time of the hearing when you know? You could either phone (802-457-3861 M-W-F until 3:00, 457-4454 any other time), or email me at AndrewMann@PomfretVt.us

Andy Mann

Andrew Mann
Pomfret Town Clerk

mailed 12/31/08

| | | |
|---|---|---|
| Melanie Livingston | PO Box 193 | Claremont, NH 03743 |
| Lauren & Linda Templeton | PO Box 189 | S. Pomfret, VT 05067 |
| Marilyn Wilhelm | 2655 Stage Rd. | S. Pomfret, VT 05067 |
| Stan Talbot | 2277 Stage Rd. | S. Pomfret, VT 05067 |
| Joseph & Amy Morel | PO Box 1116 | Barnard, VT 05031 |
| Catherine Stout & JH Foster | 6 Stetson St. | Lexington, MA 02420 |
| Julie Kenary | 42 Chatham Circle | Wellesley, MA 02481 |
| Ad Shaw | PO Box 81 | S. Pomfret, VT 05067 |
| Nelson Lamson | PO Box 72 | S. Pomfret, VT 05067 |
| David Luce | 1770 Stage Rd. | S. Pomfret, VT 05067 |
| Alan Graham | PO Box 141 | S. Pomfret, VT 05067 |
| Jim & Loie Havill | PO Box 599 | Woodstock, VT 05091 |

+ ✓ Barnard Listers
P.O.
Farnsworth Surveys – P.O. Box 68 Brownsville VT 05037
✓ Pomfret Selectbd.
Town Clerk ✓ Town Officers

# Town of Barnard, Vermont

*Chartered July 17, 1761*

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selex Min 021109 Hearing Minuks & Smvey Adoption

**Selectmen's Minutes** **February 11, 2009**

Called to order 7pm.
Present: Johnson, Webster, Morse, B. Finlayson

Called to order 7:05pm Public Hearing on Barnard-Pomfret Boundary Survey (Notice attached). In attendance are Barnard & Pomfret selectmen, Robert Farnsworth of Farnsworth Surveys and guests (sign-in sheet attached). Morse offers introductory remarks on reasons for survey, results and effect on properties and landowners. Farnsworth explains bases for establishing coordinates, methods used and monuments placed. Questions & discussion focus on need for survey, whether survey established a "new" boundary, status of paved portion of Stage Rd. done by Pomfret, effects regarding appraisal/taxation, establishing correct acerage, voter registration, filing of deeds, adoption of survey, adjustment of towns' parcel (tax) maps, effective date. Selectboard members & Farnsworth reply that boundary is not changed, coordinates taken from land records, just laid out clearly on the ground.
Appraisals will be adjusted in both towns for the 2009 Grand Lists. Farnsworth determined acerage for affected properties in Barnard; totals can be calculated from deeds filed in land records.

Selectboards intend to approve & adopt survey at next regularly scheduled meeting and exchange minutes and other relevant information, including historic maps.

Hearing adjourned 8pm.

Regular meeting convened 8pm.

Reviewed letter from SW Supervisor to Peter Haimovitz re payment at Transfer Station (attch).

Rec'd from State Dept of Children and Family Services appointment form for 2009 Town Service Officer. Will contact Kim Furlong re appointment.

Class 4 roads near "Buster's Bus:" Rec'd from Dick Adams & John Dutton date & maps from land records documenting Class 4 roads in Chateauguay in vicinity of lands owned by State of Vermont. Will forward to Atty M. Kainen for communication to Vermont Fish & Wildlife. Filed: Ancient Roads, TH46, Buster's Bus.

Reviewed proposed (by Listers) computer service contract for all Town computers. Will discuss with Town Clerk.

Barnard-Pomfret Boundary Survey: Vote to accept and adopt Survey as recorded in Land Records effective for closing of 2009 Grand List.

Approved Town & Highway orders for payment, minutes of 2/4/09, reviewed mail.

Adjourned 8:45pm. Recorded by Morse.

Tim Johnson Rock Webster Tom Morse, Selectmen

cc: Pomfret Selectboard
Pomfret Listers
Barnard Listers
File: Barnard-Pomfret Boundary Survey

-<5>

# Attendance List

Public Hearing 2.11.09
Boundary Survey

Moore
Johnson
Webster
Bob Farnsworth
Marilyn Wilhelm
Shaw Jacobet
AD SHAW
MAVIS SHAW
Neil Lamson
Nelson Lamson
Douglas Tuthill
Lyn Leavitt
Beth Fontaine
Norman Buchanan
Bob Harrington
DAVE GREEN
Ted Arnold
Beth Fontaine

Survey at Public Hearing

Barnard/Pomfret Town Line

ORIGINAL INKED PLAT PRODUCED BY: FARNSWORTH SURVEYS – P.O. BOX 68, BROWNSVILLE, VERMONT 05037

E-MAIL: fsurveys@vermontel.net


Farnsworth Surveys
Celebrating our 28th Year
FARNSWORTH SURVEYS
1978–2008
ROBERT W. FARNSWORTH
E-MAIL: fsurveys@vermontel.net
Brownsville, Vt.


NOTES:

THE METHOD OF SURVEY WAS WITH A SOKKIA SET 4 TOTAL STATION.

THIS SURVEY MEETS CURRENT MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

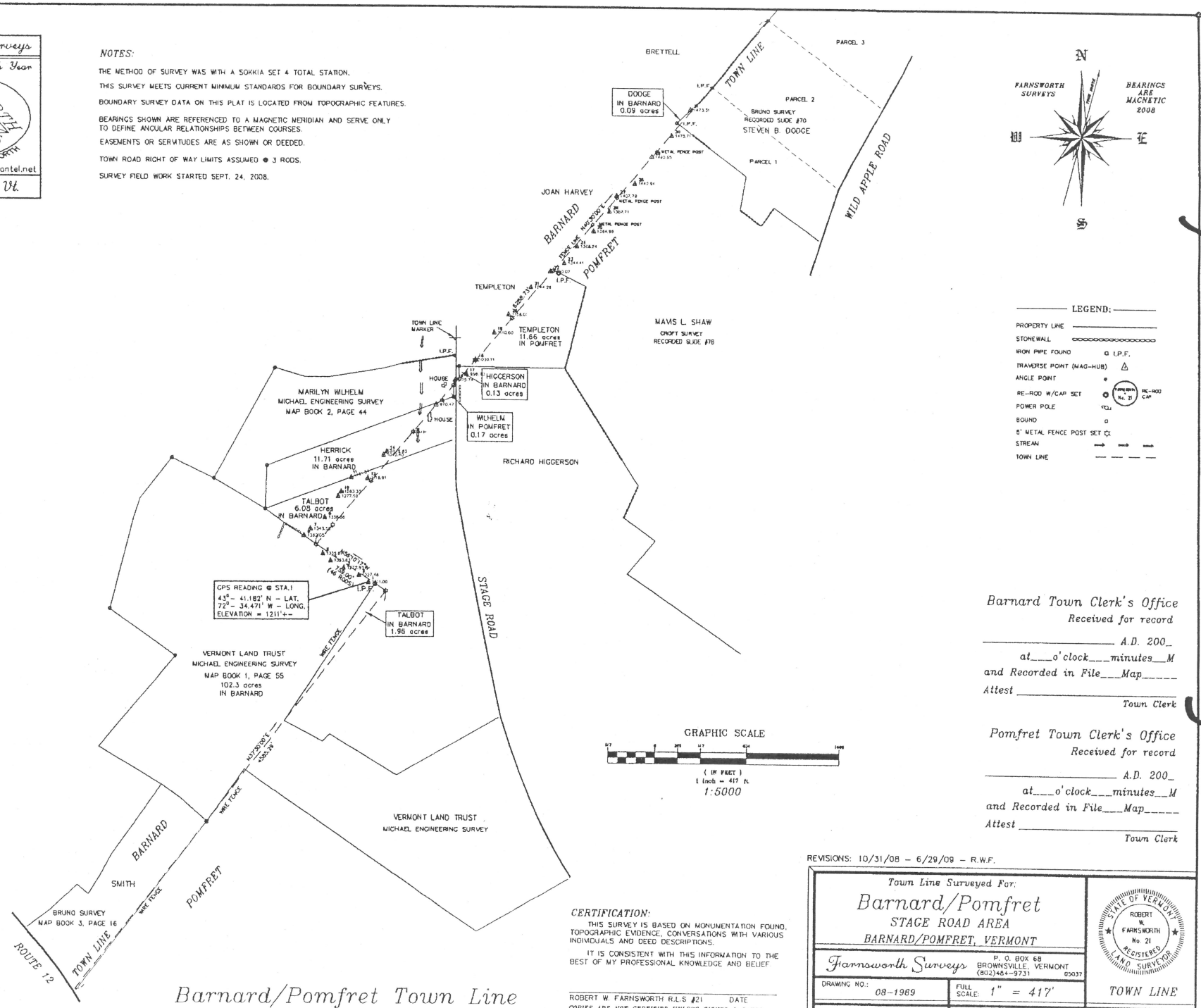
BOUNDARY SURVEY DATA ON THIS PLAT IS LOCATED FROM TOPOGRAPHIC FEATURES.

BEARINGS SHOWN ARE REFERENCED TO A MAGNETIC MERIDIAN AND SERVE ONLY TO DEFINE ANGULAR RELATIONSHIPS BETWEEN COURSES.

EASEMENTS OR SERVITUDES ARE AS SHOWN OR DEEDED.

TOWN ROAD RIGHT OF WAY LIMITS ASSUMED @ 3 RODS.

SURVEY FIELD WORK STARTED SEPT. 24, 2008.




*Barnard Town Clerk's Office*
*Received for record*
_____ A.D. 200_
at___o'clock___minutes__M
and Recorded in File___Map_____
Attest _____
Town Clerk

*Pomfret Town Clerk's Office*
*Received for record*
_____ A.D. 200_
at___o'clock___minutes__M
and Recorded in File___Map_____
Attest _____
Town Clerk

REVISIONS: 10/31/08 – 6/29/09 – R.W.F.

*CERTIFICATION:*

THIS SURVEY IS BASED ON MONUMENTATION FOUND, TOPOGRAPHIC EVIDENCE, CONVERSATIONS WITH VARIOUS INDIVIDUALS AND DEED DESCRIPTIONS.

IT IS CONSISTENT WITH THIS INFORMATION TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

ROBERT W. FARNSWORTH R.L.S #21 DATE

*COPIES ARE NOT CERTIFIED UNLESS SIGNED & DATED.*

*Town Line Surveyed For:*

# Barnard/Pomfret

*STAGE ROAD AREA*

*BARNARD/POMFRET, VERMONT*


Farnsworth Surveys
P. O. BOX 68
BROWNSVILLE, VERMONT
(802)484–9731 05037


| | |
|---|---|
| DRAWING NO.: 08–1989 | FULL SCALE: 1" = 417' |
| DATE: OCT. 10, 2008 | DRAWN BY: R.W.F.<br>SURVEY BY: K.B. & et al |

STATE OF VERMONT
ROBERT W. FARNSWORTH
No. 21
REGISTERED
LAND SURVEYOR

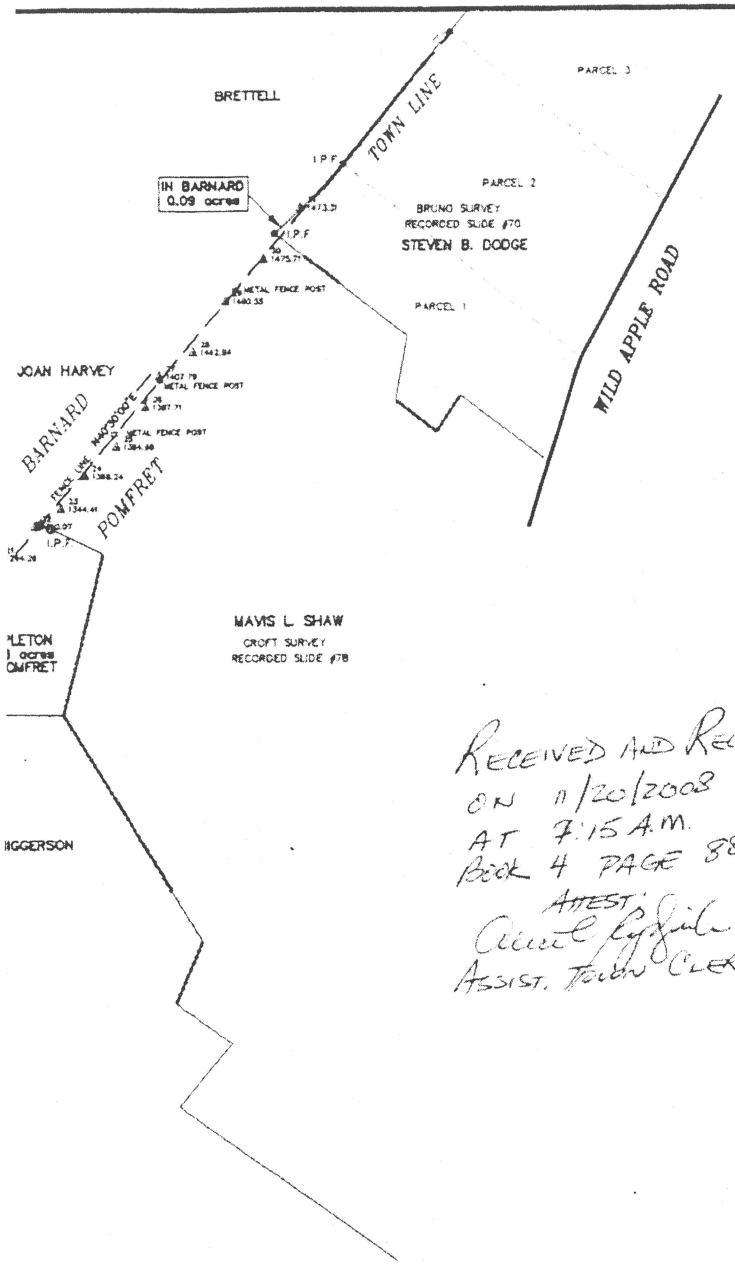
TOWN LINE

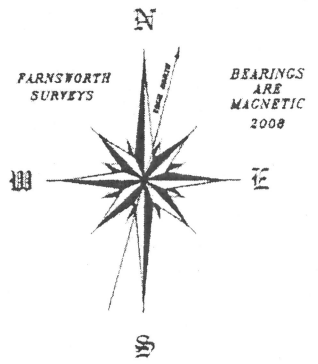
COMPUTER NAME: BARNARD–POMFRET.DWG

43°– 27.246' N – LAT. 72°– 30.652' W – LONG. – FARNSWORTH SURVEYS – 2008

*Plotted @ 1" = 560'*

Survey Recording Data




LEGEND:

- PROPERTY LINE
- STONEWALL
- IRON PIPE FOUND — I.P.F.
- TRAVERSE POINT (MAG-HUB)
- ANGLE POINT
- RE-ROD W/CAP SET — RE-ROD No. 21 CAP
- POWER POLE
- BOUND
- 5' METAL FENCE POST SET
- STREAM
- TOWN LINE

RECEIVED AND RECORDED
ON 11/20/2008
AT 7:15 A.M.
Book 4 PAGE 88
ATTEST:
Assist. Town Clerk

GRAPHIC SCALE

( IN FEET )
1 inch = 417 ft.
1:5000

*Barnard Town Clerk's Office*
*Received for record*
_____ A.D. 200_
at___o'clock___minutes__M
and Recorded in File___Map_____
Attest _____
*Town Clerk*

*Pomfret Town Clerk's Office*
*Received for record*
_____ A.D. 200_
at___o'clock___minutes__M
and Recorded in File___Map_____
Attest _____
*Town Clerk*

REVISIONS: 10/31/08 – R.W.F.

*Town Line Surveyed For:*

# Barnard/Pomfret

## STAGE ROAD AREA

## BARNARD/POMFRET, VERMONT


Farnsworth Surveys
P. O. BOX 68
BROWNSVILLE, VERMONT
(802)484-9731 05037


STATE OF VERMONT — ROBERT W. FARNSWORTH No. 21 REGISTERED LAND SURVEYOR

| DRAWING NO: 08-1969 | FULL SCALE: 1" = 417' | TOWN LINE |
|---|---|---|
| DATE: OCT. 10, 2008 | DRAWN BY: R.W.F. SURVEY BY: K.B. & et al | COMPUTER NAME: BARNARD-POMFRET.DWG |

*CERTIFICATION:*

THIS SURVEY IS BASED ON MONUMENTATION FOUND, TOPOGRAPHIC EVIDENCE, CONVERSATIONS WITH VARIOUS INDIVIDUALS AND DEED DESCRIPTIONS.

IT IS CONSISTENT WITH THIS INFORMATION TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

Robert W. Farnsworth 11/10/08
ROBERT W. FARNSWORTH R.L.S. #21 DATE

*COPIES ARE NOT CERTIFIED UNLESS SIGNED & DATED.*

43° – 27.246' N – LAT. 72° – 30.652' W – LONG. – FARNSWORTH SURVEYS – 2008

*Plotted @ 1" = 560'*

## Croft, Johnathan

**From:** darylthedog@aol.com
**Sent:** Monday, March 08, 2010 1:24 PM
**To:** Croft, Johnathan
**Subject:** Town of Barnard 2010 Cert Hwy Mileage TH-20

Hi Mr. Croft. Tom Morse, Barnard Selectboard, here.

We received your letter of 2/25/10 regarding an apparent transposition error on a partial discontinuance of TH 20 submitted as part of our 2010 Cert. of Hwy. Mileage.

We concur that the Class 3 mileage discontinued was 0.3 miles, not 0.4 miles,

Sorry for the error.

Tom Morse, Chair, Barnard Selectboard.

still transposed
s.moulton 5/6/10

VERMONT

**State of Vermont**
**Division of Planning, Outreach and Community Affairs**
**Mapping Unit**
1 National Life Drive
Montpelier, VT 05633-5001
**http://www.aot.state.vt.us**

*Agency of Transportation*

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

February 25, 2010

Tom Morse, Selectboard Chair
Barnard, c/o Town Clerk
PO Box 274
Barnard, VT 05031-0274

Dear Mr. Morse;

The VTrans Mapping Unit has received Barnard's 2010 Certificate of Highway Mileage and requests clarification regarding the discontinuance of a portion of TH-20 (Ellis Farm Road). Based on the reading of the Order of Discontinuance and review of the mileage, it appears that the mileage has been transposed and the portion that was discontinued should be 0.4 miles, instead of 0.3 miles.

I enclosed a copy of the discontinuance document and a map showing the section of highway that is described as discontinued, with mileage notations. Please clarify the proper mileage of the section for TH-20 that has been retained as class 3 town highway and the mileage of the segment of TH-20 that is being discontinued.

Please feel free to contact me with any questions or comments related to the Mileage Certificate, or mapping in general.

Thank you.

Sincerely,

Johnathan Croft
AOT GIS Database Administrator
VTrans Mapping Unit

JFC/jfc

Enclosures

cc: Preston Bristow, Barnard Zoning Administrator
Susan Clark, VTrans Planning Coordinator

# Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

## Selectboard's Return

### Discontinuance of a Portion of TH 20

### Discontinuance of an Unnamed Class 4 Road

On April 22, 2009, the Town of Barnard Selectboard appointed the time and place for a Public Hearing for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Barnard, pursuant to 19 VSA, chapter 7 et seq. shall Discontinue a portion of Town Highway 20 and an unnamed class 4 Town highway, viz:

1. To discontinue a portion of TH 20, Ellis Farm Road, commencing approximately 0.4 miles from its intersection with TH 2 at the property line of Linglebach (parcel 447) and Clarke (parcel 202.1), westerly approximately 0.3 miles to its terminus.

2. To discontinue an unnamed Class 4 road shown on the Town of Barnard Parcel Map running from the terminus of TH 20 westerly approximately 0.5 miles to its intersection with TH 2.

The Barnard Selectboard gave thirty days notice of the time and place of the Public Hearing to the property owners involved, to the Barnard Planning Commission and to other interested parties which are listed in attachment hereto. Notice was posted in the Town Office, the Barnard Post Office and at the Barnard General Store. Like Notice was published in the Valley News on May 14, 2009.

At the time and place appointed, the Barnard Selectboard opened the Public Hearing and received testimony as indicated in attached minutes. The Public Hearing was recessed and the Selectboard traveled to the site to inspect the road(s) in question and to hear any persons there present. Following the site visit, the Public Hearing was reconvened at the Town office and further testimony was received as indicated in attached minutes.

Upon due consideration, the Barnard Selectboard determined that the public good, convenience and necessity requires that a portion of Town Highway 20, as indicated in (1) above, and an unnamed Class 4 Town highway, as indicated in (2) abovve, be discontinued and so unanimously voted.

Dated at Barnard, Vermont this 15th day of June, 2009.

Tim Johnson  Rock Webster  Tom Morse, Selectmen

RECEIVED AND RECORDED
ON 7-20-2009
AT 8:00 A.M.
BOOK 98 PAGE 184
Attest: Alice Peck
TOWN CLERK BARNARD VT

# Barnard - TH-20 (Ellis Farm Road)
# Discontinuance Clarification Request

Retained portion of TH-20 (Class 3 Town Highway)

Discontinued (based on description)

Parcel boundaries

N

0.65
0.55
0.50
0.45
0.40
0.35
0.30
0.25
0.20
0.15
0.10
0.05
0.00

0 50 100 200 300 400 500 600 700 800 900 1,000 1,100 1,200 1,300 1,400 1,500 1,600 1,700 1,800 1,900 2,000 2,100 2,200 2,300 2,400 2,500 2,600 2,700 2,800 2,900 3,000 3,100 3,200 3

VERMONT

**State of Vermont**
**Division of Planning, Outreach and Community Affairs**
**Mapping Unit**
1 National Life Drive
Montpelier, VT 05633-5001
**http://www.aot.state.vt.us**

*Agency of Transportation*

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

March 5, 2010

Tom Morse, Selectboard Chair
Barnard, c/o Town Clerk
PO Box 274
Barnard, VT 05031-0274

Dear Mr. Morse;

The VTrans Mapping Unit continues to review the 2010 Certificate of Highway Mileage for Barnard and the associated documentation. Through this process, there have been several questions and issues that have arisen, to which I seek additional information and clarification.

For each of the items identified, I have included an overview of our observations and detail of the potential issues that we seek clarification and possible correction.

1.) TH-20 (Ellis Farm Road)

Clarification is needed on the discontinuance of TH-20 (Ellis Farm Road) and the amount of highway to be discontinued and retained, as articulated in a letter sent on February 28, 2010.

2.) BRC-101 (Richmond Road)

The southernmost 0.09 mile section of Richmond Road is already assigned to CL4 TH-73 and seems to be included in the mileage that has been submitted for BRC-101. The description states the highway starts at the terminus of TH-73, but it seems that there is duplicate mileage for BRC-101. The mileage of 1.052 seems to represent the full distance of Richmond Road, connecting from TH-61 (Lakota Lake Road) to TH-62 (Gulf Road). It appears the mileage addition needs to be reduced for BRC-101 by 0.09 miles and the addition BRC-101 should be 0.96 miles. This would make the total mileage for Richmond Road 1.05 miles. It should be noted that the VTrans Mapping Unit rounds the mileage for Class 3 and Class 4 Town Highways to the nearest 100$^{th}$ of a mile on the mileage tables and General Highway Maps.
(Please see the attached map for BRC-101)

3.) BRC-105

Due to the pending litigation regarding the BRC-105 and the segment of highway in Bridgewater, it may be prudent to add this section of highway once the courts have rendered a decision. The recommendation is not include this segment of 2.145, rounded to 2.15 miles this year and wait for the court's decision.

4.) BRC-107 (Barlow Road)

Clarification is needed regarding the mileage and documentation submitted for BRC-107 (Barlow Road). The mileage addition was submitted as 0.797 miles, for a section defined as starting at the terminus of TH-50 and extending northeasterly to the terminus of TH-51. The terminus of TH-50 was incorrectly mapped by VTrans, showing the highway much longer than the official mileage of 0.33 miles. This alignment and terminus location have been corrected, requiring an adjustment in the mileage for BRC-107.

The included survey accounts for 0.06 miles of highway, but the alignment submitted by Pete Fellows of the Two Rivers Ottauquechee Regional Commission measures 0.96 miles (with the corrected terminus of TH-50) The length of BRC-107 should be adjusted to 0.96 miles, altered from the original submittal of 0.80 miles.

5.) BRC-128 (Judson Morse Road)

There is a conflict with the southernmost 0.10-mile portion of this addition. According to our records, this was a 0.10-mile section of class 4 TH-69, which was discontinued in 1994. The addition of BRC-128 needs to be reduced by 0.10 miles and will not have connectivity to TH-26 (Smith Hill Road). The mileage of 2.683 miles, rounded to 2.68 needs to be reduced to 2.58 miles for BRC-128.
(Please see the attached map for BRC-128 and the 1994 Certificate of Highway Mileage with the associated documentation)

6.) BRC-136 (Edmunds Road)

There is a discrepancy in the mileage submitted for BRC-136 (Edmunds Road), with the addition being submitted as 0.484 miles. The survey description accounts for 0.22 miles but not the full 0.484 miles. Please forward additional documentation showing the legal establishment of this highway, through either the formal laying out process, or through "dedication and acceptance."
(Please see the attached map for BRC-136)

7.) BRC-228 (Old Stagecoach Road)

There needs to be an adjustment in the mileage for BRC-228 (Old Stagecoach Road). The length of this addition needs to be increased due to a correction in the terminus of the class 3 section of TH-13. The mileage for BRC-228 should be added as 1.04 mi, instead of the initial submission of 0.86 miles.

8.) LT-1 (former TH-75)

There has been an error in the addition of the mileage for LT-1. The Mileage Certificate records the addition as 0.10 miles and the proper mileage for this legal trail addition should be 0.01 miles. The VTrans Mapping Unit has LT-1 recorded as 0.01 mi, being the mileage of former TH-75. Town lists 0.10 mi on Certificate, although it has been listed as 0.01 mi in legal trail listing provided by VTrans. The addition of LT-1 should be adjusted to 0.01 miles and the sum of the legal trail mileage needs to be adjusted to a total of 2.455 miles.
(Please see the attached mileage listed for the legal trails and documentation regarding the reclassification of TH-75 to legal trail.)

Please feel free to contact me with any questions or comments related to the review of the Mileage Certificate, the above items identified for clarification or correction, or mapping in general. Thank you.

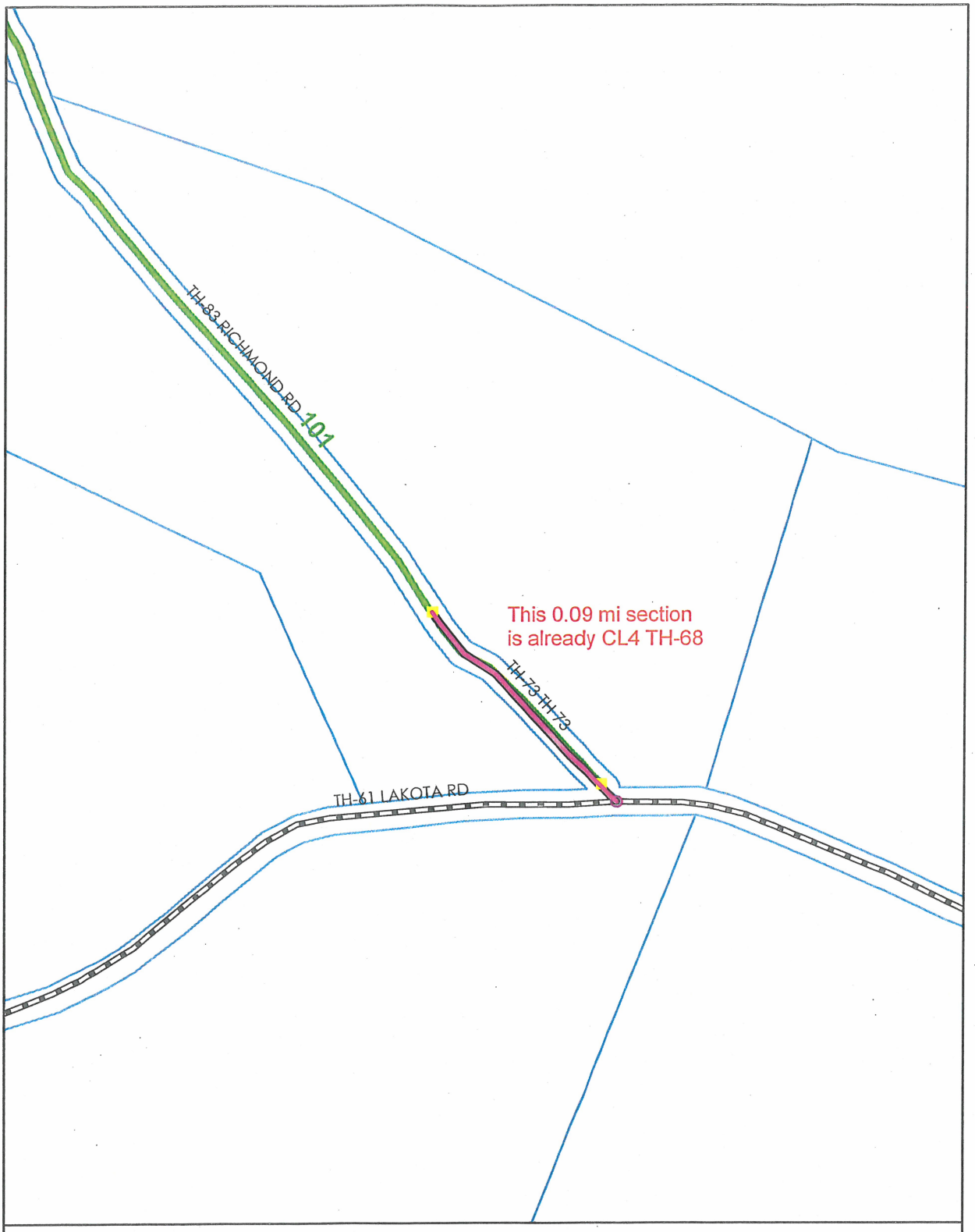
Sincerely,

Johnathan Croft
AOT GIS Database Administrator
VTrans Mapping Unit

JFC/jfc

Enclosures

cc: Preston Bristow, Barnard Zoning Administrator
Susan Clark, VTrans Planning Coordinator

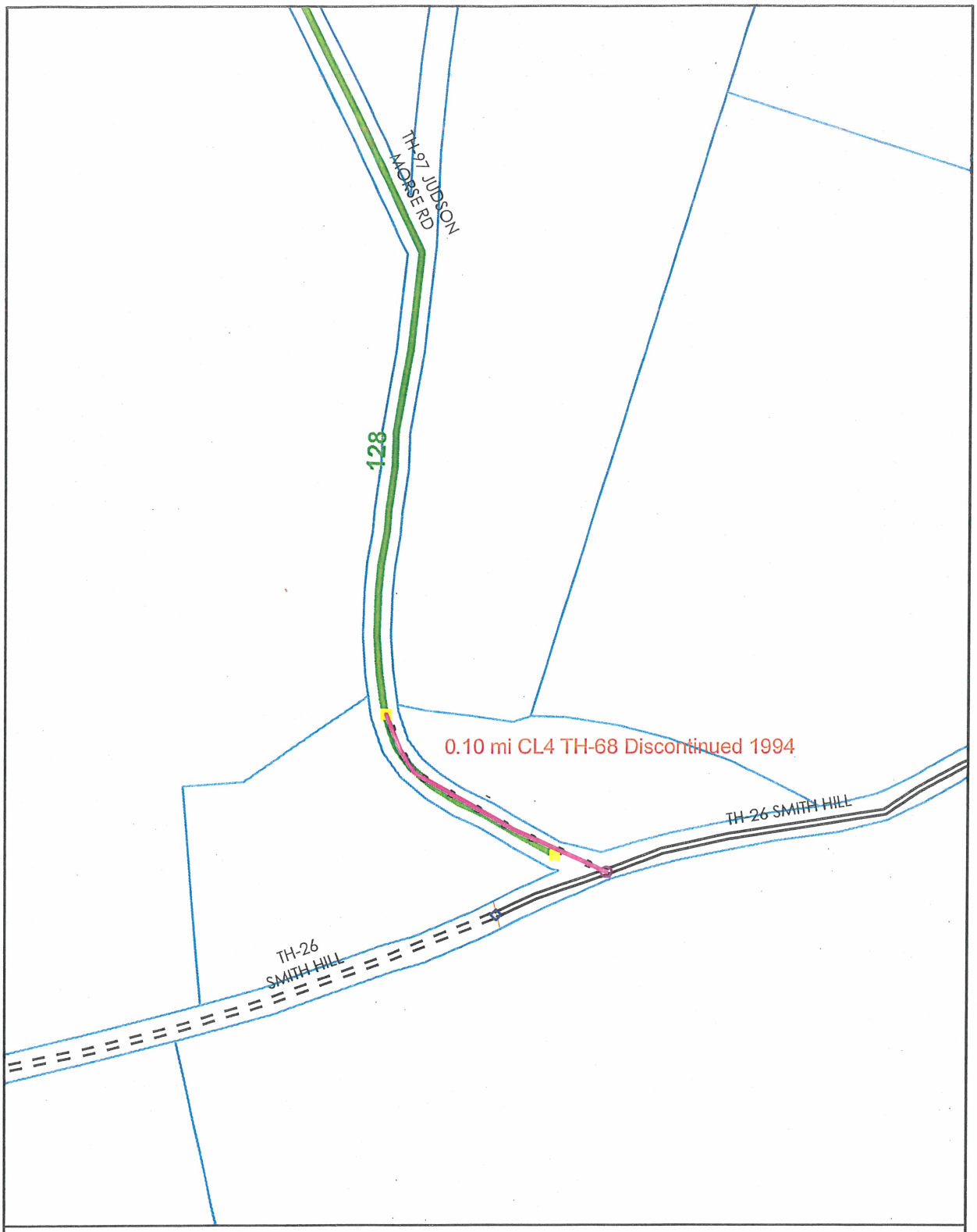



**Mileage Ceritificate Change 2010**
**BARNARD – BRC·101**

N
W E
S

Mapping Unit
Division of Planning, Outreach and Community Affairs
Vermont Agency of Transportation -- March 2010

0 0.05 Miles




**Mileage Ceritificate Change 2010**
**BARNARD - BRC-128**

N
W E
S

Mapping Unit
Division of Planning, Outreach and Community Affairs
Vermont Agency of Transportation -- March 2010

0 0.05 Miles

CERTIFICATE OF HIGHWAY MILEAGE year ending FEB. 10, 1994

Fill out form, make & file COPY with the Town Clerk, & mail ORIGINAL before Feb. 10, 1994 to:
Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

< IF NO CHANGES IN MILEAGE, OMIT PART I, CHECK PART II, SIGN PART III >

We, the Selectmen or Trustees or Aldermen of BARNARD , WINDSOR COUNTY
on an oath state that the mileage of highways, according to Title 19, V.S.A., Sec#305, added 1985, is as follows:

PART I - CHANGES & TOTALS - Please fill in and calculate totals. DISTRICT 4

| TOWN HIGHWAYS | PREVIOUS MILEAGE | ADDED MILEAGE | SUBTRACTED MILEAGE | TOTAL | * SCENIC * HIGHWAYS |
|---|---|---|---|---|---|
| CLASS 1 | .000 | | | | |
| CLASS 2 | 15.560 | | | 15.560 | |
| CLASS 3 | 46.470 | | 2.16 | 44.310 | |
| STATE HWY | 9.615 | | | 9.615 | |
| TOTAL | 71.645 | | 2.16 | 69.485 | |
| CLASS 4 | 12.980 | 1.45 | 1.10 | 13.33 | |
| (Discontinued) | | | (1.99) | | |

PART II - INFORMATION & 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).
Hearings from 8-25-93, 9-15-93, 1-5-94

(3) RECLASSIFED/REMEASURED: Please attach SIGNED copy of proceedings(minutes of meetings).
Hearings from 8-25-93, 9-15-93, 1-5-94

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

PART II - CHECK BOX IF NO CHANGES IN MILEAGES AND SIGN BELOW [ ]

PART III - SIGNATURES - PLEASE SIGN.
SELECTMEN/ALDERMEN/TRUSTEES SIGNATURES:
Selectman
Selectman
Selectman

CLERK SIGNATURE: Dare L Campbell DATE FILED 1/27/94
Please sign ORIGINAL & return for Transportation signature.

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

APPROVED: Donald C. Harvey DATE: 2/10/93
Representative, Agency of Transportation

# Town of Barnard, Vermont

*Chartered July 17, 1761*

Barnard, Vermont 05031
(802) 234-9211

Breakdown of Town Highway Reclassification:

| Highway # | Mileage | Action Taken |
|---|---|---|
| TH# 19 | .14 Miles | Reduce to Class 4 |
| TH# 35 | .13 " | Discontinued |
| TH# 42 | .10 " | Discontinued |
| TH# 54 | .16 " | Reduced to Class 4 |
| TH# 54 | (last).05 " | Discontinued |
| TH# 59 | .09 " | Discontinued |
| TH# 60 | .25 " | Reduced to Class 4 |
| TH# 68 | (last).43 " | Reduced to Class 4 |
| TH# 73 | .09 " | Reduced to Class 4 |
| TH# 76 | .06 " | Discontinued |
| TH# 77 | .15 " | Discontinued |
| TH# 82 | .13 " | Discontinued |
| TH# 10 | .50 " | Discontinued |
| TH# 34 | .50 | Discontinued |
| TH# 69 | .10 | Discontinued |
| TH# 58 | .38 | Reduced to Class 4 |

Road withiut a number designation that leaves VT Route 12 and continues East through Gilman's pasture to join with the North Road at Lilienthal's residence: Reduced to ~~Class 4~~ Trail

# Town of Barnard, Vermont

*Chartered July 17, 1761*

Barnard, Vermont 05031
(802) 234-9211


Reclassification of Town Highways - Hearing 8/25/93

Those attending: Hannah Kahn, Oke O'Brien, William Twigg-Smith, Agnes Andry, Bill Edmunds, Buzz Audsley, Wally diGiacomo, Tom Morse, Dwight Doton and Joe Tokarski.

Hearing was called to order at 7:00PM. Tom Morse reviewed the procedure for the hearing and explained that each road would be taken independently to avoid confusion. Road numbers as per warning are: TH19,35,42,59,60,73 and a road that now exists without road number designation.

TH19: It was explained that this highway has been fenced off for a number of years. Road inspections by the state have warned the town that the gate should come down--property owner failed to remove fence and the state has since discontinued highway funding. It is recommended that this highway be reduced to Class 4. No discussion and Chairman proceeded to next road.

TH35: This road serves one household and ends in a deadend. There was no discussion for or against.

TH42: Deadend road that serves one dwelling. There has been talk between owner (Kothman) and Dwight as to the town actions. No further discussions.

TH59: A small portion of the remainder of old RTE 12. Mrs. Kahn's opinion is that she would like to change the proposal of the selectmen. When new RTE 12 was installed, the state condemmed some of the property. The state also maintains culverts under RTE 12. Mrs. Kahn questioned how the state would maintain the culverts if the town discontinued the road. The town has serviced her road over a hundred years and she would like it to continue, including snow removal. Mrs. Kahn felt it was a lot to maintain. She also requested that a reply on the final decision be mailed to her %Martin Kahn, 222 Graham Street, Highland Park, NJ and also one to her home address.

Town of Barnard, Vermont

*Chartered July 17, 1761*

Barnard, Vermont 05031
(802) 234-9211

Public Hearing - September 8, 1993 - Alteration of TH#54,68,76,77 and 82

Chairman called meeting to order at 7:30PM and explained the reasons for actions being taken. Will conduct meeting by hearing roads one at a time.

TH#54 - Mary Parker is present and has a dwelling on this highway. She suggests that the first portion of this road be reduced to trail status and the second part which extends to her house be discontinued. Chairman feels we should follow as warned or reject the request and rewarn as Mrs. Parker suggests.

TH#68 - Mr. Litchenberg present and asks to explain the differences between a Class 3 and Class 4 and trail. He would like the town to maintain the bridge. Sometime the water washes his road and with a Class 4 status, would the town come up and grade the road? The answer was no and a Class 4 highway policy was sited. Mr. Litchenberg would consider, at a later date, that the highway be discontinued and asked how that would come about.

TH#76 - Paul Cayer present, explains he is happy the way it is and would like to keep it. Research reveals that the road goes no further than his garage door. Paul asked that the road be brought up to standard or improved before it was discontinued. He asked the cost to maintain the highway and the state aid that the Town receives for a Class 3 highway. Selectmen stated that possibility of action to take effect after the snow season in view of the time of year this may take effect. Paul would like to know his rights to contest the selectmen's decision. He was told that action can be taken through District Court and information as to our proceedings could be reviewed in the statues or by a call to the Secretary of State's office.

TH#82 - Dave Chang is present and stated that he was just informed of the road and the situation. He has, in the past, paid to have the road repaired and plowed. It has been a town road for many years and he protests the change. He further stated that measuring the .13 miles of his road beginning from TH#6, it ends just past the bridge. His concern is the maintenance of the bridge. It is determined that Mr. Chang does own all of the land surrounding the present town road and the bridge was reconstructed with concrete blocks, steel beams and wood decking. It is presently in good condition. His suggested remedy is to reduce this road to Class 4.

Town of Barnard, Vermont

*Chartered July 17, 1761*

Barnard, Vermont 05031
(802) 234-9211

Selectmen's Minutes - September 15, 1993

Meeting called to order at 7PM. Those present, Tom Morse, Dwight Doton, Joe Tokarski, Mike Clarke, William Twigg-Smith, Oke O'Brien.

Minutes of previous meeting signed.

Town Hall Restoration: with recommendations from the committee Selectmen signed contract with Roger Webster for the repairs of the Town Hall.

Rae vs Town: Tom spoke in reference to litigation -- The Lake Association instructed their attorney to call the town's attorney. Silver Lake Association is offering up to additional $1900 to add to the town's insurance company to augment the offer to the Raes. The two attorneys will work things out.

Bills signed to be paid.

Discussion on installing septic systems without permits and what alternatives exist. Should contract or landowner be responsible?

Dwight reported he completed reading the "Emergency Prep Manual".

Chairman opens meeting to resolve road reclass. land alteration warnings and will allow public to speak on information not already heard. Suggestion that the motion be made for the entire package and roads dealt with individually. Oke asked when will this action take effect. After discussion as to budget and taxation year, the town will probably maintain the roads altered until Spring of '94. Some discussion on how this action can reach the town meeting. No other public informatin was forthcoming. Motion made and seconded - public meeting of 8/25/93 addressing TH #19,35,42,59,60,73 and a road that now exists without road number designation be acted on as warned.

TH#19 motion made and seconded to reduce to Class #4 as warned - approved unanimously.

TH#35 motion made and seconded to discontinue - all in favor.

TH#42 motion made and seconded to discontinue - all voted in favor of discontinuance.

TH#59 motion made and seconded to discontinue - all voted in favor.

# Town of Barnard, Vermont

*Chartered July 17, 1761*

Barnard, Vermont 05031
(802) 234-9211

Selectmen's Minutes - December 15, 1993

Meeting called to order at 7PM. Those present, Tom Morse, Dwight Doton, Gil Clark, Everett Benson, Ron Benson.

Joe arrived late.

Chairman opened the warned public hearing for reclassiing of certain town roads at 7:15PM. After a general explanation of how the process works, the chairman started with TH#10. Location was explained and no comments from those present were made.
Move to TH#34 - location described, Gil Clark who was present explained he was at the meeting to find out what was going on. Chairman explained to Mr. Clark the town's reasons to discontinue this unused road located on his land. Gil Clark accepted the Chairman's position.
TH#54 - Location explained. This road reduced to Class 4 at a previous hearing is now recommended for discontinuance. A letter from Mary Parker, owner of surrounding land has requested the change. No further comments on this road.
TH#66 - the road located off Rte 12 north and accesses the Benson farm. Ron Benson spoke to the selectmen against the proposed change and reasons for action. He explained the condition of low road between the house and the bridge. High water during spring run off, a condition that has occured in the past, can wash the bridge out. His feelings were that disaster relief is available to the town and not the land owner, making replacement of this bridge prohibitive for the land owner. The Bensons asked if alternatives could be considered. Various alternatives were discussed and the selectmen will investigate liabilities to the town if road is retained as class 4. It was also mentioned that two residents live on the property. After hearing all opinions chairman moved to:
TH#16 - road located on Smith Hill on the International Paper Company s land. Inspection reveals that the town road is no longer in use and a new access is cut on the I.P. C. land. No other comments made.
TH#58 - road located as access to Grey camp properties. Inspection reveals road is chained with no trespass signs. Selectmen will investigate if other property owners will be affected.
A general discussion of all roads in this warning ensued. The decision made that all will be voted on in the public meeting of January 5th and any new facts brought forward will be heard but, final decisions will be by selectmen. Conditions of implementation will be the same as previous roads. No other facts to be discussed, this hearing was closed at 7:47PM.

Town of Barnard, Vermont

*Chartered July 17, 1761*

Barnard, Vermont 05031
(802) 234-9211

Selectmen's minutes - January 5, 1994

Meeting called to order at 7PM. Those present, Tom Morse, Dwight Doton, Joe Tokarski, Everett Benson and Rick Lancaster.

Rick Lancaster picked up the signed copy of the towns emergency plan for final printing.

Tom responded to USEPA waste water treatment collection for our closed landfill. Our landfill does not have a waste water treatment water collection facility.

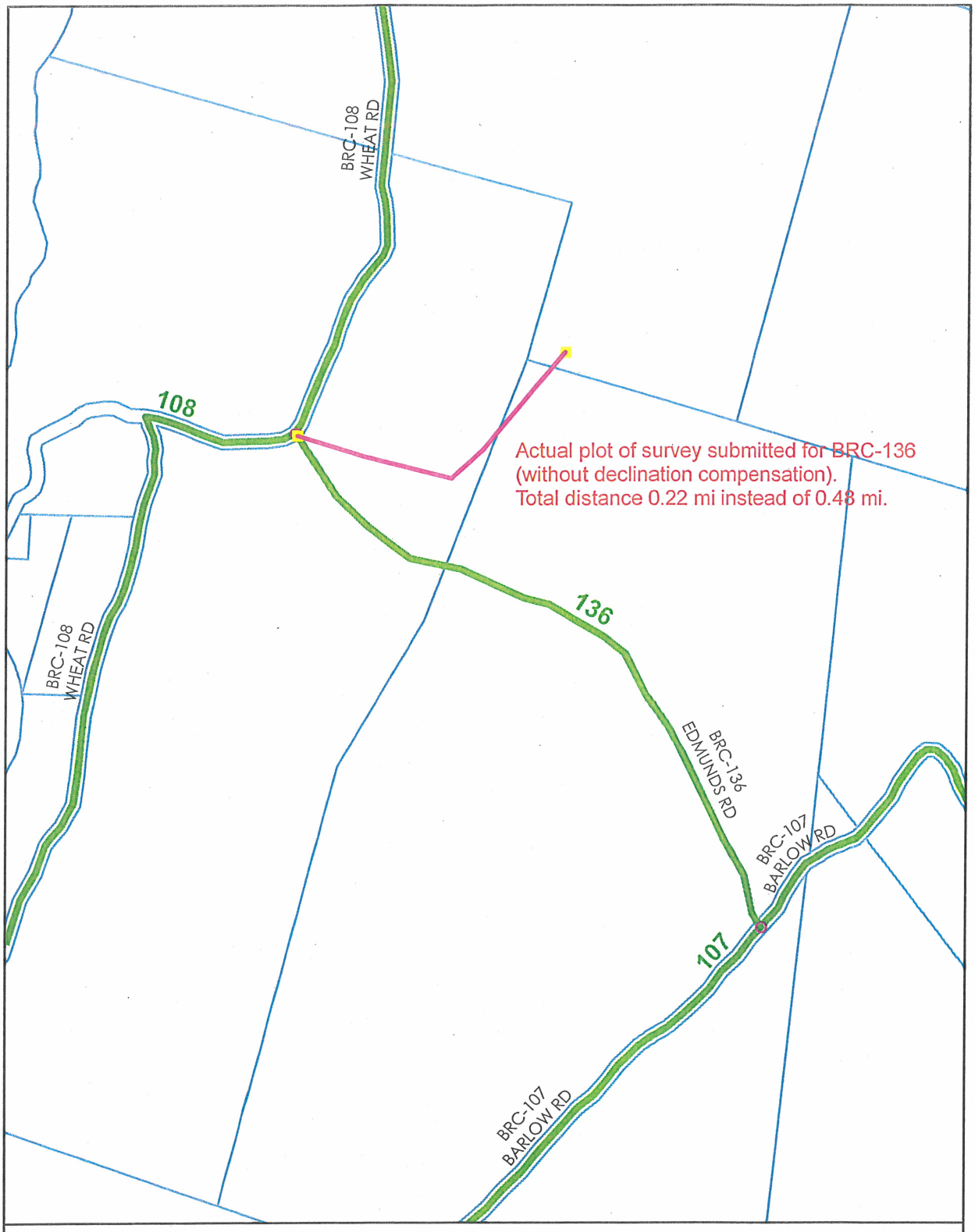
Minutes of 12/22/93 meeting were approved and signed.

As stated at the land hearing January 5th, the selectmen would make their final decisions. The chairman opened the meeting to discuss decisions as per warning dated 11/10/93. Tom asked if any new or pertinent information became available the selectmen would entertain hearing. Discussion on:
TH#10, a motion was made to discontinue this highway as warned. All voted in favor.
TH#34, discussed Virginia Lancaster's appearance to the selectmen concerning roads in question. After a short discussion motion was made to discontinue the road as warned. All voted in favor.
TH#54, being that small portion of road that extends into the Parker residence, a motion is made to discontinue as warned. All voted in favor.
TH#66, Mr. Benson was present and asked the selectmen to reconsider discontinuing his road. Research on bridge status and liability was discussed. A move was made to discontinue the road as warned. Tom's feelings were not to discontinue the road but rather reduce to Class #4. Dwight felt that if we didn't follow the procedure as warned, we could rewarn the road to be reduced to a lower class at a future date. All voted not to discontinue which would keep this highway as a Class #3.
TH#69, after short discussion motion made to discontinue as warned. All voted in favor.
TH#58, a short discussion concerning landowners along this road. A motion made to reduce the highway to Class #4 as warned. All voted in favor.
Chairman states that the roads acted upon tonight will be maintained until the spring of '94 along with other roads reclassified. Secretary was instructed to notify selected agencies of our action on all roads changed.

Minutes approved and signed for December 29th meeting.

Bills signed to be paid.

An unusual amount of mail was reviewed at tonights meeting.




**Mileage Ceritificate Change 2010**
**BARNARD - BRC-136**

N
W E
S

Mapping Unit
Division of Planning, Outreach and Community Affairs
Vermont Agency of Transportation -- March 2010

0 0.1 Miles

District 4

# CERTIFICATE OF HIGHWAY MILEAGE
## YEAR ENDING FEBRUARY 10, 2010

*Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2010 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* BARNARD *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.**

| Town Highways | Previous Mileage | Added Mileage | Subtracted Mileage | Total | Scenic Highways |
|---|---|---|---|---|---|
| Class 1 | 0.000 | | | -0- | 0.000 |
| Class 1 Lane | 0.000 | | | -0- | |
| Class 2 | 15.560 | | | 15.560 | 0.000 |
| Class 3 | 43.50 | | 0.860 | 42.640 | 0.000 |
| State Highway | 9.615 | | | 9.615 | 0.000 |
| Class 4 | 13.48 | 34.254 | 0.100 | 47.634 | 0.000 |
| Legal Trail | 0.00 | 2.545 | | 2.545 | |
| Total | 68.675 | | | | 0.000 |

** Mileage for Class 1 Lane, Class 4, and Legal Trail classifications is 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".*
   34.254 miles of new Class 4 pursuant to Act 178
   2.445 miles of new Legal Trail
2. **DISCONTINUED:** *Please attach SIGNED copy of proceedings (minutes of meeting).*
   TH 14 – 0.500 of Class 3 discontinued
   TH 20 – 0.300 of Class 3 discontinued
3. **RECLASSIFIED/REMEASURED:** *Please attach SIGNED copy of proceedings (minutes of meeting).*
   TH 14 - 0.060 reclassified from Class 3 to Class 4
   LT-1 – TH 75 - 0.100 reclassified from Class 4 to Legal Trail
4. **SCENIC HIGHWAYS:** *Please attach a copy of order designating/discontinuing Scenic Highways.*
   none

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

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

*Selectmen/ Aldermen/ Trustees Signatures:* _____

*T/C/V Clerk Signature:* _____ *Date Filed:* 2·10·10

*Please sign ORIGINAL and return it for Transportation signature.*

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

*APPROVED:* _____ *DATE:* _____

*Representative, Agency of Transportation*

TOWN: BARNARD
COUNTY: Windsor
Sheet 1 of 1

# ACT 178 LEGAL TRAILS

Policy and Planning Division - Mapping Unit

| Legal Trail No. | Original Town Highway No. | Current Mileage | Remarks |
|---|---|---|---|
| LT-1 | TH-75 | 0.01 | 0.01 CL4 to Legal Trail (1989) |
| LT-2 | unmapped | 0.163 | through highway alteration (2005) |
| LT-3 | unmapped | 0.432 | through exchange of ROWs (2004) |
| LT-4 | unmapped | 1.850 | through exchange of ROWs (2006) |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL | | 2.545 | |

01/2007

BARNARD NOTES
1 Mar 2010
J:\Mapping\Mileage_Certs\Letters\FollowUp\2010\Barnard_Notes.doc

COMMENTS BASED ON INITIAL REVIEW

BRC-101 Richmond Rd
The southernmost 0.09-mile section is already assigned to CL4 TH-73. We will need to reduce the mileage for the BRC-101 addition by 0.09 miles. (see map)

BRC-105
Needs follow up once court decides this case. May not be prudent to add highway this year.

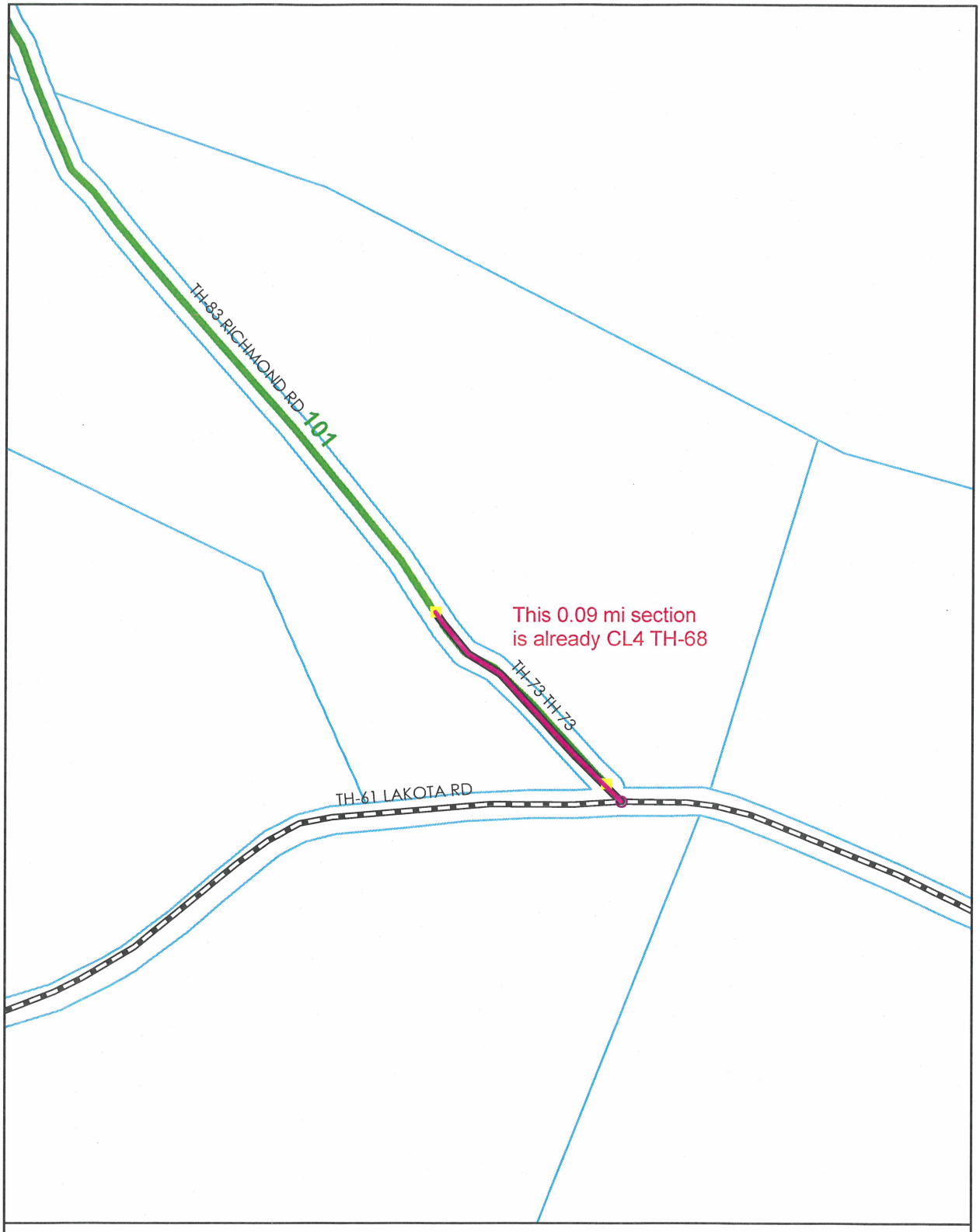
BRC-107 Barlow Rd
The length of this addition was increased due to an incorrect ARCMILES length of TH-50 CL3. BRC-107 is now 0.96 mi, up from 0.80 mi.

BRC-128 Judson Morse Rd
There is a conflict with the southernmost 0.10-mile portion of this addition. According to our records, this was a 0.10-mile section of CL4 TH-69 which was discontinued in 1994. (see map)

BRC-136 Edmunds Rd
In follow up to Pete Fellows' comment, "136 was cartooned in so it will need to be verified from the survey", the survey submitted for BRC-136 was plotted by the Mapping Unit. We came up with a different distance and alignment than what was submitted by the town. (see map)

BRC-228 Old Stagecoach Rd
The length of this addition was increased due to an incorrect ARCMILES length of TH-50 CL3. BRC-228 is now 1.04 mi, up from 0.86 mi.

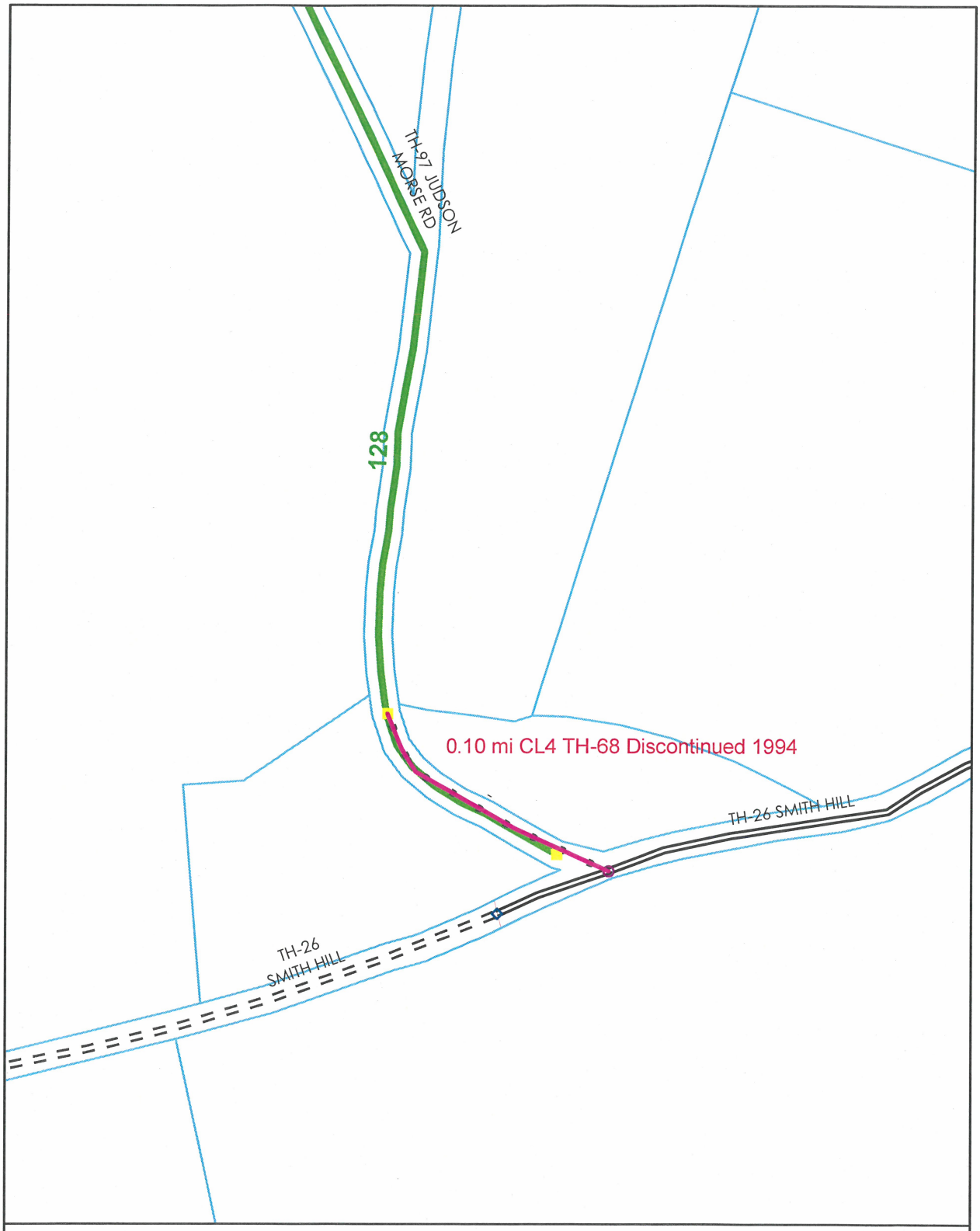
LT-1
We have LT-1 recorded as 0.01 mi (former TH-75). Town lists 0.10 mi on Cert and has it listed as 0.01 mi in our LT listing, but sums the Legal Trails up to 2.545 instead of 2.455. We have documentation to support LT-1 = 0.01, not LT-1 = 0.10.




**Mileage Ceritificate Change 2010**
**BARNARD – BRC-101**

Mapping Unit
Division of Planning, Outreach and Community Affairs
Vermont Agency of Transportation -- March 2010

0 0.05 Miles

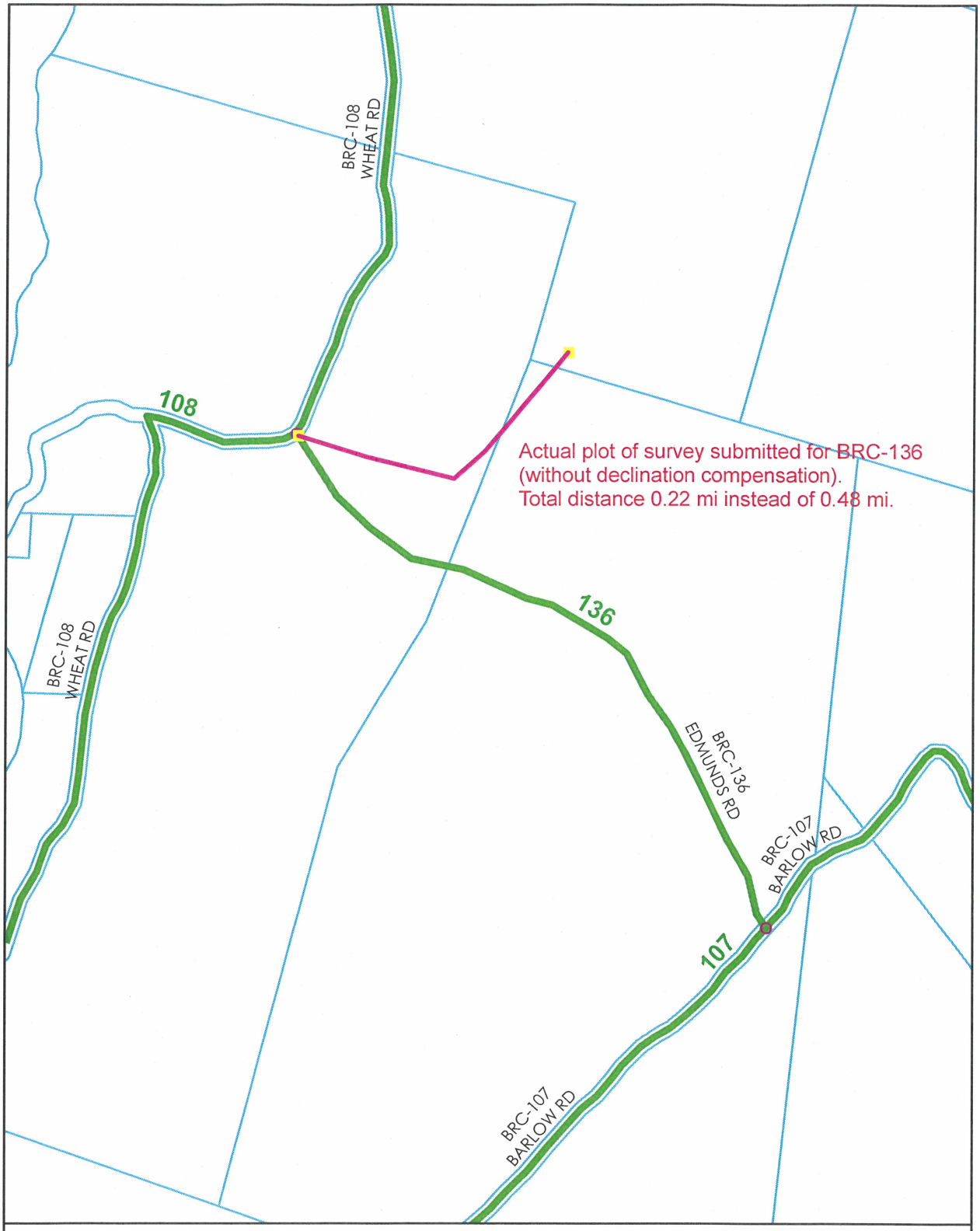



**Mileage Ceritificate Change 2010**
**BARNARD - BRC-128**

N
W E
S

Mapping Unit
Division of Planning, Outreach and Community Affairs
Vermont Agency of Transportation -- March 2010

0 0.05 Miles




**Mileage Ceritificate Change 2010**
**BARNARD - BRC-136**

N
W E
S

Mapping Unit
Division of Planning, Outreach and Community Affairs
Vermont Agency of Transportation -- March 2010

0 0.1 Miles

District 4

# CERTIFICATE OF HIGHWAY MILEAGE
## YEAR ENDING FEBRUARY 10, 2010

*Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2010 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* BARNARD *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.**

| Town Highways | Previous Mileage | Added Mileage | Subtracted Mileage | Total | Scenic Highways |
|---|---|---|---|---|---|
| Class 1 | 0.000 | | | -0- | 0.000 |
| Class 1 Lane | 0.000 | | | -0- | |
| Class 2 | 15.560 | | | 15.560 | 0.000 |
| Class 3 | 43.50 | | 0.860 | 42.640 | 0.000 |
| State Highway | 9.615 | | | 9.615 | 0.000 |
| Class 4 | 13.48 | 34.254 | 0.100 | 47.634 | 0.000 |
| Legal Trail | 0.00 | 2.545 | | 2.545 | |
| Total | 68.675 | | | | 0.000 |

** Mileage for Class 1 Lane, Class 4, and Legal Trail classifications is 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".**
   34.254 miles of new Class 4 pursuant to Act 178
   2.445 miles of new Legal Trail
2. **DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).**
   TH 14 - 0.500 of Class 3 discontinued
   TH 20 - 0.300 of Class 3 discontinued
3. **RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).**
   TH 14 - 0.060 reclassified from Class 3 to Class 4
   LT-1 - TH 75 - 0.100 reclassified from Class 4 to Legal Trail
4. **SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.**
   none

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

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

*Selectmen/ Aldermen/ Trustees Signatures:* [signature]

*T/C/V Clerk Signature:* [signature] *Date Filed:* 2·10·10

*Please sign ORIGINAL and return it for Transportation signature.*

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

*APPROVED:* _____ *DATE:* _____

*Representative, Agency of Transportation*

TOWN: BARNARD
COUNTY: Windsor
Sheet 1 of 1

# ACT 178 LEGAL TRAILS

Policy and Planning Division - Mapping Unit

| Legal Trail No. | Original Town Highway No. | Current Mileage | Remarks |
|---|---|---|---|
| LT-1 | TH-75 | 0.01 | 0.01 CL4 to Legal Trail (1989) |
| LT-2 | unmapped | 0.163 | through highway alteration (2005) |
| LT-3 | unmapped | 0.432 | through exchange of ROWs (2004) |
| LT-4 | unmapped | 1.850 | through exchange of ROWs (2006) |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL | | 2.545 | |

01/2007

District 4

# CERTIFICATE OF HIGHWAY MILEAGE
## YEAR ENDING FEBRUARY 10, 2010

*Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2010 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* BARNARD *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.

| Town Highways | Previous Mileage | Added Mileage | Subtracted Mileage | Total | Scenic Highways |
|---|---|---|---|---|---|
| Class 1 | 0.000 | | | -0- | 0.000 |
| Class 1 Lane | 0.000 | | | -0- | |
| Class 2 | 15.560 | 0.08 | 0.80 | ~~15.560~~ | 0.000 ← 15.640 |
| Class 3 | 43.50 | | ~~0.860~~ | ~~42.640~~ | 0.000 ← 42.70 |
| State Highway | 9.615 | | | 9.615 | 0.000 |
| Class 4 | 13.48 | ~~34.254~~ 31.88 | ~~0.100~~ | ~~47.634~~ | 0.000 ← 45.36 |
| Legal Trail | 0.00 | ~~2.545~~ ← 2.45 | | ~~2.545~~ ← 2.45 | |
| Total | 68.675 | | | 67.955 | 0.000 |

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

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

Adjustments by S. Moulton 5/10/10

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

31.88 — ~~34.254~~ miles of new Class 4 pursuant to Act 178

2.45 — 2.44~~5~~ miles of new Legal Trail

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

0.34 — TH 14 - ~~0.500~~ of Class 3 discontinued

0.40 — TH 20 - ~~0.300~~ of Class 3 discontinued

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

TH 14 - 0.060 reclassified from Class 3 to Class 4

TH 75 - ~~0.100~~ 0.01 reclassified from Class 4 to Legal Trail

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

none

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

### PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

T/C/V Clerk Signature: Date Filed: 2·10·10

Please sign ORIGINAL and return it for Transportation signature.

### AGENCY OF TRANSPORTATION APPROVAL:

Signed copy will be returned to T/C/V Clerk.

APPROVED: DATE: 6/9/2010

Representative, Agency of Transportation

TOWN OF BARNARD
CERTIICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2010

Class 4 Mileage Added pursuant to Act 178

| Map ID TH | Miles |
|---|---|
| 101 73 | ~~1.052~~ 0.96 |
| 102 60 | 0.962 |
| 103 85 | 0.738 |
| 104 ~~84~~ 86 | ~~1.300~~ 1.24 |
| ~~105~~ | ~~2.145~~ |
| 107 50 | ~~0.797~~ 0.96 |
| 108 87 | 1.160 |
| 111 48 | 2.924 |
| 115 88 | 0.839 |
| 118 89 | 1.223 |
| 119 90 | 1.117 |
| 120 91 | 0.672 |
| 122 43 | 0.545 |
| 123 44 | 0.533 |
| 128 93 | 2.683 |
| 129 94 | 0.968 |
| 133 95 | 1.342 |
| ~~136~~ | ~~0.484~~ |
| 204 96 | 0.505 |
| 207 97 | 0.263 |
| 208 98 | 0.663 |
| 212 99 | 0.568 |
| 213 100 | 0.742 |
| 215 101 | 1.253 |
| 217 102 | 0.545 |
| 218 103 | 0.379 |
| 219 32 | 1.927 |
| 223 104 | 1.247 |
| 224 105 | 0.882 |
| 225 17 | 0.774 |
| 227 18 | 0.470 |
| 228 13 | ~~0.856~~ 1.04 |
| 229 106 | 0.236 |
| 230 107 | 0.614 |
| 232 108 | 0.370 |
| 233 11 | 0.476 |
| **TOTAL** | **34.254** |

*Note change from 1.056 miles on digital data

S. Moulton 5/7/10

TOWN OF BARNARD
CERTIICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2010

Class 4 Mileage Added pursuant to Act 178

| Map ID | Miles |
|---|---|
| 101 | 1.052 |
| 102 | 0.962 |
| 103 | 0.738 |
| 104 | 1.300 |
| 105 | 2.145 |
| 107 | 0.797 |
| 108 | 1.160 |
| 111 | 2.924 |
| 115 | 0.839 |
| 118 | 1.223 |
| 119 | 1.117 |
| 120 | 0.672 |
| 122 | 0.545 |
| 123 | 0.533 |
| 128 | 2.683 |
| 129 | 0.968 |
| 133 | 1.342 |
| 136 | 0.484 |
| 204 | 0.505 |
| 207 | 0.263 |
| 208 | 0.663 |
| 212 | 0.568 |
| 213 | 0.742 |
| 215 | 1.253 |
| 217 | 0.545 |
| 218 | 0.379 |
| 219 | 1.927 |
| 223 | 1.247 |
| 224 | 0.882 |
| 225 | 0.774 |
| 227 | 0.470 |
| 228 | 0.856 |
| 229 | 0.236 |
| 230 | 0.614 |
| 232 | 0.370 |
| 233 | 0.476 |
| **TOTAL** | **34.254** |

*Note change from 1.056 miles on digital data

# Future Land Use
## Barnard, Vermont
## Town Plan
*Map 2 of 4*

Adopted:
September 29, 2004

e911 addresses
surface water
public lands

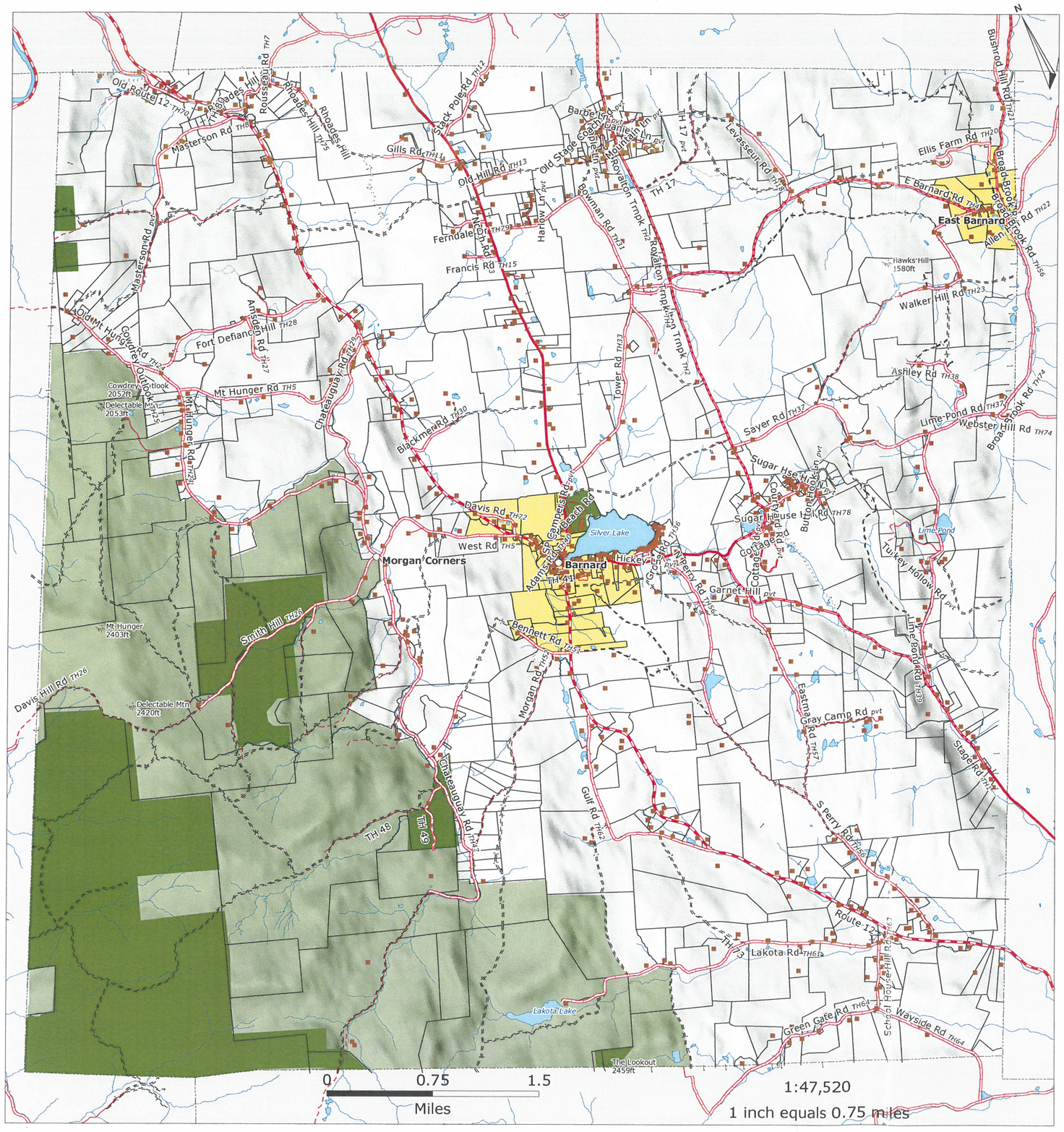
FUTURE LAND USE DISTRICTS
VILLAGES
RURAL/FOREST/FARM
CHATEAUGUAY CONSERVATION

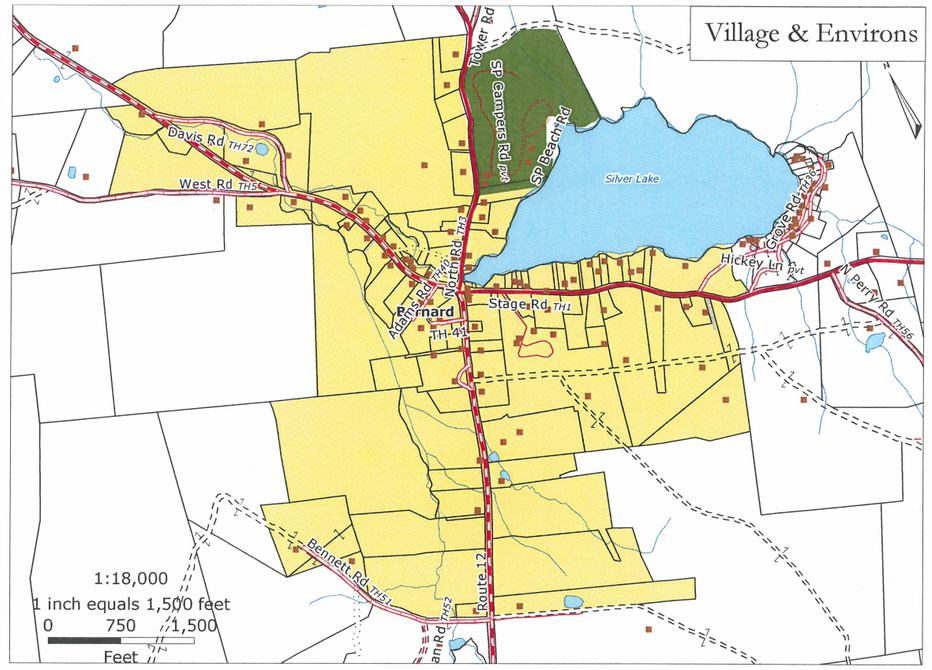
***town highway mapping***
VT route/TH cls 1
TH cls 2
TH cls 2 gravel
TH cls 3
TH cls 3 gravel
TH cls 4 gravel
VT forest hwy
trail
private

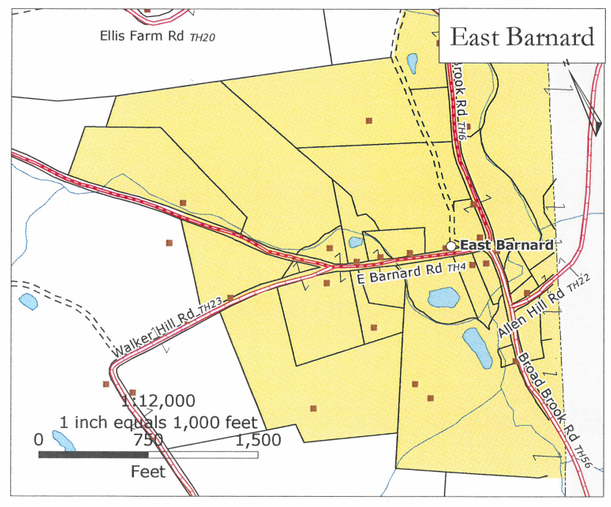
***parcel mapping***
parcel lines
discontinued TH
unmaintained TH
maintained TH
VT highway

PARCEL DATA DISCLAIMER:
These data are works in progress. They are not to be used for description, for conveyance, or for determination of legal title. The information on these data are derived in part from recorded surveys, in part from deed descriptions, and in part from approximations. Therefore, property boundaries as shown are only approximations and may differ significantly from actual boundaries. Furthermore, not all internal property lines are shown. While the data shows many public rights-of-way, it does not show them all.
For more information about these data please contact the Barnard Town Offices or TRORC.

POLITICAL BOUNDARIES: Town Parcel Boundaries, VCGI, 2003.
ROADS: 1:5000 Digital Road Centerline Project, VAOT, 1991-1994 & E911 Board GPS Updates, 2003.
STRUCTURES: E911 Board GPS Updates, 2003.
SURFACE WATER: On-screen digitized from 1:5000 digital orthophotos using USGS 7 1/2' quadrangles and 1:20000 color infrared aerial photography as additional source material, VCGI for VHD-USGS, 2003.






VT State Plane, Meters, NAD 83

GIS
for info & data
www.vcgi.org

For planning purposes only.
Not for regulatory interpretation.


TWO RIVERS-OTTAUQUECHEE REGIONAL COMMISSION
**GIS Service Center**
*Municipal Planning*



3117 Rose Hill
The King Farm
Woodstock, VT 05091
802-457-3188
info@trorc.org
**www.trorc.org**


R:\TOWNS\BA_proj\tp04\batp092904_flumap.mxd

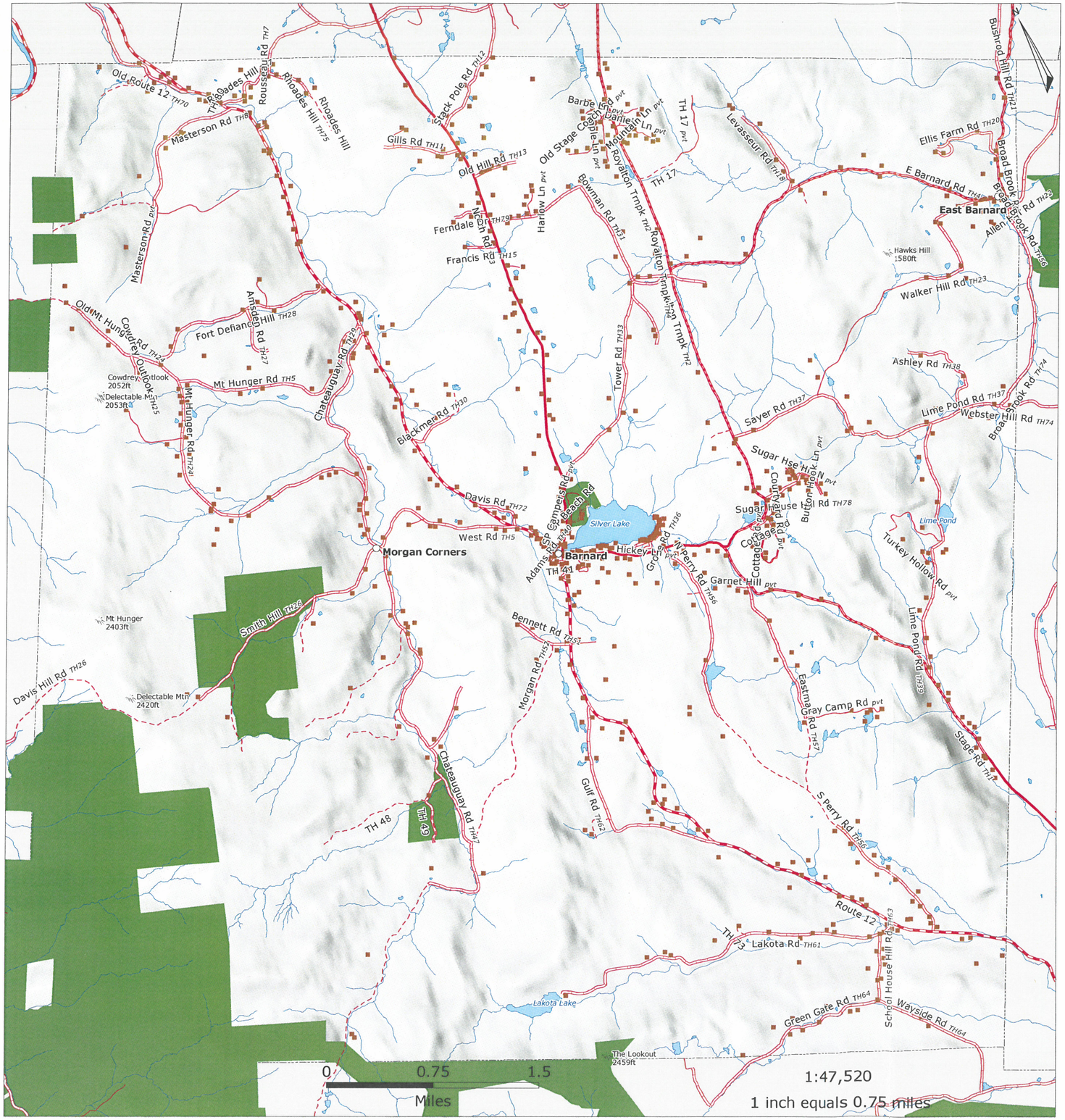
# Transportation
## Barnard, Vermont
# Town Plan
*Map 3 of 4*

Adopted:
September 29, 2004

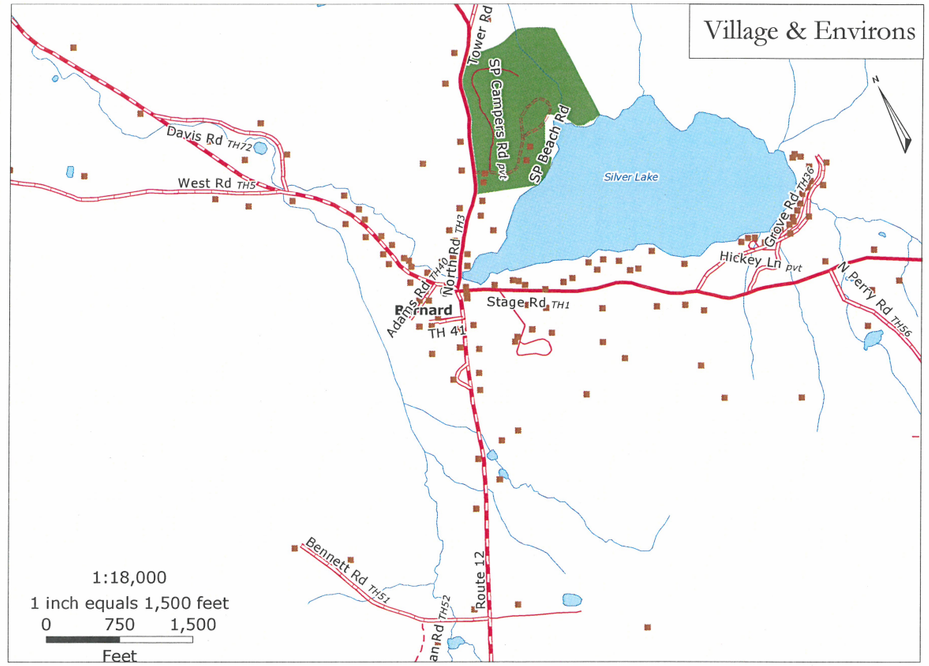
POLITICAL BOUNDARIES: Town Parcel Boundaries, VCGI, 2003.
ROADS: 1:5000 Digital Road Centerline Project, VAOT, 1991-1994 & E911 Board GPS Updates, 2003.
STRUCTURES: E911 Board GPS Updates, 2003.
SURFACE WATER: On-screen digitized from 1:5000 digital orthophotos using USGS 7 1/2' quadrangles and 1:20000 color infrared aerial photography as additional source material, VCGI for VHD-USGS, 2003.

- e911 addresses
- surface water
- public lands

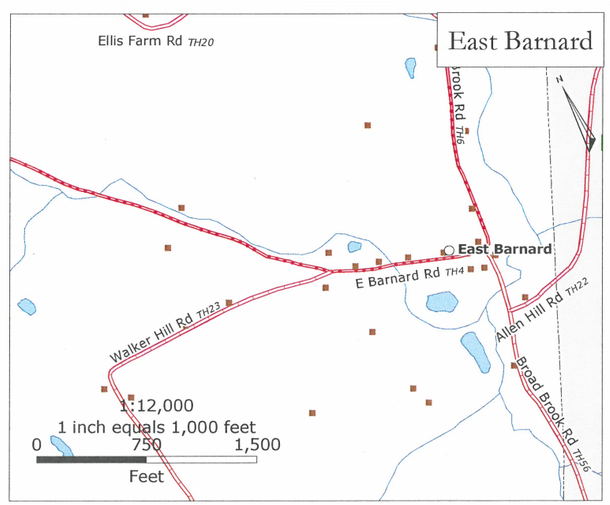
- VT route/TH cls 1
- TH cls 2
- TH cls 2 gravel
- TH cls 3
- TH cls 3 gravel
- TH cls 4 gravel
- VT forest hwy
- trail
- private
- US route
- US interstate




## Village & Environs




## East Barnard






VT State Plane, Meters, NAD 83

GIS
for info & data
www.vcgi.org

For planning purposes only.
Not for regulatory interpretation.


TWO RIVERS-OTTAUQUECHEE REGIONAL COMMISSION
**GIS Service Center**
*Municipal Planning*



3117 Rose Hill
The King Farm
Woodstock, VT 05091
802-457-3188
info@trorc.org
**www.trorc.org**


R:\TOWNS\BA_proj\tp04\batp04_rdsmap.mxd

VERMONT

**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) 241-3682
mike.fraysier@state.vt.us

January 20, 2010

Barnard Selectboard
P.O. Box 274
Barnard, VT 05031

Dear Selectboard Members,

The Agency understands the Town of Barnard will be holding a meeting tonight to act on a proposal to add over 40 so called "ancient roads" to the official Town highway map. This letter serves as the Agency of Natural Resource's official comments on this proposal.

Eight of the roads proposed for inclusion on the Town highway map could potentially impact Agency lands located within the Town (Les Newell Wildlife Management Area and Silver Lake State Park). Specifically, these roads include BRC-111, BRC-112, BRC-115, BRC-118, BRC-119, BRC-122, BRC-126, and BRC-210. The Agency's comments are related to these eight roads only. We have no comments or concerns regarding the remaining roads that are proposed to be added to the Town highway map.

Generally, unless there are some compelling natural resource values at stake, the Agency does not oppose proposals by municipalities to add new sections of roads to the Town highway map, *provided* that sufficient documentation is provided as required by Act 178 that shows these roads were legally established and laid out and were never discontinued. A recent State Supreme Court Case (*Austin v. Town of Middlesex, October 27, 2009*) has reinforced the need for towns to provide sufficient documentation in this regard.

In considering this particular proposal, the Agency requested copies of supporting documentation from the Town regarding the eight roads crossing state land. This information has been provided to the Agency and we have now completed our review of this proposal. Based on this review (and the review of additional documentation regarding BRC-111 previously provided by the Town) the Agency will not object to the addition of BRC-111 to the Town highway map, provided this addition is approved by the VT Agency of Transportation. However, the documentation provided for the remaining seven roads appears to be insufficient or lacking in order for the Agency to support their inclusion on the Town highway map at this time.

FORESTS, PARKS & RECREATION VERMONT
FORESTRY CENTENNIAL CELEBRATION

We now understand that a short section at the western end of BRC-111 that extends to the Stockbridge town line is actually a section of BRC-112. We question whether there is sufficient evidence to warrant the inclusion of the short section of BRC-112 to the Town highway map (i.e., the section between the end of BRC-111 to the Stockbridge town line and Flint Road). Likewise, the Agency finds that the documentation provided for BRC-115, BRC-118, BRC-119, BRC-122 and BRC-126 is either incomplete or non-existent and thus fails to meet the legal requirements of Act 178 and the recent State Supreme Court case.

Regarding BRC-210, a brief search in the Town records by Agency staff revealed that this road was actually discontinued in 1958. A copy of the "Report of Discontinuance" is attached. Unless additional evidence is provided that shows this road was formally re-established as per the procedure outlined in 19 V.S.A., Ch.7, the Agency opposes the addition of this road to the Town highway map.

Sincerely,

Mike Fraysier
ANR Lands Director

Cc: Jonathan Wood, ANR Secretary
Jason Gibbs, FPR Commissioner
Wayne Laroche, FW Commissioner
Meghan Purvee
Thomas Decker
Ed O'Leary
Jonathan Croft

STATE OF VERMONT

WINDSOR COUNTY, SS.

REPORT OF DISCONTINUANCE OF HIGHWAYS

Whereas at Barnard on the 7th day of March, 1958, the Selectmen of the Town of Barnard gave notice that certain public highways as follows might be discontinued, to wit,

1. Road number 59 for a distance of approximately 1.30 miles, commencing at the Old Town Highway near Walter Lindsey's residence in said Town and proceeding Southerly to approximately Pearson's Mill. (This being the Old Town Road)

2. Road Number 62, .59 miles in length, being the Old Town Highway from Dalton Royces north to the Lakota Road, so-called.

3. Road number 35 approximately 1.25 miles in length, being the Old Town Highway from the top of Cemetery Hill easterly to the residence of Richard Fields.

4. Old State Route #12 from the Barnard - Pomfret Town line .85 miles northerly bordering land owned by C. Williams, S. Burgess and Lee Pearsons.

5. Road number 14, being approximately 1 mile in length, commencing at the junction of roads 32 and 14, as provided by the Vermont Highway Map and proceeding southwesterly to the residence of Robert Killam.

Whereupon the said Selectmen did order and appoint that on the 21st day of March, 1958, at the hour of 8 o'clock in the afternoon they would examine the premises and hear the parties interested and did give notice thereof by posting in two public places in said Town notice of said meeting and hearing, to wit, the Town Clerk's Office and
They also gave written notice by registered mail to all persons owning or interested in land abutting on said highways, to wit, Edward Leone, Rolland Borsman, Carl and Alice Zuckmayer, Joseph and Catherine Ward, Barbara Miller, Ora and Estelle Lewis; Dalton Royce, Clifford Williams, Olin Hill; Richard Fields and Fred Allen; Clifford Williams, Susan Burgess and Lee Pearsons; Robert Killam, Sherman Damon and Jesse Sweet, at least twelve days before the time so fixed for hearing and stated that said Selectmen would then examine said premises and consider claim for damages.

And afterwards on the 21st day of March, 1958, said Selectmen, to wit, A. C. Hull, Francis Haggerty and Edward E. Jones held said meeting and at such meeting there appeared Sherman Damon and Fred Allen.

After which it was the opinion of the said Selectmen that the public good required that the following public highways described

below-should be discontinued:

1. Road Number 32 for a distance of approximately 1.88 miles, commencing at the Old Town Highway near Walter Lindsay's residance in said Town and proceeding southerly to approximately Pearson's Mill. (This being the Old Town Road)

2. Road Number 32. .59 miles in length, being the old Town Highway from Dalton Noyes north to the Lakers Road, so-called.

3. Road number 35 approximately 1.25 miles in length, being the old Town Highway from the top of Cemetery Hill easterly to the residence of Richard Fields.

4. Old State Route #12 from the Barnard - Pomfret Town line .25 miles northerly bordering land owned by C. Williams, D. Noyess and Lee Pearsons.

Whereupon, It is ordered by the said Selectmen that said public highways shall be forever discontinued and the land over which said highways cross shall be set out to the abutting land owners and if it be located between the lands of two different land owners it shall be equally divided between the owners on each side.

After the aforesaid meeting held on the 21st day of March, 1958, it was the opinion of the said Selectmen that the public good required that the following described public highway be converted to the status of a trail, to wit.

Road number 14, being approximately 1 mile in length, beginning at the junction of route 12 and 14, as provided by the Vermont Highway Map and proceeding southwesterly to the residence of Robert Killen.

Whereupon, It is ordered by the said Selectmen that said public highway shall be forthwith discontinued as a public highway and converted into the status of a trail.

Dated at Barnard in the County of Windsor and State of Vermont, this 21st day of March, 1958.

Selectmen Town of Barnard

Barnard Town Clerk's Office
Received for Record April 5, A.D. 1958 at 10 o'clock and 30 minutes A.M.

Received
VT Agency of Transportation
JAN 20 2010
Planning Outreach and
Community Affairs Division

VERMONT

**State of Vermont**
**Department of Forests, Parks & Recreation**
100 Mineral Street, Suite 304
Springfield, VT 05156-3168

[phone] 802-885-8827
[fax] 802-885-8890
[tdd] 802-253-0191

*Agency of Natural Resources*

ethan.phelps@state.vt.us
**www.vtstateparks.com**

January 19, 2010

Mike Fraysier (via email)
ANR Lands Director
Dept. of Forests, Parks & Recreation
103 South Main St, Bldg 10 South
Waterbury, VT 05671-0601

Dear Mike:
I am writing in reference to the Town of Barnard's desire to add 40-plus so-called ancient roads back onto the official highway map. Preston Bristow, acting as the Town's agent, via Meghan Purvee, requested that we provide comments prior the Select Board meeting on January 20. I wanted you to be aware of the Springfield Stewardship Team's opinion on a road adjacent to Silver Lake State Park.

One specific road that they want to re-list is now referenced as BRC-210 by the town's ancient roads committee. This road, locally known as the "Gifford Road," had a survey recorded in the town road book in 1790. This road forms the northern property line of Silver Lake State Park. It was assigned Town Highway # 35. It was officially discontinued on March, 21, 1958 per order of Selectmen, and is recorded in the town records, Book 32, Pages 447-8. Lands affected were to revert to adjoining landowners. A copy of this record follows.

Because this road was officially discontinued in 1958, it is my understanding that the Ancient Roads statute does not apply. If I am correct in my interpretation of Vermont laws regarding the establishment of highways, the town would need to start the process over again for a new road, including a new survey, taking lands from owners by eminent domain, etc. Therefore, it appears to me that using the ancient road statute to re-list the road would be a misuse of the ancient roads law; the correct procedure would be to follow laws governing the establishment of new highways. Therefore, the Springfield District Stewardship Team expects that the town's request to the Agency of Transportation to re-list this road will be denied under these circumstances.

Please contact me with any questions.

Sincerely,

Ethan Phelps
Parks Regional Manager

Cc: Springfield Stewardship team, via email
Tom Morse, chair, Barnard Select Board
Jonathan Croft, Agency of Transportation, GIS Database Administrator
Tom Decker, Director of Operations, Vt. Dept. of Fish and Wildlife

FORESTS, PARKS & RECREATION
VERMONT

470 Bk 32 Pg 448

below should be discontinued:

1. Road Number 59 for a distance of approximately 1.38 miles, commencing at the Old Town Highway near Walter Lindborg's residence in said Town and proceeding southerly to approximately Pearson's Mill. (This being the Old Town Road)

2. Road Number 62, .59 miles in length, being the Old Town Highway from Dalton Royeas north to the Lakota Road, so-called.

3. Road Number 35 approximately 1.25 miles in length, being the Old Town Highway from the top of Cemetery Hill easterly to the residence of Richard Fields.

4. Old State Route #12 from the Barnard - Pomfret Town line .85 miles northerly bordering land owned by C. Williams, S. Burgess and Lee Pearsons.

Whereupon, it is ordered by the said Selectmen that said public highways shall be forever discontinued and the land over which said highways cross shall be set out to the abutting land owners and if it be located between the lands of two different land owners it shall be equally divided between the owners on each side.

After the aforesaid meeting held on the 21st day of March, 1958, it was the opinion of the said Selectmen that the public good required that the following described public highway be converted to the status of a trail, to wit,

Road Number 14, being approximately 1 mile in length, commencing at the junction of roads 33 and 14, as provided by the Vermont Highway Map and proceeding southwesterly to the residence of Robert Killam.

Whereupon, it is ordered by the said Selectmen that said public highway shall be forthwith discontinued as a public highway and converted into the status of a trail.

Dated at Barnard in the County of Windsor and State of Vermont, this 21st day of March, 1958.

[signature]

Francis Haggerty

Edward E. Dolan

Selectmen Town of Barnard



Barnard Town Clerks Office
Received for Record April 5, AD 1958 at 10 o'clock and 35 minutes AM

TOWN: BARNARD
COUNTY: Windsor
Sheet 1 of 1

# ACT 178 LEGAL TRAILS

Policy and Planning Division - Mapping Unit

| Legal Trail No. | Original Town Highway No. | Current Mileage | Remarks |
|---|---|---|---|
| LT-1 | TH-75 | 0.01 | 0.01 CL4 to Legal Trail (1989) |
| LT-2 | unmapped | 0.163 | through highway alteration (2005) |
| LT-3 | unmapped | 0.432 | through exchange of ROWs (2004) |
| LT-4 | unmapped | 1.850 | through exchange of ROWs (2006) |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL | | ~~2.545~~ | 2.45 (S. Moulton 5/7/10) |

01/2007

Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selex Min 012010

**Selectmen's Minutes** **January 20, 2010**

Called to order 7pm.
Present: Webster, Morse, (Johnson excused)
Guests: M. Baldwin, M. Edwards, D. Green, R. Lancaster, H. Kessler, P. Vollers, E. Phelps

Town Office remodel: Reviewed Architect Phil Maynes' plans for expansion and renovation of Town office to include Listers' and Clerk's office areas. Vote to include projected $20,000 cost on Special Article in 2010 Warning.

Act 178/Ancient Roads: To see what roads the Board of Selectmen will propose to add to the Agency of Transportation's official map of the Town's highways.
1. Received public comment as described in attached notes/comments from P. Bristow.
2. Move to adopt Resolution with delineated roads to be added as attached and admit into record accompanying addenda Summary of Changes and Summary of Comments (attached).
3. Discuss reasons for omitting certain roads from Resolution.
4. Vote to adopt Resolution and accompanying documents as presented.
5. Signed Resolution and accompanying map depicting roads to be included exclusive of legal trails.

Harry Kessler/Coordinator of Stage Race (bicycle) proposed for Memorial Day Weekend: Would like to use North Road morning of 5/31/10 as leg of stage race. Group has insurance, police coverage for riders. Expects approx. 500 riders divided into various categories of skill. Approved pending receipt of letter of intent and copy of insurance binder.

Reviewed final printout of proposed FY 11 budget. Approved Warning for 2010 Town Meeting and Town Report (attached).

Approved Town & Highway orders for payment, minutes of 1/13/10, reviewed mail.

Adjourned 8:15pm. Recorded by Morse.

Tim Johnson Rock Webster Tom Morse, Selectmen

**From:** preston.bristow@comcast.net
**To:** Tom Morse <darylthedog@aol.com>
**Subject:** SB minutes 1.20.10
**Date:** Wed, 20 Jan 2010 9:17 pm

Tom -

Here's my notes to aid you in preparing minutes:

Item of business: Resolution to add certain class 4 town highways to the town highway map and the sworn statement of the description and measurement of all class 1, 2, 3 and 4 town highways in the Town of Barnard.

Guests in attendance: Preston Bristow, Gary Kessler, Peter Vollers, Richard Lancaster, Ethan Phelps, Dave Green, Margaret Edwards

Comments:

Ethan Phelps delivered a letter dated January 20, 2010 from Jonathan Wood, ANR Secretary, with regard to 8 roads affecting state land in Town. The letter in sum accepts BRC-111 (Hayes Brook Road) and rejects BRC-112, BRC-115, BRC-118, BRC-119, BRC-122, BRC-126 and BRC-210 as lacking sufficient documentation.

Attorney Peter Vollers representing property owner Steven Dodge repeated his belief that BRC-213 (Buckman Hill Road) extends only to the former dwelling of Abner Buckman and not all the way to the Pomfret Town Line.

Attorney and son-in-law Michael Baldwin representing property owner Noel Hellinger stated his belief that a letter dated December 4, 1970 from the Barnard Selectmen should prevent the town from claiming BRC-228. Preston Bristow related a conversation he had with attorney Tom Hayes for the Town that the letter does not rise to a disclaimer of the road and that the Town need not be bound by the letter.

Dave Green asked to see the revised map, and he was satisfied that it was revised to correctly show BRC-204, BRC-207 and BRC-208 with regard to his property and the properties of Sophia Stone and the Maple Leaf Inn.

Richard Lancaster asked if the Selectmen would be willing to entertain a road alteration of BRC-212 (Cooty Hill Road) once the road is added to the map. Tom Morse replied that the Selectmen would.

Resolution:

On motion of Tom Morse, second by Rock Webster, the Select Board adopted the Resolution as presented, signed a copy of the map accompanying the Resolution as presented, and accepted into the record two accompanying documents entitled "Summary of Comments received" and "Summary of Changes made."

Preston Bristow
Zoning Administrator
Barnard-Braintree-Chelsea-Pomfret
(603) 359-5243 cell
(866) 927-0645 fax

# R E S O L U T I O N

***To add certain class 4 town highways to the town highway map and the sworn statement of the description and measurement of all class 1, 2, 3 and 4 town highways in the Town of Barnard.***

**Whereas,** the Select Board of the Town of Barnard did on November 18, 2009 sign a Notice of Select Board Meeting and opportunity to be heard regarding the addition of 43 unmapped class 4 town highways to the town highway map and sworn statement of the description and measurement of all class 1, 2, 3 and 4 town highways in the Town of Barnard; and

**Whereas,** the Select Board did on November 19, 2009 post a copy of the notice and opportunity to be heard inside the office of the Barnard Town Clerk, on the bulletin board outside the office of the Barnard Town Clerk, on the bulletin board outside the Barnard General Store, and on the bulletin board inside the Barnard Post Office; and

**Whereas,** the Select Board did publish the notice and opportunity to be heard in the November 20, 2009 edition of the *Valley News* newspaper; and

**Whereas,** the Select Board did on November 21, 2009 mail a copy of the notice and opportunity to be heard to the persons owning land through which the these unmapped town highways pass or abut; and

**Whereas,** the Select Board did meet on December 9, 2009 and conduct a public meeting, continued to December 16, 2009, and did hear testimony on the subject of adding these unmapped town highways to the town highway map; and

**Whereas,** the Select Board did announce at the public meeting and through an article in the January 2010 issue of *The Barnard Bulletin* newsletter and by other means that written comments would be accepted up to January 10, 2010 and would finalize a decision on or around January 20, 2010; and

**Whereas,** the Select Board has given due consideration to the comments received; now, therefore,

**Be It Resolved** that the Select Board hereby votes to add the following 37 class 4 town highways to the town highway map and to the sworn statement of the description and measurement of all class 1, 2, 3 and 4 town highways in existence in the Town of Barnard, said sworn statement to be filed with the Barnard Town Clerk and the Vermont Agency of Transportation on or before February 10, 2010:

The following class 4 town highways are identified through a numbering system developed by the Barnard Class 4 Roads Advisory Committee (hereinafter abbreviated "BRC") and depicted on a map signed by the Select Board on even date with this Resolution.

BRC-101 extends from TH-73 northeasterly to Gulf Road.
BRC-102 extends from TH-60 southerly to Lakota Road.
BRC-103 extends from Lakota Road southerly to the Bridgewater Town Line.
BRC-104 extends from Lakota Road westerly to BRC-105.
BRC-105 extends from Morgan Road southerly to the Bridgewater Town Line.
BRC-107 extends from Barlow Road northeasterly to Bennett Road.
BRC-108 extends from West Road southwesterly to Chateauguay Road.
BRC-111 extends from TH-48 westerly to the Stockbridge Town Line.
BRC-115 extends from BRC-111 northerly to BRC-118.
BRC-118 extends from the Stockbridge Town Line easterly to Smith Hill Road.
BRC-119 extends from TH-45 southerly to BRC-111.

BRC-120 extends from BRC-118 southeasterly to BRC-119.
BRC-122 extends from TH-43 westerly to BRC-120.
BRC-123 extends from TH-44 southwesterly to TH-43.
BRC-126 extends from Mt. Hunger Road southerly to Smith Hill Road.
BRC-128 extends from Smith Hill Road northwesterly to the Stockbridge Town Line.
BRC-129 extends from BRC-128 southwesterly to the Stockbridge Town Line.
BRC-133 extends from Masterson Road southwesterly to Old Mt. Hunger Road.
BRC-136 extends from BRC-108 southeasterly to BRC-107.
BRC-204 extends from North Perry Road northerly approximately 0.5 miles to the right-of-way conveyed to the Town of Barnard by Randal and Eileen Vaughn on August 21, 2006.
BRC-207 extends from VT Route 12 easterly approximately 0.3 miles to the right-of-way as agreed on by the Town of Barnard and Gary and Janet Robison.
BRC-208 extends from the right-of-way conveyed to the Town of Barnard by David and Sophia Stone on September 8, 2006 southeasterly approximately 0.7 miles to Eastman Road.
BRC-212 extends from Lime Pond Road easterly 0.43 miles to the former dwelling of Laurence Cooty.
BRC-213 extends from Lime Pond Road easterly 0.75 miles to the former dwelling of Abner Buckman.
BRC-215 extends from Sayer Road easterly to BRC-217.
BRC-217 extends from Ashley Road northerly to Walker Hill Road.
BRC-218 extends from Walker Hill Road easterly to the Pomfret Town Line.
BRC-219 extends from TH-32 easterly to Walker Hill Road.
BRC-223 extends from Ellis Farm Road northwesterly to the Royalton Town Line.
BRC-224 extends from Levasseur Road northwesterly to BRC-225.
BRC-225 extends from TH-17 northeasterly to the Royalton Town Line.
BRC-227 extends from Levasseur Road northwesterly to BRC-225.
BRC-228 extends from Royalton Turnpike westerly to Old Hill Road?
BRC-229 extends from Bowman Road northerly to BRC-228.
BRC-230 extends from Blackmer Road easterly to North Road.
BRC-232 extends from North Road westerly approximately 0.4 miles to the boundary of lands of Monsalvat Farm Holdings, LLC.
BRC-233 extends from Gills Road westerly to Rhoades Hill Road.

Dated this 20th day of January, 2010.

BARNARD SELECT BOARD

Tom Morse, Chair

Tim Johnson

Rock Webster

**2010 Barnard Ancient Road Additions to the Town Highway Map**

**Summary of Changes made between the November 18, 2009 Notice of Select Board Meeting and the signing of the Certificate of Highway Mileage on February 10, 2010**

BRC-112 (Perkins Hill Road) – southern end dropped due to inadequate documentation; northern end merged with BRC-111 (Hayes Brook Road).

BRC-126 (Nye Road) – dropped due to inadequate documentation and physical evidence

BRC-127 (Mike Clarke Road) – dropped due to inadequate documentation and physical evidence, discontinuance of northern end circa 1971.

BRC-130 (Cowdrey Road) – dropped due to inadequate documentation and physical evidence.

BRC-137 (Dump road) – dropped due to discontinuance of road on lands of Herschel Elliott in 1972.

BRC-204 (General Foster Road) – ends at trail on Vaughn land.

BRC-207 (Old East Road) – ends at trail on Robison/Maple Leaf Inn land.

BRC-208 (Jabez Road) – starts at trail on Stone land.

BRC-210 (Gifford Road) – dropped due to discontinuance of entire length in 1958.

BRC-212 (Cooty Hill Road) – extends 0.43 miles to former dwelling of Laurence Cooty (not to Pomfret Town Line).

BRC-213 (Buckman Hill Road) – extends 0.75 miles to former dwelling of Abner Buckman (not to Pomfret Town Line).

BRC-214 (Fish Hill Road) – dropped due to inadequate documentation and physical evidence.

**2010 Barnard Ancient Road Additions to the Town Highway Map**

**Summary of Comments received between the November 18, 2009 Notice of Select Board Meeting and opportunity to be heard and the January 20, 2010 Select Board Resolution**

BRC-108 (Wheat Road) – David & Sheila Rothman (letter): oppose
BRC-111, 119, 120 – Meadowsend Timberlands (letter): want recorded proof that these are roads; and if roads, want uses to be restricted
BRC-111, 112, 115, 118, 119, 122, 126 – VRP&R (letter): oppose all except for original portion of Hayes Brook Road (BRC-111) as having insufficient documentation
BRC-126 (Nye Road) – Robert Edmunds (letter): oppose
BRC-127 (Clarke Road) – Mike Clarke (verbal): would be happy to see dropped
BRC-130 (Cowdrey Outlook) – George & Cynthia Price (letter): oppose
BRC-133 (Masterson Road) – Jonathan Springer for Keith and Karina Fernandez (letter): current traveled way (especially near dwelling) not the original layout
BRC-137 (Dump Road) – Herschel Elliott (letter), William Sayward (letter), Joan Sayward Cardillo (letter): oppose; portion discontinued in 1972
BRC-204 (General Foster Road) – Randal Vaugh (testimony): road stops at deeded trail
BRC-207 (Old East Road) and 208 (Jabez Road) – David Green and Margaret Edwards (letter), Sophia Stone (letter): roads stop at deeded trail
BRC-210 (Gifford Road) – VFP&R (letter) and Craig Hadden (testimony): oppose as legally discontinued in 1958
BRC-212 (Cootey Road) – Virginia Lancaster (letter): oppose
BRC-213 (Buckman Road) – Peter Vollers for Steven Dodge (testimony): road ends at Buckman cellar hole before Dodge property
BRC-214 (Fish Hill Road) – Virginia Lancaster (letter) Doreen Hurley for Twin Farms (verbal): oppose
BRC-227 (Levasseur Road) – John Dunn (letter): supports
BRC-228 (Old Stagecoach Road) – Michael Baldwin for Noel Hellinger (letter): oppose

A letter was also received from the Vermont Land Trust requesting that any road added under the ancient road process be classed as a legal trail where it crosses conserved land.

# The Barnard Bulletin

25 cents

JANUARY 2010 DEC 21 Vol. XXV No. 12

## SELECTMEN'S NEWS

A recent Public Hearing on revisions to the Town Plan was better attended than some. There will be an additional Hearing for two reasons: we made a statutory goof by not including the Report of the Planning Commission and maps in the Plan packet available to the public and, secondly, public comments at the first Hearing will result in some minor but technically substantive changes. Watch next month's Bulletin and the Valley News in January for Notice of the Hearing. It also will be posted on local information boards. To encourage participation, we remind voters that the Town Plan does not go to public vote like Zoning Bylaws; it will be approved and adopted by the Selectboard likely following the next Hearing.

We also just concluded a publicly noticed meeting held the past two weeks on the Town's compliance with Act 178, the Ancient Roads Bill passed in 2006. We and the public reviewed an overlay of the Town's parcel map which includes class 4 roads already on the Agency of Transportation (AOT) map and those we propose to add for an official, comprehensive depiction of all the Town's roads and legal trails. The deadline for submission of the map is February 10, 2010 and we expect to finalize our decisions around January 20. Our approach is, basically, when in doubt, add it and deal with questions later as it will be a lot easier to remove one after February 10 than to add one. As with all highway matters, the public is protected with the right to appeal to Superior Court. We will accept written comment up to January 10 or you may discuss any questions you have with Preston Bristow who is usually in the Town office Monday mornings in his capacity as Zoning Administrative Officer. We hired him back in September to ramrod the Act 178 compliance and we are grateful for the time and expertise he has brought to the task.

While fiddling around with hearings and meetings, we're also supposed to be finalizing the FY 11 budget which will appear for voter approval in the 2010 Town Report. We're still missing budget requests from some Town organizations/departments. Please get your proposed budget to us yesterday.

After a remarkably mild and sunny November, winter finally has arrived and the Road Crew seems, as always, capably on top of it. The VAST system of snowmobile trails opened December 15 and we remind residents that we again have given them permission to use certain Town highways: Chateauguay Rd. from the old dump turn south to the Bridgewater line, Smith Hill Rd., a portion of West Rd. near Morgan Corners and several unplowed class 4 roads. We hope motorists and snowmobilers will continue to share the roads with mutual courtesy.

Selectmen and other local hunters had limited success during deer season. November was warm restricting movement, and no snow made tracks of generally stationary deer even harder to find. Where's Tonto when you need him? Congratulations to Tim Johnson who got a nice 4 pt and , in fact, would have had a nice 6 pt during muzzle loader season if he'd remembered to stuff some powder and a ball down his barrel. Probably too busy thinking about Town business. I can't say much as I loaded mine a few years ago on top of a load already in it. Anyway, there's never a minute we spend out there that we regret and we already look forward to next year. Congratulations to all who not only got out there but also put meat in the freezer.

We wish everyone a joyous Christmas season and a New Year of good health and good friends. We'll leave the prosperity part to the President this year. We extend special thanks to all our public servants who variously contribute to make Barnard the kind of place we all like to live.

* * * * * * * * *

## NEW BULLETIN CONTACT INFORMATION

The Barnard Bulletin has a new e-mail address and a webpage. The email address is: info@barnardbulletin.info, and the web page is at : www.barnardbulletin.info.

BOOKKEEPING
Personalized Service / 40 Years Experience
*Enabling You To Make Informed Decisions About Your Business*

DATABASE SERVICES
Mailing Lists / Client Lists
Time & Billing Systems

**George Keller** (802)763-7472
Barnard, VT georgekeller@innevi.com

The Burlington Free Press

Covering the communities of Chittenden County

COMMUNITY

E-mail: community@bfp.burlingtonfreepress.com
Mail: Community news
Burlington Free Press
P.O. Box 10, Burlington Vt. 05401
Fax: 660-1802

• • • Wednesday, December 30, 2009 · Community Editor Clover Whitham 660-1849 or (800) 427-3124 · Page 2B

# Ancient roads deadline passes

## Towns' paths to be clarified by July 2015

By Joel Banner Baird
*Free Press Staff Writer*

Another New Year's resolution: Some Vermont towns will grant official status to heretofore overlooked goat paths, remote Jeep tracks and under-the-radar ski trails.

Others will step back and let overgrowth and property owners determine the fate of off-the-map byways.

The rush to grant (or deny) legal credentials to the state's ancient roads — once-vital thoroughfares with unheralded or neglected pedigree — passed yet another deadline Monday.

Towns that have not publicly notified the public that they intend to certify and include ancient roads into official highway maps (as Class 4 highways) will necessarily relegate those roads to private ownership or extended legal limbo.

By law, the ambiguity of who owns Vermont's oldest roads (or if they indeed still exist) must be resolved by July 1, 2015, said Jonathan Croft, the chief cartographer at the Agency of Transportation.

Croft should know. He's the point man for the state's ancient road mapping project since 2006, when the Legislature passed Act 178, a bill that aimed to balance the interests of open-trail advocates with the boundary-vigilant real estate industry.

Predictably, Croft said, responses from town authorities and residences have been "all across the board."



*Courtesy Vermont State Archives and Records Administration*

**C.R. Parker and C.H. Cookson of the Vermont Highway Planning Division scan an untraveled and unidentified road on Jan. 22, 1959. Towns face deadlines in granting official status to ancient roads.**

### Ancient roads online

- Updates and background — Vermont Agency of Transportation: http://bit.ly/VTransAncientRoads
- Quick tutorial on ancient roads from Vermont Agency of Transportation: http://bit.ly/AncientRoadTutorial
- ListServe hosted by University of Vermont, with archives: http://bit.ly/AncientRoadsVermont

### Ancient road history

- **1700s-present:** Towns establish road rights-of-way
- **1800s-1930s:** Less favored roads (often those no longer suitable for automobile traffic) disappear from highway maps. Many, but not all, revert to private ownership
- **2006:** Vermont Legislature passes Act 178, which requires towns to identify and certify the legality of their ancient roads — or lose ownership. The act provides grants (capped at $5,000 per town) for the task, but much of the work is undertaken by volunteers.
- **2010:** Towns must approve the additions of ancient roads to their maps by Feb. 10 (following a Dec. 28 deadline for warning a public hearing for approval).
- **2015:** July 1 deadline for selectboards to decide whether roads with lingering legal ambiguity ("unidentified corridors") will be included permanently in highway maps or awarded to adjoining landowners

### On board in Barnard

Leading the pack for road inclusion is the town of Barnard. On Jan. 20, its Selectboard will vote to legitimize as many as 43 roads. Selectboard member Tom Morris said volunteers began with a list of more than 70 candidates for inclusion.

"There are more roads than anyone would seem to need in this town, but they were needed at one point," he said. "It looks like we've gone and dug up a lot of new roads, but we're not."

Many of the ancient roads are still used, Morris said, and retaining town ownership is one way to preserve them for future use, recreational and otherwise.

"In Barnard, we've been willing to stand up. We have strong ideas about the public's rights of access," he said. "Our approach to ancient roads has been, 'When in doubt, submit it.' "

The Selectboard hired Preston Bristow, a Woodstock resident and Barnard's part-time zoning administrator, to research and certify the provenance of unpaved byways.

Record-keeping by a long succession of town surveyors and clerks simplified his historical sleuthing.

"Some towns are having a lot of trouble reclaiming roads because of sloppy documentation," Bristow said. "You'd read references to 'this old spruce stump' or 'that dead beech tree.' But they weren't sloppy at all in Barnard."

### Trails and laissez-faire

Blanks in Shelburne's official history — the result of at least one fire that consumed town records — will contribute to that town's probable "mass discontinuance" of unmapped roads Jan. 12, Town Planner Dean Pierce said.

On that day, the Selectboard will likely relinquish the town's claim to roads with tenuous or unverified public ownership, he said.

"The board's goal is to clarify boundaries and protect property owners," Pierce said.

Options for adding roads were explored by the town's paths committee — "They wanted to be sure the town wasn't turning its back on a public resource," Pierce said — but momentum didn't build.

Williston's ad-hoc Ancient Roads Committee identified eight ancient roads worthy of closer looks, Environmental Planner Jessica Andreoletti said.

An independent consultant determined that three of them were private (no action needed by Selectboard), and four had sufficient legal status as town-owned Class 4 roads (also no action needed).

The final candidate — a primitive trail at the end of Bradley Lane — only required the Selectboard to re-assert public ownership, without any change in mapping or legal status, Andreoletti said.

The goal, she said, was a brief "tidying-up" of ambiguities, a course the Selectboard followed Dec. 21 when it approved the committee's recommendations.

### To be continued

Unlike Shelburne, however, Williston won't issue a mass discontinuance in the New Year. Why?

Because by doing nothing, Andreoletti said, the town might preserve the option of converting ancient corridors into public recreation trails by mid-2015.

Other towns are likewise crafting legal strategies for as-yet-unclaimed ancient roads, Croft said.

The fates of those rights-of-way, termed "unidentified corridors" in Act 178, are subject to wide interpretation — and will likely persist until the Legislature spells out towns' options with greater specificity, he said.

Morris, for instance, speculates that an ancient highway that traverses two towns (yet is "legitimized" in only one) could provide hours of rich fodder for discussion at the Statehouse.

Towns slow to clarify the legal status of cherished ancient roads they once owned, Andreoletti said, might find themselves in the position of having to pay for them a second time.

*Contact Joel Banner Baird at 660-1843 or joelbaird@bfp.burlingtonfreepress.com. Read his blog at www.burlingtonfreepress.com/bairdseyeview and follow him on Twitter at @vtgoingup.*

Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selex Min 121609

**Selectmen's Minutes** **December 16, 2009**

Called to order 7pm.
Present: Johnson, Webster, Morse, B. Edmunds, R. Tracy

Convened continuation of 12/9/09 meeting on compliance with Act 178, Ancient Roads law. Attendance list and notes of meeting attached.

7:50 resumed regular Selectmen's Meeting.

Rob Tracy/Barnard Mountainviewers Snowmobile Club: Request use of same class 3 & 4 Town highways as in previous years: Smith Hill Rd., Chateauguay Rd. from dump turn south to Bridgewater line, West Rd. near Morgan Cors. Club to post signs indicating shared use and speed limit signs. Permission granted.

Reviewed copy of letter (attached) approved 12/9 to Superintendent Meg Gallagher, Woodstock Central Supervisory Union District, re Kyle Pickett.

Bod Edmunds/Cemetery Commission: Discussed use of dedicated fund for maintenance of cemeteries. Appears to be some question about status/disposition of fund. Independent Auditors will examine. Will propose Article for 2010 Warning to resolve use of dedicated fund.

Snow removal at Barnard Academy: Johnson reports that no one has been hired to do the snow blowing around the school for this winter. Morse to check with Road Foreman & Kurt Lessard.

Approved Town & Highway orders for payment, minutes of 12/09/09, reviewed mail.

Town Plan: Discussed comments offered by public at 12/2 Hearing. Made list of documents required and changes from comments to be made for second Public Hearing. Morse to discuss with TRORC Kevin Geiger and set date for second hearing.

Adjourned 9pm. Recorded by Morse.

Tim Johnson Rock Webster Tom Morse, Selectmen

cc: Rob Tracy, Barnard Mountainviewers Snowmobile Club
Preston Bristow, Act 178

**Town of Barnard**
**Minutes of Selectboard Meeting with regard to Ancient Roads**
**Wednesday, December 16, 2009**

**Selectboard members present:** Tom Morse, Rock Webster, Tim Johnson

**Others present:** Mike Baldwin, Lisa Baldwin, Noel Hellinger, Elizabeth Hellinger, Lawrence Clarke Jr., John Lancaster, Virginia Lancaster, Richard Lancaster, Victor Ward, Robert Edmunds, Preston Bristow, David Green, Margaret Edwards, Randal Vaughn

This meeting is a continuance of a meeting held on December 9, 2009 in accordance with the provisions of 19 V.S.A. § 305(d) and a Notice of Select Board Meeting dated November 18, 2009 for the purpose of taking public comment prior to the inclusion of certain class 4 town highways on the town highway map.

At 7:15 PM, Chairman Tom Morse re-opened the meeting which had been recessed last Wednesday, December 9, 2009. Tom reminded all that this is a meeting and not a formal hearing and the purpose of this meeting is to accept comments and answer questions. Tom asked for an introduction by Preston Bristow, Barnard's Administrative Officer, who has been hired by the town to coordinate the ancient road process.

Preston reviewed Barnard's process of mapping old roads beginning with the development of a town parcel map that was approved on 9-29-04 and the formation of the Class 4 Road Advisory Committee at Town Meeting in 2004. Of the 71 roads the Class 4 Road Advisory Committee inspected between 2004 and 2008, 10 were already on the town highway map, 10 were determined to be unneeded, and 8 were found to be all or partially discontinued, leaving 43 roads.

John Lancaster asked if the Selectboard can limit access or use of class 4 town roads. Tom replied that the Selectboard has the authority to open or close class 4 town roads to ATV or snowmobile use.

Mike Baldwin, speaking in regard to BRC-228 known as Old Hill or Old Stagecoach Road, asked if estopel came into play because sections of the road appeared unused. Preston said it didn't. Mike asked what criteria were used to determine that a road was unneeded. Preston said it was dead-end roads (not through roads) and minor or redundant links that didn't provide access to land-locked parcels. Tom added that some roads were important to prevent the land locking of certain properties. Mike asked if the same diligence was used to investigate road discontinuances as it was to investigate original road laying out documents. Preston said there hasn't been the same diligence.

It was pointed out that legal rights-of-way have in recent years been deeded to the Town in certain instances and the original route of the town road altered or discontinued through agreements with land owners. Those rights-of-way will be added to the town highway map as legal trails. The Selectboard is open to future alterations of the town roads being added to the town highway map upon request by landowners.

Preston explained that the ideal documentation that Vermont Agency of Transportation (AOT) seeks before adding an ancient road to the town highway map is an original recorded document laying out the road. Other documentation may be accepted but is more liable to challenge. Preston reported that original laying out documents have been found for two-thirds of the 43 roads now under consideration. He and road expert John Dutton are seeking the remaining one-third. Once a road is certified by the Selectboard to be added to the town highway map, it may be return by AOT as lacking sufficient documentation. If it is accepted by AOT, the only appeal open to the landowner is through Superior Court.

John Lancaster asked what uses a landowner could make of roads that crossed their property. Tom referenced Title 19 and said the landowner owned the land under the road and could harvest timber in the roadway and use the right-of-way for farming.

Virginia Lancaster stated that BRC-214 known as Fish Hill Road dead-ended on her property and does not go over Fish Hill. She also stated that Lime Pond Road has been moved so that Fish Hill Road no longer connects with Lime Pond Road.

Victor "Teddy" Ward urged the Selectboard to keep BRC-131/132 known as Kidder or Slack Road despite the fact that about one-half mile of the road (then known as TH-10) was discontinued in 1994.

Lawrence "Mike" Clarke asked about the discontinuance of 0.1 mile of TH-69 in 1994, which was at the time thought to be a dead-end stub, but which is now part of BRC-128 known as Judson Morse Road. Preston replied that the Selectboard hopes to overturn that discontinuance because BRC-128 is a through road that crosses town lines and connects to another road in Stockbridge.

Randal Vaughn asked when the final vote would be taken by the Selectboard. Tom replied that the Selectboard will accept written comments until January 10, 2010 and that the vote to add roads to the town highway map would likely be taken on the regularly scheduled Selectboard meeting of Wednesday, January 20, 2010. A revised map and further information would be available then. The meeting was closed at 7:50 PM.

Recorded by Preston Bristow for the Selectboard

12/16/09 CONTINUATION OF ROADS MTG.

MIKE BALDWIN
Lisa Baldwin
Noel Hellinger
Elizabeth Hellinger
LAWRENCE CLARKE, JR
John & Virginia Lancaster
RICHARD LANCASTER
TED KNAPP
Robert Edwards
P. BRISTOW
T. MORSE
R WEBSTER
T. JOHNSON
D. Green
M. Edwards
R. Vaughn

Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selex Min 120909

**Selectmen's Minutes** **December 9, 2009**

Regular Selectmen's meeting called to order 8pm.
Present: Johnson, Webster, Morse, T. Ward

Separate meeting called to order 7:15pm to take public comment on Town's compliance with Act 178, Ancient Roads Law. Written and oral comment taken re class 4 roads and trails to be included on official AOT highway map. Attendance and summary of comments attached and turned over to Preston Bristow for review.

Authorized Morse's signature earlier in week on Independent Audit Engagement Letters for FY08 & FY09 with Pace & Hawley. Filed with Treasurer.

Reviewed and signed letter (attached) to Meadowsend Timberlands re recent correspondence, class 4 roads policy, TH46, TH48. Filed TH48 Highway file.

Authorized temporary repair of compactor box and installation of new box-compactor guide (see attached).

Approved Town & Highway orders for payment, minutes of 12/02/09, reviewed mail.

Discussed recent vandalism and vehicle thefts allegedly by Kyle Pickett. Vote to request WUHS Board of Directors no longer allow him to be tutored at Danforth Library. Authorize Morse to draft and sign letter for Board.

Adjourned 9pm. Recorded by Morse.

Tim Johnson Rock Webster Tom Morse, Selectmen

**Town of Barnard**
**Minutes of Selectboard Meeting with regard to Ancient Roads**
**Wednesday, December 9, 2009**

**Selectboard members present:** Tom Morse, Rock Webster, Tim Johnson

**Others present:** Glenn Dunning, Donna Foster, Aaron Hurst, Kim Royar, Noel Hellinger, Elizabeth Hellinger, Mike Baldwin, Lisa Baldwin, Stephen Webster, Tom Gubbins, Kim Vollers, Peter Vollers, Neil Lamson, Randal Vaughn, Lawrence Clarke, Scott Miller, Margaret Edwards, David Green, Sophia Stone, Craig Hadden, Richard Lancaster, John Lancaster, Victor Ward

This meeting was held in accordance with the provisions of 19 V.S.A. § 305(d) and a Notice of Select Board Meeting dated November 18, 2009 for the purpose of taking public comment prior to the inclusion of certain class 4 town highways known as ancient roads on the town highway map.

Chairman Tom Morse opened the meeting with an introduction at 7:15 PM. Preston Bristow and John Dutton, whom the Town has hired to research and coordinate Barnard's ancient road additions, were not present. This is a meeting and not a formal hearing and will be recessed due to today's snowstorm. The purpose of this meeting is to accept comments. Tom then turned the meeting over to Rock Webster to serve as acting chairman. Comments heard included:

- Craig Hadden spoke regarding BRC-210 which runs adjacent to his property. He claims this road was discontinued and provided a reference to a Report of Discontinuance of Highway dated 6-12-58 and recorded at Book 32, Page 447 that he said included this road. He also noted that the 1980 town highway map shows that it was discontinued. He asks that it be removed from consideration.
- Peter Vollers, attorney for Steve Dodge, spoke regarding BRC-212 and BRC-213. These roads stop at the Pomfret Town Line and Pomfret does not recognize them. Peter questions what value keeping these roads has to the Town of Barnard.
- Mike Baldwin spoke regarding BRC-228. Mike claims the road is unused and asked what criteria the town used to decide which road to keep, what documentation the state needs to accept a road, and if that documentation will be available to the public.
- Lawrence "Mike" Clarke noted that a portion of BRC-127 on his land was previously discontinued.
- Victor "Teddy" Ward stated that Class 4 Roads are public and should not be thrown up and should be kept for all townspeople. Landowners need to understand that these are public rights for public access.

Discussion ensued on whether there was a plan for use of these roads (not at present, to be decided in the future), how the Selectboard will decide which roads to send to the State and which to drop (case by case dependent on the documentation), when the map will be updated (in January), when the documentation for the roads will be complete and available for review (in January), what obligations the town has to maintain these roads (just bridges and culverts), whether the underlying owner of these roads can harvest the trees in the right-of-way (yes), and if the existence and maintenance of these roads will affect the landowner's current use enrollment (shouldn't).

This meeting with regard to ancient roads was recessed until next Wednesday, December 16, 2009 at the Barnard Town Hall at 7:00 PM.

Recorded by R. Lancaster for the Selectboard

12/9/09 ROADS MTG.

| NAME: | TELS |
|---|---|
| Colenn Dunning | 276 3302 |
| Donna Foster | 457-2369 |
| Aaron Hurst | ~~885-8888~~ |
| Kim Royar | 885-8831 |
| Noel Hellinger | 234-9449 |
| Elizabeth Hellinger | 234-9449 |
| MIKE BALDWIN | 234-9551 |
| Lisa Baldwin | 234-9551 |
| Stephen Webster | 728-3361 |
| Tom Gubbins [Gubbins] | 457-5834 |
| Kim Vollers | 457-2420 |
| Peter Vollers | 457-2420 |
| Neil Lamson | ~~[illegible]~~ 763-2070 |
| RANDAL VAUGHN | 234-5888 |
| Lawrence Clarke | 234 9136 |
| Scott Miller [Miller] | 234-6977 |
| Margaret Edwards | 234-9759 |
| DAVID GREEN | 234-9759 |
| Sophia Stone | 234-6865 |
| R. LANCASTER | |
| I. LANCASTER | |
| MORSE | |
| WEBSTER | |
| T. JOHNSON | |
| T. WARD | |

Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selex Min 111809

**Selectnen's Minutes** **November 18, 2009**

Called to order 7pm.
Present: Johnson, Webster, Morse, P. Bristow, L. Webster

Lance Webster/Road Foreman:
1. Discussed condition of Lakota Rd. Will repair eroded portions of road as conditions allow before winter.

Signed off on FEMA Old Rt 12 Project (attached with cc to Highway Old Rt 12 file).

Rec'd resignation notice from 2nd Constable Teo Zagar (attached).

Independent Audit 08/09:
1. Morse reports on meeting with Treas. Rainey & Auditor Nathan Hawley for finalization of 08 audit.
2. Data for 09 audit prepared by Treasurer with copies to independent auditors, local auditors & Selectmen.
3. Vote to authorize Morse & Treas. Rainey to sign off on 08 Audit following delivery of responses to auditor's recommendations.

Approved Town & Highway orders for payment, minutes of 11/11/09, reviewed mail.

Preston Bristow/Act 178:
1. Discussed procedures for compliance with Act 178, inclusion of Town's class 4 roads onto AOT highway map, public notification.
2. Approved & signed Resolution & Public Notice regarding above (attached).

Adjourned 8:30pm. Recorded by Morse.

Tim Johnson Rock Webster Tom Morse, Selectmen

cc: Treasurer
P. Bristow

State of Vermont
Windsor County, SS
Town of Barnard

NOTICE OF SELECT BOARD MEETING

In accordance with the provisions of 19 V.S.A. § 305(d) the Select Board of the Town of Barnard, Vermont, hereby gives notice that it will meet at the Barnard Town Hall on Wednesday, December 9, 2009 at 7:00 p.m. for the purpose of taking public comment prior to the inclusion of the following class 4 town highways on the town highway map and the sworn statement of the description and measurement of all class 1,2,3 and 4 town highways in existence in the Town of Barnard, said sworn statement to be filed with the Barnard Town Clerk and the Vermont Agency of Transportation on or before February 10, 2010 in accordance with 19 V.S.A. § 305(b):

The following class 4 town highways are identified through a numbering system developed by the Barnard Class 4 Roads Advisory Committee (hereinafter abbreviated "BRC") and depicted on a map posted with this Notice at the office of the Barnard Town Clerk.

BRC-101 extends from TH-73 northeasterly to Gulf Road.
BRC-102 extends from TH-60 southerly to Lakota Road.
BRC-103 extends from Lakota Road southerly to the Bridgewater Town Line.
BRC-104 extends from Lakota Road westerly to BRC-105.
BRC-105 extends from Morgan Road southerly to the Bridgewater Town Line.
BRC-107 extends from Barlow Road northeasterly to Bennett Road.
BRC-108 extends from West Road southwesterly to Chateauguay Road.
BRC-111 extends from TH-48 westerly to BRC-112.
BRC-112 extends across the southwest corner of Barnard from Stockbridge to Stockbridge.
BRC-115 extends from BRC-112 northerly to BRC-118.
BRC-118 extends from the Stockbridge Town Line easterly to Smith Hill Road.
BRC-119 extends from TH-45 southerly to BRC-111.
BRC-120 extends from BRC-118 southeasterly to BRC-119.
BRC-122 extends from TH-43 westerly to BRC-120.
BRC-123 extends from TH-44 southwesterly to TH-43.
BRC-126 extends from Mt. Hunger Road southerly to Smith Hill Road.
BRC-127 extends from Mt. Hunger Road southerly to BRC-128.
BRC-128 extends from Smith Hill Road northwesterly to the Stockbridge Town Line.
BRC-129 extends from BRC-128 southwesterly to the Stockbridge Town Line.
BRC-130 extends from Cowdrey Outlook Road southwesterly to BRC-128.
BRC-133 extends from Masterson Road southwesterly to Old Mt. Hunger Road.
BRC-136 extends from BRC-108 southeasterly to BRC-107.
BRC-137 extends from TH-49 southerly to Chateauguay Road.
BRC-204 extends from North Perry Road northerly to BRC-207.
BRC-207 extends from VT Route 12 easterly to North Perry Road.
BRC-208 extends from BRC-207 southeasterly to Eastman Road.
BRC-210 extends from North Road westerly to TH-54.
BRC-212 extends from Lime Pond Road easterly to the Pomfret Town Line.

BRC-213 extends from Lime Pond Road easterly to the Pomfret Town Line.
BRC-214 extends from Lime Pond Road northerly to Sayer Road.
BRC-215 extends from Sayer Road easterly to BRC-217.
BRC-217 extends from Ashley Road northerly to Walker Hill Road.
BRC-218 extends from Walker Hill Road easterly to the Pomfret Town Line.
BRC-219 extends from TH-32 easterly to Walker Hill Road.
BRC-223 extends from Ellis Farm Road northwesterly to the Royalton Town Line.
BRC-224 extends from Levasseur Road northwesterly to BRC-225.
BRC-225 extends from TH-17 northeasterly to the Royalton Town Line.
BRC-227 extends from Levasseur Road northwesterly to BRC-225.
BRC-228 extends from Royalton Turnpike westerly to Old Hill Road.
BRC-229 extends from Bowman Road northerly to BRC-228.
BRC-230 extends from Blackmer Road easterly to North Road.
BRC-232 extends from North Road westerly approximately 0.4 miles.
BRC-233 extends from Gills Road westerly to Rhoades Hill Road.

Pursuant to 19 V.S.A. § 305(d), notice of this meeting and opportunity to be heard is being provided to the persons owning land through which the above-described calls 4 town highways pass or abut. Notice is also being given to: Chair of the Barnard Planning Commission, Chair of the Barnard Conservation Commission, Executive Director of the Two Rivers Ottauquechee Regional Planning Commission, and the Commissioner of the Vermont Department of Forests, Parks and Recreation.

A copy of this notice will be posted at the office of the Barnard Town Clerk and published in the Valley News newspaper.

Dated this 18th day of November, 2009.

BARNARD SELECT BOARD

Tom Morse, Chair

Tim Johnson

Rock Webster

Town of Barnard, Vermont

*Chartered July 17, 1761*

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

November 18, 2009

Dear Barnard Landowner,

If you are receiving this letter and enclosed Notice, it is because you own land adjacent to one or more of 43 "ancient roads" that our Town is seeking to add to the Town Highway Map maintained by the Vermont Agency of Transportation. In the late 1700's and 1800's, settlers established homesteads throughout Barnard and a network of roads was laid out to serve those homesteads. When the settlers moved west, many of these roads fell into disuse but were not legally discontinued.

Our Town has spent countless hours over eight years researching and locating these old roads. In April of 2004, following a public process, the Select Board adopted a parcel map which depicts 41 of these 43 roads. A "Class 4 Roads Advisory Committee" consisting of 14 town residents further documented and researched these and other roads and as a result of their work two more roads were added to make the list a total of 43 roads.

In 2006 the Vermont Legislature adopted Act 178 otherwise known as the "Ancient Roads" law. This change requires that all roads that the Town seeks to retain as public roads must be added to the Town Highway Map maintained by the Vermont Agency of Transportation. In the process of adding these 43 roads to the Town Highway Map the owners of land that abut these roads are being contacted and given an opportunity to comment. That is the purpose of this letter and enclosed Notice.

Unfortunately, a map large enough to depict these 43 roads would be too costly to include with this letter. A map showing these roads is on display in the Town Clerk's office (open M-W, 8 AM-3:30 PM) and on the exterior bulletin board to the right of the entrance to the Town Clerk's office. The map can also be viewed at the public meeting which is scheduled for Wednesday, December 9, 2009 at 7:00 PM at the Barnard Town Hall.

The owners of land adjacent to the two roads not depicted on the Town parcel map are being contacted separately. **If you are receiving this letter, the road that abuts your property is the same as shown on the Town parcel map and has been recognized by the Town of Barnard as a class 4 road since April of 2004.**

We thank you for your patience with this process.

Rock Webster, Tim Johnson and Tom Morse (Chair), Barnard Select Board

State of Vermont
Windsor County, SS
Town of Barnard

NOTICE OF SELECT BOARD MEETING

In accordance with the provisions of 19 V.S.A. § 305(d) the Select Board of the Town of Barnard, Vermont, hereby gives notice that it will meet at the Barnard Town Hall on Wednesday, December 9, 2009 at 7:00 p.m. for the purpose of taking public comment prior to the inclusion of the following class 4 town highways on the town highway map and the sworn statement of the description and measurement of all class 1,2,3 and 4 town highways in existence in the Town of Barnard, said sworn statement to be filed with the Barnard Town Clerk and the Vermont Agency of Transportation on or before February 10, 2010 in accordance with 19 V.S.A. § 305(b):

The following class 4 town highways are identified through a numbering system developed by the Barnard Class 4 Roads Advisory Committee (hereinafter abbreviated "BRC") and depicted on a map posted with this Notice at the office of the Barnard Town Clerk.

BRC-101 extends from TH-73 northeasterly to Gulf Road.
BRC-102 extends from TH-60 southerly to Lakota Road.
BRC-103 extends from Lakota Road southerly to the Bridgewater Town Line.
BRC-104 extends from Lakota Road westerly to BRC-105.
BRC-105 extends from Morgan Road southerly to the Bridgewater Town Line.
BRC-107 extends from Barlow Road northeasterly to Bennett Road.
BRC-108 extends from West Road southwesterly to Chateauguay Road.
BRC-111 extends from TH-48 westerly to BRC-112.
BRC-112 extends across the southwest corner of Barnard from Stockbridge to Stockbridge.
BRC-115 extends from BRC-112 northerly to BRC-118.
BRC-118 extends from the Stockbridge Town Line easterly to Smith Hill Road.
BRC-119 extends from TH-45 southerly to BRC-111.
BRC-120 extends from BRC-118 southeasterly to BRC-119.
BRC-122 extends from TH-43 westerly to BRC-120.
BRC-123 extends from TH-44 southwesterly to TH-43.
BRC-126 extends from Mt. Hunger Road southerly to Smith Hill Road.
BRC-127 extends from Mt. Hunger Road southerly to BRC-128.
BRC-128 extends from Smith Hill Road northwesterly to the Stockbridge Town Line.
BRC-129 extends from BRC-128 southwesterly to the Stockbridge Town Line.
BRC-130 extends from Cowdrey Outlook Road southwesterly to BRC-128.
BRC-133 extends from Masterson Road southwesterly to Old Mt. Hunger Road.
BRC-136 extends from BRC-108 southeasterly to BRC-107.
BRC-137 extends from TH-49 southerly to Chateauguay Road.
BRC-204 extends from North Perry Road northerly to BRC-207.
BRC-207 extends from VT Route 12 easterly to North Perry Road.
BRC-208 extends from BRC-207 southeasterly to Eastman Road.
BRC-210 extends from North Road westerly to TH-54.
BRC-212 extends from Lime Pond Road easterly to the Pomfret Town Line.
BRC-213 extends from Lime Pond Road easterly to the Pomfret Town Line.
BRC-214 extends from Lime Pond Road northerly to Sayer Road.
BRC-215 extends from Sayer Road easterly to BRC-217.
BRC-217 extends from Ashley Road northerly to Walker Hill Road.
BRC-218 extends from Walker Hill Road easterly to the Pomfret Town Line.
BRC-219 extends from TH-32 easterly to Walker Hill Road.
BRC-223 extends from Ellis Farm Road northwesterly to the Royalton Town Line.
BRC-224 extends from Levasseur Road northwesterly to BRC-225.
BRC-225 extends from TH-17 northeasterly to the Royalton Town Line.
BRC-227 extends from Levasseur Road northwesterly to BRC-225.
BRC-228 extends from Royalton Turnpike westerly to Old Hill Road.
BRC-229 extends from Bowman Road northerly to BRC-228.
BRC-230 extends from Blackmer Road easterly to North Road.
BRC-232 extends from North Road westerly approximately 0.4 miles.
BRC-233 extends from Gills Road westerly to Rhoades Hill Road.

Pursuant to 19 V.S.A. § 305(d), notice of this meeting and opportunity to be heard is being provided to the persons owning land through which the above-described calls 4 town highways pass or abut. Notice is also being given to: Chair of the Barnard Planning Commission, Chair of the Barnard Conservation Commission, Executive Director of the Two Rivers Ottauquechee Regional Planning Commission, and the Commissioner of the Vermont Department of Forests, Parks and Recreation.

Acopy of this notice will be posted at the office of the Barnard Town Clerk and published in the Valley News newspaper.

Dated this 18th day of November, 2009.

BARNARD SELECT BOARD
Tom Morse, Chair
Tim Johnson
Rock Webster


1000 LEGALS
1000 LEGALS
1000 LEGALS

State of Vermont
Windsor County, SS
Town of Barnard

NOTICE OF SELECT BOARD MEETING

In accordance with the provisions of 19 V.S.A. § 305(d) the Select Board of the Town of Barnard, Vermont, hereby gives notice that it will meet at the Barnard Town Hall on Wednesday, December 9, 2009 at 7:00 p.m. for the purpose of taking public comment prior to the inclusion of the following class 4 town highways on the town highway map and the sworn statement of the description and measurement of all class 1,2,3 and 4 town highways in existence in the Town of Barnard, said sworn statement to be filed with the Barnard Town Clerk and the Vermont Agency of Transportation on or before February 10, 2010 in accordance with 19 V.S.A. § 305(b):

The following class 4 town highways are identified through a numbering system developed by the Barnard Class 4 Roads Advisory Committee (hereinafter abbreviated "BRC") and depicted on a map posted with this Notice at the office of the Barnard Town Clerk.

BRC-101 extends from TH-73 northeasterly to Gulf Road.
BRC-102 extends from TH-60 southerly to Lakota Road.
BRC-103 extends from Lakota Road southerly to the Bridgewater Town Line.
BRC-104 extends from Lakota Road westerly to BRC-105.
BRC-105 extends from Morgan Road southerly to the Bridgewater Town Line.
BRC-107 extends from Barlow Road northeasterly to Bennett Road.
BRC-108 extends from West Road southwesterly to Chateauguay Road.
BRC-111 extends from TH-48 westerly to BRC-112.
BRC-112 extends across the southwest corner of Barnard from Stockbridge to Stockbridge.
BRC-115 extends from BRC-112 northerly to BRC-118.
BRC-118 extends from the Stockbridge Town Line easterly to Smith Hill Road.
BRC-119 extends from TH-45 southerly to BRC-111.
BRC-120 extends from BRC-118 southeasterly to BRC-119.
BRC-122 extends from TH-43 westerly to BRC-120.
BRC-123 extends from TH-44 southwesterly to TH-43.
BRC-126 extends from Mt. Hunger Road southerly to Smith Hill Road.
BRC-127 extends from Mt. Hunger Road southerly to BRC-128.
BRC-128 extends from Smith Hill Road northwesterly to the Stockbridge Town Line.
BRC-129 extends from BRC-128 southwesterly to the Stockbridge Town Line.
BRC-130 extends from Cowdrey Outlook Road southwesterly to BRC-128.
BRC-133 extends from Masterson Road southwesterly to Old Mt. Hunger Road.
BRC-136 extends from BRC-108 southeasterly to BRC-107.
BRC-137 extends from TH-49 southerly to Chateauguay Road.
BRC-204 extends from North Perry Road northerly to BRC-207.
BRC-207 extends from VT Route 12 easterly to North Perry Road.
BRC-208 extends from BRC-207 southeasterly to Eastman Road.
BRC-210 extends from North Road westerly to TH-54.
BRC-212 extends from Lime Pond Road easterly to the Pomfret Town Line.
BRC-213 extends from Lime Pond Road easterly to the Pomfret Town Line.
BRC-214 extends from Lime Pond Road northerly to Sayer Road.
BRC-215 extends from Sayer Road easterly to BRC-217.
BRC-217 extends from Ashley Road northerly to Walker Hill Road.
BRC-218 extends from Walker Hill Road easterly to the Pomfret Town Line.
BRC-219 extends from TH-32 easterly to Walker Hill Road.
BRC-223 extends from Ellis Farm Road northwesterly to the Royalton Town Line.
BRC-224 extends from Levasseur Road northwesterly to BRC-225.
BRC-225 extends from TH-17 northeasterly to the Royalton Town Line.
BRC-227 extends from Levasseur Road northwesterly to BRC-225.
BRC-228 extends from Royalton Turnpike westerly to Old Hill Road.
BRC-229 extends from Bowman Road northerly to BRC-228.
BRC-230 extends from Blackmer Road easterly to North Road.
BRC-232 extends from North Road westerly approximately 0.4 miles.
BRC-233 extends from Gills Road westerly to Rhoades Hill Road.

Pursuant to 19 V.S.A. § 305(d), notice of this meeting and opportunity to be heard is being provided to the persons owning land through which the above-described calls 4 town highways pass or abut. Notice is also being given to: Chair of the Barnard Planning Commission, Chair of the Barnard Conservation Commission, Executive Director of the Two Rivers Ottauquechee Regional Planning Commission, and the Commissioner of the Vermont Department of Forests, Parks and Recreation.

A copy of this notice will be posted at the office of the Barnard Town Clerk and published in the Valley News newspaper.

Dated this 18th day of November, 2009.

BARNARD SELECT BOARD

Tom Morse, Chair

Tim Johnson

Rock Webster

POSTER - REDUCED FROM 11X17 ORIGINAL

**A map showing these roads is on display in the Town Clerk's office and on the exterior bulletin board to the right of the entrance to the Town Clerk's office.**

State of Vermont
Windsor County, SS
Town of Barnard

## CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of November, 2009, the Notice of Select Board Meeting dated November 18, 2009 (for the purpose of taking public comment prior to the inclusion of certain class 4 town highways on the town highway map) was sent by first class mail, postage prepaid, to the following owners of properties adjoining the following roads numbered using the system developed by the Barnard Class 4 Roads Advisory Committee (hereinafter abbreviated "BRC"):

BRC-101:
James & Shelley Vanderwende, 1082 Lakota Road, Woodstock, VT 05091
Mathew & Janet Wilson, 50 Beach Road, Apt. 203, Tequesta, FL 33469
James Emmons, Emmons Real Property Trust, 207 Paul Ave., Syracuse, NY 13206
Jason Twigg-Smith, PO Box 34, Barnard, VT 05031

BRC-102:
Bonnie O'Brien, c/o Dr. Charles Post, PO Box 157 SHS, Duxbury, MA 02331
Howard & Darcy Fuguet, 134 Coolidge Hill, Cambridge, MA 02138
William Twigg-Smith II, c/o Bessimer Trust, 601 S. Figueroa St., Suite 4450, Los Angeles, CA 90017

BRC-103:
Herman Nichols & Anita Staeheli, 955 Washington St., Bath, ME 04503
Virginia Dean & Gareth DeBourguignon, 1700 Lakota Road, Woodstock, VT 05091
Teresa & Richard Pete, TRP LTD, 730 Whalley Road, Charlotte, VT 05445

BRC-104:
The Lakota Club, c/o Corwin Sharp, 11 Cross St., Woodstock, VT 05091

BRC-105:
Jay & Therese Closterman, PO Box 791, Woodstock, VT 05091
Thurston & Andrea Twigg-Smith, PO Box 65, Barnard, VT 05031
Darlene Hazelton, PO Box 55, No. Bennington, VT 05257
David & Marie Scudder, 248 Argilla Rd., Ipswich, MA 01938
Deborah Goodman, 77 South Street, Woodstock, VT 05091
Richard Keating, PO Box 36, Bridgewater, VT 05034
Thomas & Florence Murray, PO Box 1158, Barnard, VT 05031
Aime Barrs, 10917 Big Canoe, Big Canoe, GA 30143-5138
Frank Denauw, 44 Gellette Road, Fairhaven, MA 02719
Stephen Seigler, 199 Sunset Dr., Charlton, MA 01507
Paul & Marianne Pezwick, Hauck VT Family Trust, 32 Strawbridge Lane, Norton, MA 02766
Barnard Town Cemetery, P.O. Box 274, Barnard, VT 05031
Peter & Kimann Vollers, 10 High Street, Woodstock, VT 05091
Paul & Frank & Vera Dickinson, Chateauguay Road, Bethel, VT 05032
Yankee Forest, LLC, PO Box 160, Lyme, NH 03768
Elinor Henden Trust, 45 High Street, No. Billerica, MA 01862
Regina Sullivan, 140 Theodore Parker Rd., West Roxbury, MA 02132
Paul Stifflemire, 395 College Manor Court, Arnold, MA 21012
Alice Rydjeski, PO Box 113, Barnard, VT 05031
James & Pattie & Tyler Webster, 7907 Route 12, Bethel, VT 05032

The Lakota Club, c/o Corwin Sharp, 11 Cross St., Woodstock, VT 05091

BRC-107:
Mary Charland Living Trust, 3503 NW 82nd Drive, Coral Springs, FL 33065
Joseph Tokarski, 2411 Chateauguay Road, Bethel, VT 05032
Mary Charland Living Trust, DUP
Lawrence Shelton, PO Box 281, Barnard, VT 05031
Diana Tuppeny, 51 Laurel Lane, Simsbury, CT 06070
Juan & Gloria Florin, PO Box 87, Woodstock, VT 05091
Diana Tuppeny, 51 Laurel Lane, Simsbury, CT 06070

BRC-108:
John & Ruth Genco Living Trust, 151 Bates Hill Rd., Derby, VT 05829
Daniel & Marcia Donahue, 14 Diane Lane, Saugus, MA 01906
Byron Kelly, Jr., PO Box 603, Woodstock, VT 05091
David & Sheila Rothman, 115 Central Park West, Apt. 17K, New York, NY 10023-4153
Gary Hull, 1585 Chateauguay Road, Bethel, VT 05032
Dean Edmunds, PO Box 278, Barnard, VT 05031
Arthur & Patricia Audsley, 2585 Chateauguay Road, Bethel, VT 05032

BRC-111:
Meadowsend Timberland, Ltd., PO Box 966, New London, NH 03257
VT Fish & Wildlife, 103 South Main Street, Waterbury, VT 05671

BRC-112:
VT Fish & Wildlife, 103 South Main Street, Waterbury, VT 05671

BRC-115:
VT Fish & Wildlife, 103 South Main Street, Waterbury, VT 05671

BRC-118:
VT Fish & Wildlife, 103 South Main Street, Waterbury, VT 05671
Yankee Forest, LLC, Box 160, Lyme, NH 03768

BRC-119:
Richard & Daniel & Julie Winterbottom, c/o John Winterbottom, 900 Hollinshead Spring Rd., Ap. 1205, Skillman, NJ 08558
VT Fish & Wildlife, 103 South Main Street, Waterbury, VT 05671
Meadowsend Timberland, Ltd., PO Box 966, New London, NH 03257
Yankee Forest, LLC, Box 160, Lyme, NH 03768
Town of Barnard, Huntoon Lot, P.O. Box 274, Barnard, VT 05031

BRC-120:
Yankee Forest, LLC, Box 160, Lyme, NH 03768
Meadowsend Timberland, Ltd., PO Box 966, New London, NH 03257

BRC-122:
Yankee Forest, LLC, Box 160, Lyme, NH 03768
VT Fish & Wildlife, 103 South Main Street, Waterbury, VT 05671
Joseph Tokarski, 2411 Chateauguay Road, Bethel, VT 05032

BRC-123:
Kurt Tickell, 2 Milo Dr., Branford, CT 06405
Robert & Roland Jackson, 81 Burlingame Road, Charlton, MA 01507
Joseph Tokarski, 2411 Chateauguay Road, Bethel, VT 05032

BRC-126:
VT Fish & Wildlife, 103 South Main Street, Waterbury, VT 05671
Robert & Marjorie Edmunds, PO Box 1139, Barnard, VT 05031

BRC-127:
Lawrence Clarke, Jr., PO Box 1141, Barnard, VT 05031
Yankee Forest, LLC, Box 160, Lyme, NH 03768

BRC-128:
Richard & Daniel & Julie Winterbottom, c/o John Winterbottom, 900 Hollinshead Spring Rd., Ap. 1205, Skillman, NJ 08558
Francis & Michael Hoover, 74 Union St., Windsor, VT 05089
Yankee Forest, LLC, Box 160, Lyme, NH 03768
Lawrence Clarke, Jr., PO Box 1141, Barnard, VT 05031
L.W. Webster, Inc., PO Box 267, Randolph, VT 05060
Frank & Lois Lambert, PO Box 236, Gaysville, VT 05746
A. Johnson Company, 995 South 116 RD, Bristol, VT 05443

BRC-129:
Frank & Lois Lambert, PO Box 236, Gaysville, VT 05746
A. Johnson Company, 995 South 116 RD, Bristol, VT 05443
L.W. Webster, Inc., PO Box 267, Randolph, VT 05060

BRC-130:
George & Cynthia Price, 196 Cowdrey Outlook, Bethel, VT 05032
Robert Deeley & Edith Crocker, PO Box 98, Barnard, VT 05032
Frank & Lois Lambert, PO Box 236, Gaysville, VT 05746

BRC-133:
Bruce, Leigh & David Dunning, Glen & Larry Dunning, 1300 Kibbee Rd., Brookfield, VT 05036
Bruce Dunning, 213 Creek View Path, Kirkville, NY 13082
Keith & Karia Fernandez, 12 Driftwood Landing Rd., Gulf Stream, FL 33483
Stanley & Pamela Butler, PO Box 897, Barnard, VT 05031
John & Kim Calabrese, PO Box 43, Carversville, PA 18913

BRC-136:
Dean Edmunds, PO Box 278, Barnard, VT 05031
Lawrence Shelton, PO Box 281, Barnard, VT 05031

BRC-137:
Town of Barnard, Dump Lot, P.O. Box 274, Barnard, VT 05031
Herschel Elliott Living Trust, PO Box 175, Barnard, VT 05031
William Sayward, c/o Cardillo, 16 Maplecrest Dr., Bedford, NH 03110-6314

BRC-204:
Celina Barton & Eliza Moore, 134 Goodrich Four Corners Road, Norwich, VT 05055
Eliza Kellogg Klose, 2930 Chain Bridge Rd., NW, Washington, DC 20016

Randal & Eileen Vaughn, PO Box 1156, Barnard, VT 05031
No Ties, LLC, PO Box 273, Barnard, VT 05031

BRC-207:
Priscilla Britton, Leonard & John Britton, PO Box 843, Barnard, VT 05031
Cazimir Rozonewski & Jean Ashley, PO Box 656, Woodstock, VT 05091
Twin Farms, LLC, PO Box 115, Barnard, VT 05031
No Ties, LLC, PO Box 273, Barnard, VT 05031
Howard & Darcy Fuguet, 134 Coolidge Hill, Cambridge, MA 02138
Kate & Scott Miller, PO Box 52, Barnard, VT 05031
Eben Farinas & Linda Treash, PO Box 848, Barnard, VT 05031
Mrs. Thomas Cosgrove Estate, Christine Cosgrove, Administrator, 152 East 66th St., New York, NY 10021
Mary & Judith Maxham, PO Box 517, Woodstock, VT 05091
Sophia Stone, PO Box 1102, Barnard, VT 05031
Margaret Edwards & David Green, PO Box 268, Barnard, VT 05031

BRC-208:
Sophia Stone, PO Box 1102, Barnard, VT 05031
Margaret Edwards & David Green, PO Box 268, Barnard, VT 05031
Road 56 Co, c/o Mary Wales Blanton, PO Box 55, Barnard, VT 05031
Gray Camp, PO Box 51, Taftsville, VT 05073

BRC-210:
Craig & Joan Hadden, PO Box 82, Barnard, VT 05031
Vermont State Parks, 103 South Main St., Waterbury, VT 05671
Gilson, LLC, c/o Willemien Dingemans Miller, Esq., 421 Summer St., St. Johnsbury, VT 05819
Mary Parker & Marg Aronson, Trustees, 1010 Waltman St. #6, Lexington, MA 02421

BRC-212:
Virginia Lancaster, PO Box 2, Woodstock, VT 05091
Joshua & David Melrod, Tara Wray, PO Box 415, Norwich, VT 05055
Vita & Daniel Lovett, 1746 Huges Loop Rd., Maryville, TN 37803
CH Brettell, Jr., c/o Mrs. D. Brettell, 1496 Route 44, Brownsville, VT 05037

BRC-213:
Debra Paul, 806 Robert Young Rd., Starksboro, VT 05487
Steven Cota, PO Box 202, Barnard, VT 05031
Steven Dodge, 1710 Wild Apple Rd., So. Pomfret, VT 05067

BRC-214:
Virginia Lancaster, PO Box 2, Woodstock, VT 05091
Twin Farms, LLC, PO Box 115, Barnard, VT 05031
Allen Glick, PO Box 8, Barnard, VT 05031

BRC-215:
John Whitehead, PO Box 282, Barnard, VT 05031
Andrew & Margaret Ferrara, 34.5 Beacon St., 5N, Boston, MA 02108
Allen Glick, PO Box 8, Barnard, VT 05031
Peri Wahn, LLC, c/o Judith Richteer, 69 Stone Hill Rd., Bedford, NY 10506
Danforth & Birgit Townley, 7 George Langeloh Court, Rye, NY 10580

BRC-217:

Danforth & Birgit Townley

BRC-218:
Maxine Hugon, 19 Woodridge Rd., Weston, MA 02493
Lorna Lichter, 187 Mill St., Framingham, MA 01701-4734
Clare Brett Smith, Campbell House Ltd., 80 Mountain Spring Rd., Farmington, CT 06032

BRC-219:
Dwight Clark, Linda Clark-Baker, Laurel Fulford, 2248 Royalton Turnpike, So. Royalton, VT 05068
Judith & William Martin, PO Box 38, Barnard, VT 05031
Romaine Potwin Trustee, 64 Levasseur Rd., So. Royalton, VT 05068
Floyd & Marjorie Van Alstyne, 330 Walker Hill Rd., So. Royalton, VT 05068
Richard Potwin, 36 Beechwood Ave., Lakeville, MA 02347

BRC-223:
Douglas & Malinsy Clarke, 719 Ellis Farm Rd., So. Royalton, VT 05068
Cottonwood Farm, LLC, c/o Alexander Wolff, 949 Cider Hill Rd., Cornwall, VT 05753
Greyling Van Alstyne, 4418 Broad Brook Rd., So. Royalton, VT 05068
Thomas Byrne, 130 East 75th St., New York, NY 10021

BRC-224:
Romaine Potwin Trustee, 64 Levasseur Rd., So. Royalton, VT 05068
Judith & William Martin, PO Box 38, Barnard, VT 05031
4-121 Ralph & Jane Carlson, 64 Brook Rd., Weston, MA 02193

BRC-225:
Ralph & Jane Carlson, 64 Brook Rd., Weston, MA 02193
Judith & William Martin, PO Box 38, Barnard, VT 05031

BRC-227:
Marian Levasseur, 528 Levasseur Rd., So. Royalton, VT 05068
John & Marjorie Dunn Trustees, 25 Cob Street J102, Mansfield, MA 02048
Judith & William Martin, PO Box 38, Barnard, VT 05031

BRC-228:
Sheldon Brown, PO Box 1119, Barnard, VT 05031
Jacquelin Easterbrooks, 126 Washington St., 3rd Floor, Marblehead, MA 01945
Jeffrey Allen, 31 Marquand Lane, Newburyport, MA 01950
Sylvia George & Michael Wilken, 74 Thurlow St., Georgetown, MA 01833
Kevin & Diane Brown, c/o E&B Brown, PO Box 1123, Barnard, VT 05031
John & Ann Stevens, 18 Henry St., Wallingford, CT 06492
James & Muriel Thomas, PO Box 864, Barnard, VT 05031
James Yeager & Jo Oliver-Yeager, 1061 Dewees Lane, Chester Springs, PA 19425
George Short, 55 Highfield Rd., Newbury, MA 01950
J. Silva, B. Roller, K. Brown, c/o E. Brown, PO Box 1123, Barnard, VT 05031
Leon & Mary Barber, 8 Midwood Farm Rd., East Hampton, CT 06424
David Lavigne, 99 Till St., Enfield, CT 06082
Thomas & Lori Langan, PO Box 216, Barnard, VT 05031
Peter & Kathleen Sullivan, P.O. Box 92, Barnard, VT 05031
Noel Hellinger, 220 Old Mill Rd., Bethel, VT 05032
Michael & Elizabeth Baldwin, 317 Old Hill Rd., Bethel, VT 05032
James & Jeanette Jannuzzo, 15 Romerly Rd., Savannah, GA 31411

Robert & Marion Haynes, 191 Old Hill Rd., Bethel, VT 05032

BRC-229:
Peter & Kathleen Sullivan, P.O. Box 92, Barnard, VT 05031
Thomas & Lori Langan, PO Box 216, Barnard, VT 05031

BRC-230:
Louise & Jerry Blakeney, PO Box 24, Barnard, VT 05031
Joseph & Priscilla Oakland, Trustees, PO Box 102, Barnard, VT 05031
Ezra Stillman, 34 Cypress St., Brookline, MA 02445
Charles Meyer, 8730 Sunset Blvd. #420, Los Angeles, CA 90069

BRC-232:
Barnard Investments I, LLC, 7117 Glenbrook Rd., Bethesda, MD 20814
Janet Forman, Trustee, PO Box 842, Barnard, VT 05031
Peter Haimovitz & Millisa Strayton, PO Box 231, Barnard, VT 05031
Dorothy Forthman Trust, 121 Gills Rd., Bethel, VT 05032
Monsalvat Farm Holdings, LLC, 251 Jungle Rd., Palm Beach, FL 33480

BRC-233:
Todd McSweeney & Jeannette Hsu, 64 Hancock St., Lexington, MA 02420
Alan Hoffman & Gail Riede-Hoffman, 347 Rosebank Ave., Baltimore, MD 21212
Richard & Mary Perse, 91 Hunnewell Ave., Newton, MA 02458

Certified by me,

Preston Bristow
Administrative Officer
Town of Barnard

# 2010 Barnard Ancient Road Additions to Town Highway Map

**Reconciliation of Roads numbered by the Barnard Class 4 Roads Advisory Committee (BRC) in their final Report of March 10, 2008 with the Certificate of Highway Mileage (CHM) of February 10, 2010**

**BRC-101 – in 2/10/10 CHM**

**BRC-102 – in 2/10/10 CHM**

**BRC-103 – in 2/10/10 CHM**

**BRC-104 – in 2/10/10 CHM**

**BRC-105 – in 2/10/10 CHM**

BRC-106 – on AOT Map as TH-52

**BRC-107 – in 2/10/10 CHM**

**BRC-108 – in 2/10/10 CHM**

BRC-109 – to remain private road

BRC-110 – on AOT Map as TH-47

**BRC-111 – in 2/10/10 CHM** (along with northern end of BRC-112)

BRC-112 – southern end dropped due to inadequate documentation

BRC-113 – not a through road, surrounded by State land

BRC-114 – not a through road, surrounded by State land

**BRC-115 – in 2/10/10 CHM**

BRC-116 – not a through road, surrounded by State land

BRC-117 – minor spur, no link with Stockbridge

**BRC-118 – in 2/10/10 CHM**

**BRC-119 – in 2/10/10 CHM**

**BRC-120 – in 2/10/10 CHM**

BRC-121 – minor link, not needed

**BRC-122 – in 2/10/10 CHM**

**BRC-123 – in 2/10/10 CHM**

BRC-124 – in AOT Map as TH-46

BRC-125 – in AOT Map as TH-26

BRC-126 – dropped due to inadequate documentation

BRC-127 – portion discontinued

**BRC-128 – in 2/10/10 CHM**

**BRC-129 – in 2/10/10 CHM**

BRC-130 – dropped due to inadequate documentation

BRC-131 – portion discontinued

BRC-132 – minor link, not needed

**BRC-133 – in 2/10/10 CHM**

BRC-134 – on AOT Map as TH-8

BRC-135 – on AOT Map as TH-70

**BRC-136 – in 2/10/10 CHM**

BRC-137 – portion discontinued

BRC-201 – on AOT Map as TH-56

BRC-202 – on AOT Map as TH-57

BRC-203 – on AOT Map as TH-58

**BRC-204 – in 2/10/10 CHM**

BRC-205 – discontinued (Town deeded alternate ROW)

BRC-206 – combined with BRC-204

**BRC-207 – in 2/10/10 CHM**

**BRC-208 – in 2/10/10 CHM**

BRC-209 – combined with BRC-208

BRC-210 – discontinued

BRC-211 – discontinued

**BRC-212 – in 2/10/10 CHM**

**BRC-213 – in 2/10/10 CHM**

BRC-214 – dropped due to inadequate documentation

**BRC-215 – in 2/10/10 CHM**

BRC-216 – portion discontinued

**BRC-217 – in 2/10/10 CHM**

**BRC-218 – in 2/10/10 CHM**

**BRC-219 – in 2/10/10 CHM**

BRC-220 – in AOT Map as TH-19

BRC-221 – discontinued

BRC-222 – recommended by BRC to be abandoned

**BRC-223 – in 2/10/10 CHM**

**BRC-224 – in 2/10/10 CHM**

**BRC-225 – in 2/10/10 CHM**

BRC-226 – minor link, serves no practical purpose

**BRC-227 – in 2/10/10 CHM**

**BRC-228 – in 2/10/10 CHM**

**BRC-229 – in 2/10/10 CHM**

**BRC-230 – in 2/10/10 CHM**

BRC-231 – on AOT map as TH-30

**BRC-232 – in 2/10/10 CHM**

**BRC-233 – in 2/10/10 CHM**

BRC-234 – recommended by BRC to be abandoned.

## Summary

| | | |
|---|---|---|
| 100% | 71 | Total roads indentified and inspected by BRC |
| | 11 | Roads found to already be on AOT town highway map |
| | 2 | Roads combined with another road included in the 2/10/10 CHM |
| | 36 | Roads included in the 2/10/10 CHM |
| 69% | 49 | |
| | 8 | Roads found to be legally discontinued (all or in part) |
| | 14 | Roads dropped for inadequacies |
| 31% | 22 | |

BRC-101 known as "Richmond Road" starts at the current terminus of TH-73 and extends northwesterly 1.052 miles to a point on TH-62 (Gulf Road) located 0.4 miles west of the intersection of Gulf Road and VT Route 12.

Original Laying Out: Road Book Page 10, Entry B

Portion shown on Windsor County (Doton) Map of 1856 and Beers Atlas of 1869

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 10, Entry B

A Road beginning at a Stake & Stones between Amaziah Richmond's and Ebez. Richmond; Thence
< 15 non-pertinent metes and bounds not transcribed>
N 3° W 42 rods to Beech Tree
N 11° W 68 rods to a Beech
N – 55 rods to a Beech
N 22° W 13 rods to a Stake
N 16° W 24 rods to a Maple
N 25° E 25 rods to a Stake & Stones on the Road leading from Esq. Whitcomb's to the Meeting House. The Said Road to be on the left hand Side of all the Trees marked. Taking the Departure from the meeting house. Three rods wide. Laid by,
Benj. Cox )
Beriah Green ) Selectmen
Aaron Barlow )
Accepted

[undated; other road layouts on Page 10 dated 1780, 1782, 1789]

(10)

A

A Road leading from Thos. Swifts House to Benja. Cox's begining at Said Swifts house and then westerly by markd Trees through Said Swifts Land and through Nathan Carpenters Land thence through Benja. Cox's Land as far as Said Cox's house where it meets the Road leading to the Center of the Town Said Road to be Three Rods wide and lying the Southerly Side of Said markd Trees. Bernard June 10th 1780 approved by The above road is accepted

Benja. Cox
Jos. Whitcomb } Selectmen

B

A Road begining at a Stake & Stones between Amaziah Richmond and Ebezr. Richmonds.

Thence N 21 E 17 rods to birch tree
N 1 D W 18 rods to hemlock
N 42 W 4 r to bass tree
N 25 W 14 rod to hemlock
N 15 W 18 rod to beech Tree
N 30 W 12 rods to Small beech
N 34 W 12 rod to beech Tree
W 40 N 20 rods to maple
N 30 W 10 rods to Beech
N 8 W 6 rod to Stake & Stones
N 18 W 12 rods to Stake & Stones
N 4 E 12 rods to Stake & Stones
W 18 N 38 rods to a maple
W 34 N 30 rods to Stake & Stones
W 36 N 42 rods to Stake & Stones
N 3 W 42 rods to beech Tree
N 11 W 68 rods to a Beech
N —— 55 rods to a Beech
N 22 W 13 rods to a Stake
N 16 W 24 rods to a maple
N 25 E 25 rods to Stake & Stones

on the Road leading from Eng. Whitcombs to the Meeting House the Said Road to be on the left hand Side of all the Trees markd taking the Departure from the meeting house Three rods wide Laid by

Benja. Cox
Beriah Green } Selectmen
Aaron Barton

Accepted

C

A Road begining at Mr Stebbings's house and running westerly of the Saw-mill thence by Markd Trees to the Common Said road lying Easterly of Sd. markd Trees and being three rods in width approved of by Thos. Freeman

Asa Saige } Selectmen

Bernard May 23d 1782

D

A Road beginning at Mr Thos. Freeman's House thence

N 47 E 40 Rods
N 43 E 36 Rods
N 32 E 34 rods
N 67 E 50 rods
N 27 E 15 rods
N 31 E 40 rods
N 34 E 30 rods
N 25 E 16 rods to a Stake & Stones Three rods from Nathan Carpenters house the East Corner on Royalton South Line the Sd. Road lying westerly of Said Bounds

March 16 1789 recorded

Pme Silas Supper Town Clerk

BRC-101 Richmond Road
Barnard Road Book pg 10B

BRC-102 known as "Seth Dean Road" starts at the current terminus of TH-60 and extends southerly 0.962 miles to a point on TH-61 (Lakota Road) located 2.1 miles west of the intersection of Lakota Road and VT Route 12.

Original Laying Out: Road Book Page 2, Entry A

Shown on Windsor County (Doton) Map of 1856, Walling Map of 1860, Beers Atlas of 1869, Windsor County Gazette of 1880, and the 1913 Woodstock Quad

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 2, Entry A

A Road beginning at a beech tree by the road leading from Tim Eastman's to Esq. Whitcomb's, then
< 31 non-pertinent metes and bounds not transcribed>
N 33° W 10 rods to a Spruce
N 12° E 14 rods to a Hemlock
N 9° E 11 rods to a dry Beech by Mr. George Paige's
N 24° E 28 rods to a Maple Tree
N 38° E 12 rods to a Stake & Stones
N 34° E 18 rods to a Maple Tree
N 12° E 12 rods to a Maple
N 27° E 27 rods to a Beech
N 17° E 63 rods to a Butternut
N 12° E 33 rods to a Stake & Stones
<12 non-pertinent metes and bounds not transcribed>
The above Road to be the left hand Side of the marked Trees as taking the Departure from the Meeting House and Three Rods wide. Laid by us the Subscribers,
Benj. Cox )
Beriah Green ) Selectmen
Aaron Barlow )
Accepted by the Town
Recorded by me, Silas Tupper, Town Clerk

[no date; previous entry dated 1781 and next later entry 1788]

(2)

A

A Road beginning at a beech standing by the Road leading from Simon Boutiane to Esq. Williams by them W 2 & N 17 rods to a beech tree
W 3 & S 22 rods to an Ash tree
W 3 & S 11 rods to a small Elmtree
W 13 & N 14 rods to a birch tree
W 23 & S 8 rods to a spruce tree
W 1 & N 8 rods to a Birch
W 33 & S 8 rods to a Maple
W 27 & N 14 rods to a Beech
S 36 & W 15 rods to an Ash
N 44 & W 12 rods to Stake & Stones
N 36 & W 12 rods to Base Tree
N 17 & W 28 rods to Stake & Stones
W point 12 rods from the Road leading from Mr. Richmonds to the Road leading from Mr. Davis to Mr. Burrows beginning at a Stake & Stones on the Road leading from Mr. Richmonds aforesaid to Mr. Davis's then
W 36 & N 60 rods to a Beech
W 7 & N 20 rods to Stake & Stones
W 36 & S 26 rods to a maple
W 13 & N 14 rods to a Hemmon
W 11 & S 14 rods to a Hemlock
W 1 & S 20 rods to a Spruce tree
W 10 & N 12 rods to a Spruce
W 20 & N 15 rods to a Basse tree
N 12 & W 20 rods to Hemlock
W 25 & N 12 rods to Mr. Briggs's Gate
W 46 & N 18 rods to a maple
W 17 & N 15 rods to a maple
W 10 & S 10 rods to a small maple
N 44 & W 12 rods to a Beech
S 5 & W 16 rods to a Beech
N 27 & W 15 rods to a Hemlock
N 33 & W 22 rods to a Hemmon
W 10 & N 10 rods to a Spruce
N 33 & W 10 rods to a Spruce tree
S 12 & E 14 rods to a Hemlock
N 9 & E 11 rods to a long Beech by Mr. George's Gate

N 24 & E 28 rods to a maple tree
N 38 & E 12 rods to Stake & Stone
N 34 & E 18 rods to a Maple tree
N 12 & E 12 rods to a maple
N 27 & E 27 rods to a Beech
N 7 & E 13 rods to a Butternut
N 32 & E 23 rods to Stake & Stones
N 20 & E 9 rods to a Maple
N 14 & E 24 rods to a Beech
N 30 & W 17 rods to a maple
N 38 & E 17 rods to a Beech
E 36 & N 10 rods to a Beech
N 45 & E 13 rods to a Beech
N 45 & E 12 rods to a Beech
N 12 & E 34 rods to a maple tree
N 26 & E 23 rods to a Beech
E 27 & N 32 rods to a Beech
E 39 & E 20 rods to a Beech
E 25 & N 44 rods to Stake & Stones about 3 rods North of Joseph Gordon's House
The above Road to be the left hand Side of the marked Trees at taking the Departure from the meeting House
Laid by the Selectmen
Benj.a Cox
Nathaniel Green
Aaron Barlow
} Selectmen
Accepted by the Town
Recorded Pr. Nathl. Barlow Jun.r Town Clerk

Barnard Road Book pg. 2A
BRC-102 Sem Dean Road

BRC-103 known as "Green Gate Road" starts at the terminus of Bridgewater TH-7 (Green Gate Road) at the Bridgewater Town Line and extends northerly 0.738 miles to a point on TH-61 (Lakota Road) located 1.7 miles west of the intersection of Lakota Road and VT Route 12.

Original Laying Out: Road Book Page 36, Entry D and Page 36, Entry E

Shown on the 1913 Woodstock Quad

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 36, Entry D

Beginning at a Beech tree on the line between Barnard and Bridgewater:
N 30° E 15 rods to hemlock tree
N 28° E 14 rods to birch tree
N 14° E 10 rods to Spruce tree
N 4° E 18 rods to maple tree
N 8° E 20 rods to Butternut tree
N 25° E 22 rods to a maple tree
N 7° E 22 rods to a Rimmon tree the South side of Capt. Briggs mowing land.
Noah Thompson )
Benj. Briggs )
October 26, 1801
Said road on the right hand side of the marks.

---

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 36, Entry E

Beginning at a rimmon tree:
N 10° W 12 rods to spruce stump
N – 15 rods to small Butternut
N 18° E 20 rods to stake & stones
N 37° E 29 rods to stake and stones
N 32° E 10 rods to Cherry tree
N 21° E 14 rods to beach tree
N 22° W 19 rods stake & stones being the Beginning of a road Capt. Briggs' to Seth Dean's.
Said road on the right hand side of the marks three rods wide.
January 15, 1802
Attest Prince Haskell County S.

| | | |
|---|---|---|
| Benj. Briggs | ) | Chairmen |
| Dean Briggs | ) | |
| Joseph Foster | ) | Select |
| Benj. Wilbur | ) | men |

Recorded February 20, 1811
Attest Samuel Topliff T. Clerk

(36) 36

A Survey of a road to accomodate Mr Asa Brigham - Beginning at a Stake & Stones four rods south of Mr Brighams house — — —

A

W 2d S. 16 rods to the East side of Senter Turnpike road sd road to be three rods wide on the Northerly side of the Bounds — Oct 31st 1811

Asa Brigham } Sworn
Daniel Abbot } Chainmen

Pr me Prince Haskell C Surv^r

Thos Freeman } Select
Lemuel Richmond } men

Recorded December 16th 1811

Pr Samuel Tapliff Town Clerk

---

A Survey of a Road from Near Francis Davis house to the Now road joining Joseph Ellis Land Beginning at Stake & Stones on the east side of Broad Brook about eight rods south of Sd Frances Davis house — — —

B

W 28d N 28 rods to a Hemlock stump on the east side of the Now road sd road is three rods wide on the Northerly side of the Sd Bounds — the surveying of this road renders useless the other road North of Sd Davis house — Septr 10th 1810

Frances Davis } Sworn
Wm Walcot } Chainmen

Attt Prince Haskell C Surv^r

Willard Caryl } Select
Thos Freeman Jr } men
Lemuel Richmond }

Recorded December 16th 1811

Attt Samuel Tapliff Town Clerk

---

An alteration of the road to accommodate Solomon Blackmer to the Center of the town through John Ellis land — — —

Beginning at a stake & stones on the Northerly side of the road thence

W 2d N. 18 rods to stake & stones
W 6d N 20 rods to stake & stones
W 27d S 37½ rods to stake & stones
W 5d N. 20 rods to stake & stones on the East side of Center turnpike road sd road is three rods wide on the Southerly side of Sd Bounds

C

Solomon Blackmer } Sworn
John Ellis Jr } Chain

April 28th 1810

Attt Prince Haskell County Sr

Willard Caryl } Select
Thos Freeman Jr } men
Lemuel Richmond }

Recorded December 16th 1811

Attt Samuel Tapliff T. Clerk

---

Beginning at a Beach tree on the line between Barnard and Bridgwater

N 30d E 15 rods to hemlock tree
N 28d E 14 rods to birch tree
N 14d E 10 rods to spruce tree
N 4d E 18 rods to maple tree
N 8d E 20 rods to Butternut tree
N 25d E 22 rods to maple tree
N 7d E 32 rods to Remmon tree

D

the south side of Capt Briggs mowing land

Noah Thompson }
Benjr Briggs — }

Octr 26th 1801

said road on the right hand side of the markes

---

Beginning at a remmon tree

E

N 10d W 12 rods to spruce stump
N — 15 rods to small Butternut
N 18d E 20 rods to stake & stones
N 37d E 29 rods to stake and stones
N 32d E 10 rods to Cherry tree
N 21d E 14 rods to beach tree
N 22d W 19 rods stake & stones

being the Beginning of a road from Capt Briggs to seth Dears said road on the right hand

Barnard Road Book pg. 36D & 36E
BRC-103 Greengate Road

side of the markes three rods wide —
January 15th 1802
attest Prince Haskell County S.
Benjr Briggs } Chainmen
Dean Briggs }
Joseph Foster } select
Benjr Wilbur } men
Recorded February 20th 1811
attest Samuel Topliff T. Clerk

A

A Survey of a road from the now road on the land of Ebenr Addams to Pomfret line Near Benjr Ashleys south line —
Beginning ~~Near Benjr~~ at stake and stones — — — — —
N 39d E 34 rods to stake & stones
E 20d N 58 rods to hemlock tree
E 35d N 34 rods to beach tree on the land of Benjr Ashley supposed to be near Pomfret west line
Sd road is three rods wide on the Easterly side of the line or Bounds
Thomas Freeman } Sworn
Ebenr Richmond Jr } Chainmen
Pr me Prince Haskell County Sur
Septr 21st 1812
Ebenr Richmond Jr } select
Thomas Freeman } men
Recorded September 21st 1812
attest Samuel Topliff T. Clerk

B

A Survey of a Road for the accomodation of Ichabod Davis Beginning at a stake & stones on the line of the land of Alfred Chamberlin Near the Sawmill of Jonathan Ashleys & others
thence N 27d W 40 rods to Spruce Stump N 10d W 16 rods to stake & stones
W 36d N 14 rods to stake & stones
3 rods South of Sd Davis house
Sd road 3 rods wide on the Easterly or right hand side of the Bounds
Thomas Freeman
Ebenezer Richmond Jr
Sworn Chainmen

Barnard Septr 21st 1812 (37)
Pr me Prince Haskell
County Surveyor
Thomas Freeman } select
Ebenr Richmond } men
Recorded Septr 21st 1812
attest Samuel Topliff T. Clerk

C

Windsor County Barnard May 30th 1815 an alteration of a road between the house of Abner Perkins and Benjr Wilbur Beginning at a stake & stones on the south side of the road & on Sd Wilburs land
N 41d W 14 rods to heap of stones
N 50d W 13 rods 14 links to stake
N 47d W 6 rods 10 links to hemlock tree
N 60 W 8 rods 15 links to stake & stones on the southerly side of the now road
Sd road three rods wide on the right hand side of the bounds
Joseph Perkins } Sworn Chainmen
Church Wilbur }
attest Prince Haskell County Surveyor
approved { John Foster } select
{ Thos Freeman } men
Recorded Feb 25th 1816
attest Samuel Topliff T. Clerk

D

A Survey of a road Beginning at the S.E corner of James Bryants house E 14d S 37 rods to ash tree
E 8d S 34 rods to beach tree
E 25d S 68 rods to beach tree
S 34d E 9 rods to maple tree
N 24d E 22 rods to Spruce tree
E 39d N 8 rods to Spruce tree
E 5d N 6 rods to Hemlock tree
E 2d S 24 rods to stake & stones
E 20d N 30 rods to stake near Sermans (Stack yard)
E 43d N 10 rods to stake & stones
N 38d E 35½ rods to stake & stones
N 30d E 36 rods to stake & stones
in the old road near the house of Joseph Dutton Sd road 3 rods wide on the right hand side of the Sd Bounds
John Cummings } Sworn
Zephaniah Sherman } Chainmen
Octr 10th 1815
attest Prince Haskell County Surveyor
approved by Thom Freeman } select
us John Foster } men
Lemt Richmond }
Recorded Feby 25 1816
attest Samuel Topliff Town Clerk

Barnard Road Book pg. 37, continued from entry 36E
BRC-103 Greengate Road

BRC-104 known as "Luce Road" starts at a point on the south side of TH-61 (Lakota Road) located opposite of the intersection of Lakota Road and BRC-102 and extends westerly 1.300 miles to a point on BRC-105 (Bridgewater Hollow Road) located 0.3 miles north of the Bridgewater Town Line.

Original Laying Out: Road Book Page 80, Entry A

The "Luce Pond" referred to in the Original Laying Out is now "Lakota Lake"

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 80, Entry A

## Luce Pond Road

The following is the copy of a survey of a Road in the Town of Barnard laid out on the __ day of _____, A.D. 1855 by us as Commissioners appointed for that purpose by the Hon. County Court, held at Woodstock in and for the County of Windsor on the Petition of Henry J. Marsh and others.

Beginning at a point in the Highway that leads from Bridgewater Hollow so called to the Village in Barnard, three Rods and three links Southerly of the Bridge where the said Road crosses a small brook that empties into the southerly side of the Luce Pond so called, thence running

South 24¼ degrees East 10 rods –
thence " 31¾ " " 24 "
" 47½ " " 20 "
" 54½ " " 22 " 10 links to a birch tree marked
thence South 44¼ degrees East 40 " to a fir tree,
" 88 " " 14 " 10 links to a birch tree marked
thence South 66 degrees East 16 rods
" 53¾ " " 20 "
" 76 " " 14 "
" North 84 " " 12 "
" South 57¾ " " 20 "
" 83 " " 18 "
" North 84½ " " 16 "
" 48 " " 15 "
" 61 " " 10 "
South 80 " " 16 "
" 85¼ " " 27 "
North 62 " " 5 "
" 24½ " " 20 " to the Road that leads from the Luce Farm so called to John Tuckers. The Road is laid three rods wide and the survey is in the center thereof. We also award the following Sum as land damages viz:

| | | |
|---|---|---|
| To | Hatch & Clark | $ 0.00 |
| " | Lyman Townsend | 0.00 |
| " | Frederick Luce | 0.00 |
| " | George B. Warren | 10.00 |

Dated at Woodstock this 24th day of November A.D. 1855.

Hosea Doton )
Otis Chamberlin) Commissioners
Henry Hewitt )

Rec'd the foregoing Road Survey for record Nov. 24th 1855.
Attest Salmon C. Thayer, Town Clerk

Luce Pond Road.

(80)

The following is the copy of a survey of a Road in the town of Barnard laid out on the ____ day of A.D. 1855 by us as commissioners appointed for that purpose by the Hon. County Court, held at Woodstock in and for the County of Windsor on the Petition of Henry D. Nash and others,

Beginning at a point in the Highway that leads from Bridgewater Corner so called to the Village in Barnard three Rods and three links southerly of the Bridge where the said Road crosses a small brook that empties into the Northwesterly side of the Luce Pond so called, thence running

South 24¼ degrees East 10 rods,—
thence " 31¾ " " 24 "
" 47½ " " 20 "
" 54½ " " 22 " 10 links to a birch tree marked;
thence South 44¼ degrees East 40 " to a fir tree,—
" 88 " " 14 " 10 links
to a birch tree marked,—
thence South 66 degrees East 16 rods
" 53¾ " " 20 "
" 76 " " 14 "
" North 84 " " 12 "
" South 59¾ " " 20 "
" 83 " " 18 "
" North 84½ " " 16 "
" 48 " " 15 "
" 61 " " 10 "
" South 80 " " 16 "
" 85¼ " " 27 "
" North 62 " " 5 "
" 24½ " " 20 " to the Road that leads from the Luce farm so called to John Tuckers. The Road is laid three rods wide and the survey is in the center thereof. We also award the following sum as damages viz:

land

Barnard Road Book pg. 80 A
BRC 104 Luce Road

| | |
|---|---|
| To Hatch & Clarke | $0.00 |
| " Lyman Townsend | 0.00 |
| " Fredrick Luce | 0.00 |
| " George B. Mann | 10.00 |

Dated at Woodstock this 24th day of November A.D. 1855.

Hosea Eaton
Otis Chamberlin } Commissioners
Henry Hewitt

Recd. the foregoing Road Survey for record Nov. 24th, 1855.

Attest Salmon G. Thayer Town Clerk.

---

Survey of Road near George & Allen Cox's A

"The following is a copy of the survey of a road laid out and surveyed on the 6th day of May A.D. 1855 on the Petition of Stephen S. Hill and others now pending in Windsor County Court and refered by said court to the undersigned as Commissioners — viz:—

Beginning at a stake & standing in the Southerly end of a sluice or Culvert in the present traveled Road which passes said George Coxes dwelling House, said Culvert being situated easterly of said House and near the foot of a hill in said Road and near the easterly ends of a stone wall on the north side of said Road — thence on the land of said George Cox South 59° West 16 Rods thence South 88½° West 22½ Rods thence North 71¼° West 25 Rods to Allen Coxes lands thence on said Allen Coxes lands North 53½° West 31 Rods & 3 links thence North 5° West 28 rods & 10 links thence North 55° West 18 rods thence North 53½° West 12 rods thence North 70° West 10 rods thence North 87° West 17 rods & 10 Links to the old Turnpike Road leading by Joseph Bowmans Dwelling House — said Road is laid three rods wide and said survey is in the center of the Roads. And said

Barnard Road Book, pg 81, continued from pg 80A
BRC 104 Luce Road

SURVEYOR'S REPORT
*(continued from Page -3-)*

That portion of the Bridgewater Hollow Road and the Jabez Hill Road that was discontinued on Oct. 18,1920, was at some point after 1920 named or referred to as the Lone Pine Trail. This name has been or is depicted on various highway maps.

The Lone Pine Trail is depicted on a survey plat – prepared by Ralph J. Michael LS. (Michael Engineering Company, PC.) – Dated November 26,1996 for Jennifer A Seibert, **As a Legal Trail.**

In the deed of Jennifer A Seibert to Donald E. Whitney and Jean E Whitney et al. (Dec. 16,1996 – Bk. 55 Pg. 269). The Lone Pine Trail is referred to **As a Legal Trail.**

In the deed from Jennifer A. Seibert to Charles G. Astbury and Hilda M Astbury, (Dec. 16,1996 – Bk. 55 Pg. 259) the Lone Pine Trail is referred to as a Trail and the portion of the property abutting the said Trail is described along the easterly side of the said Trail, not along the center line of the said Trail.

In the deed of Oliver A. Seibert to Jennifer A. Seibert (July 27, 1993 – Bk. 50 Pg. 386) the Lone Pine Trail is referred to **As a Legal Trail.**

In the deed of William T Carter IV to Earl W. Seibert and Gladys Seibert, (April 25, 1977 – Bk.39 Pg. 52) the Lone Pine Trail is referred to **As a Legal Trail.**

The 1947 Vermont Town Highway Map – District No. 5, of the Town of Bridgewater, VT. , depicts and indicates that the Lone Pine Trail is in fact a Trail.

In the 1859 highway discontinuance of what I call the Upper or the Northerly portion of the Bridgewater Hollow Road (the Noel Angell property to the Barnard Town Line) there was a reversion clause, whereas the land or the right of way over the said land was set over (returned) to the farms from which they were taken originally. In the 1920 highway discontinuance of a portion of the Bridgewater Hollow Road and the Jabez Hill Road their was or is **no reversion clause.** Based on several deeds that I have reviewed, certain survey plats, and general Town Highway Maps of the Town of Bridgewater that I have observed, my impression would be that even though the Town Highway was in fact discontinued in 1920, a public Right-of-Way may still be in effect over that portion of the former Bridgewater Hollow Road and the former Jabez Hill Road.

Needs follow-up
once Court Decides
this case. May not be
Prudent to add this
highway this year.

*(continued on Page -5-)*

SURVEYOR'S REPORT
*(continued from Page -4-)*

Reference is made to the deed of the Lakota Club to the United States Of America (Appalachian Trail Corridor) – (Bk. 41 Pg. 475 – Oct.4,1982 ) in the Town of Bridgewater. Following back on this chain of title, several deeds refer to the old highway, now discontinued, leading from Bridgewater Hollow to Barnard. This property is northerly of and abuts the northerly line of the former Noel Angell farm or property. This property (United States Of America) abuts the Barnard Town Line on the north. These deed are all dated after the 1859 discontinuance of the Upper or Northerly portion of the Bridgewater Hollow Road.

Deed of Herbert W. Daniels to the Lakota Club (Bk. 31 Pg. 184 – Sept. 17, 1940) **"Beginning in the east line of the old highway, now discontinued, leading from Bridgewater Hollow, so-called to Barnard".**

Deed of Philo Hatch to Francis R. Clark (Bk. 18 Pg. 245 – March 5, 1864) **"to the east line of the old highway; thence northerly on the east line of the old highway".**

Deed of Philo Hatch & Joseph R Clark (Bk. 18 Pg. 247 – March 5, 1864) **"Beginning on the east line of the old highway, now discontinued, leading from Bridgewater Hollow to Barnard in the north line of Noel Angell."**

Deed of Lyman Mower to Philo Hatch & F.W. Clark (Bk. 17 Pg. 481 – Nov. 26, 1861) **"Beginning in the east line of the old highway , now discontinued, leading from Bridgewater Hollow to Barnard in the north line of the property belonging to Noel Angell lot".**

After an extensive search of the Bridgewater Town Land Records and the Bridgewater Town Highway Records (the two Town Highway Books that are located at the Town Clerks Office, consisted of modern and somewhat modern highway data) we were unable to locate any of the original layouts and surveys for the original highways in the town. This seemed quite unusual to me, as in most towns I have worked in over the years, highway records have been available, if one was persistent enough in their research. The Town Clerk did inform us that she knew of no other highway books in her office. We did find scattered throughout the Land Records (Volumes No.12 through No. 17 ) some highway layouts and surveys, however this data pertained to alterations of existing highways in the town, none of which appeared to be near the area of our concern.

*(continued on Page -6-)*

SURVEYOR'S REPORT
*(continued from Page -5-)*

As a side note in regards to the last paragraph, (Lack of Town Highway Records ) we did locate in the Bridgewater Town Meeting Records – Vol. 1 – pg. 16 & 17: **"At a legal meeting of the inhabitants of the Town of Bridgewater held on the 14th of March 1791 " ----** Article 20th . **That Benjamin Perkins shall have the book now recorded in, as his own property, for the consideration of his recording the surveys of roads now in the clerk's office and also copying the records now in said book, into another book to be provided by the town."** It would appear that this would be the missing book of highway records.

Our search at the Windsor County Court House revealed that their were very few older County records to review. The few records that they did have on hand were not applicable to County Highways, or to the area of our concern. The County Clerk did inform us, that due to lack of storage space, many of the older County Court Records had been sent to Montpelier many years ago. She did not have any idea where in Montpelier these records were. She also mentioned that some records may have been sent to U.V.M.

After many inquiries, we did locate volumes 1 through 14 of the Windsor County Court Records at the State of Vermont Public Records Division at Middlesex, Vt. The volumes were on micro film. Some of the volumes were indexed, some were not. Volume 1 in particular was not indexed. We did spend a considerable amount of time researching the volumes, but do to the lack of indexing, we were not successful in locating any County Highway Records. This data consisted for the most part of old Windsor County Court (Trial) Records, not County Records. The Clerks at the Public Records Division did not have any knowledge as to where the actual volumes were, and suggested that we visit the Vermont State Archives Division in Montpelier.

Although the clerks at the Archives Division were very helpful, they could not provide us with any meaningful information regarding Windsor County Records. They did inform us that the Windsor County Courthouse had fires in the years 1790 and again in the year 1854. They also stated that due to fires and lack of storage, that the Windsor County Records (Highway Records etc.) may have very well been moved to other locations, such as the Rutland County Courthouse. They also stated that some old records have left State custody altogether and ended up in private collections.

*(continued on Page -7-)*

SURVEYOR'S REPORT
*(continued from Page -6-)*

As of November 6, 2008, we have conducted research at the following institutions or locations:

-The Bridgewater Land Records @ the Bridgewater Town Clerks Office.
-The Barnard Land Records @ the Barnard Town Clerks Office.
-The Windsor County Courthouse @ Woodstock.
-The Vermont Public Records Division @ Middlesex, Vt.
-The Vermont State Archives @ Montpelier, Vt.
-The Rutland County Courthouse @ Rutland, Vt. (We are on hold at Rutland, anticipating additional information)
-The Rutland, Vt. Free Library.
-The Woodstock, Free Library.
-Numerous sites on line, including the UVM collections (Bailey – Howe Library) and The Vermont Historical Society.

In all of our research to date, we have not been able to locate the layout and or survey of the so-called Bridgewater Hollow Road (as referred to in Bridgewater) and/or the so-called Morgan Road (as referred to in Barnard) which runs through Bridgewater into Barnard and through Barnard into Barnard Village. In the Town of Bridgewater we have not been able to locate in the Land Records a highway book that reflects **any of the original town highway layouts or surveys,** however as noted above the Town Selectmen did commission one Benjamin Perkins to produce a new town highway book in March 1791. In the Town of Barnard, which has its original or what appears to be its original highway book, we cannot locate the for layout or survey for this particular highway (The Morgan Road so-called) and for that matter neither could we locate the layout and survey for The Chataguay Road so-called, (which is still a Class 4 highway in both towns) which is located westerly of and is somewhat parallel to the said Bridgewater/Morgan Road and runs through The Town of Bridgewater, well into the Town of Barnard.

*(continued on Page -8-)*

SURVEYOR'S REPORT
*(continued from Page -7-)*

**In Conclusion**

In our search of the selectmen's minutes at the Town of Bridgewater Town Clerks Office, we did encounter several indications that highways that extended through The Town of Bridgewater into The Town of Barnard, did come under Windsor County jurisdiction. Below, please find three examples of the same.

( 1 ) At a legal meeting of the inhabitants of the Town of Bridgewater, held on the 2'nd day of March AD. 1795: ( Bridgewater Town Records – Vol. 1 Pg.24-25 ) Article 18'th. **"That the selectman prosecute the Town of Barnard for neglect of opening a road laid out by a committee appointed by the county court, Ad. 1792, unless the selectmen of said Barnard open and clear that, or some other road to the acceptance of the selectmen of this town be for the first day of July next."**

( 2 ) Bridgewater Town Meeting Records ( Feb. 12, 1844 – Bridgewater Town Records—Bk. 2 Pg.12 ) Article 4'th." **To see if the town will raise money or labor to make the road through said Town of Barnard , which is laid out by a County Committee and, and to repair roads and bridges."** Signed by the town selectmen, February 12, 1844.

( 3 ) Bridgewater Town Meeting Records ( Aug. 21,1845 ) Bridgewater Town Records--- Bk.2 Pg.26 ) Article 2 – **"To see if the town will appoint a committee to make contract for building the road was laid out by the Courts Committee leading from Raymond saw mill to Barnard Line".** Voted to appoint a committee to superintend the Barnard Road. Voted that the selectmen be instructed to let out the said road.

( A ) It is my opinion , based on the considerable amount of research that we have placed into the Bridgewater Hollow Road/ Morgan Road, the information as noted above and my personal experience, relative to highways and roads in the State of Vermont, that this old highway that runs through The Town of Bridgewater into and through The Town of Barnard to Barnard Village is and should be under Windsor County jurisdiction and therefor, the said highway or any portion of the said highway that is to be discontinued ,should be under the auspices of the Windsor County ( Superior ) Court . I also feel that any unilateral discontinuance by a town of this highway ( Bridgewater Hollow Road/Morgan Road ) is invalid.

*(continued on Page -9-)*

SURVEYOR'S REPORT
*(continued from Page -8-)*

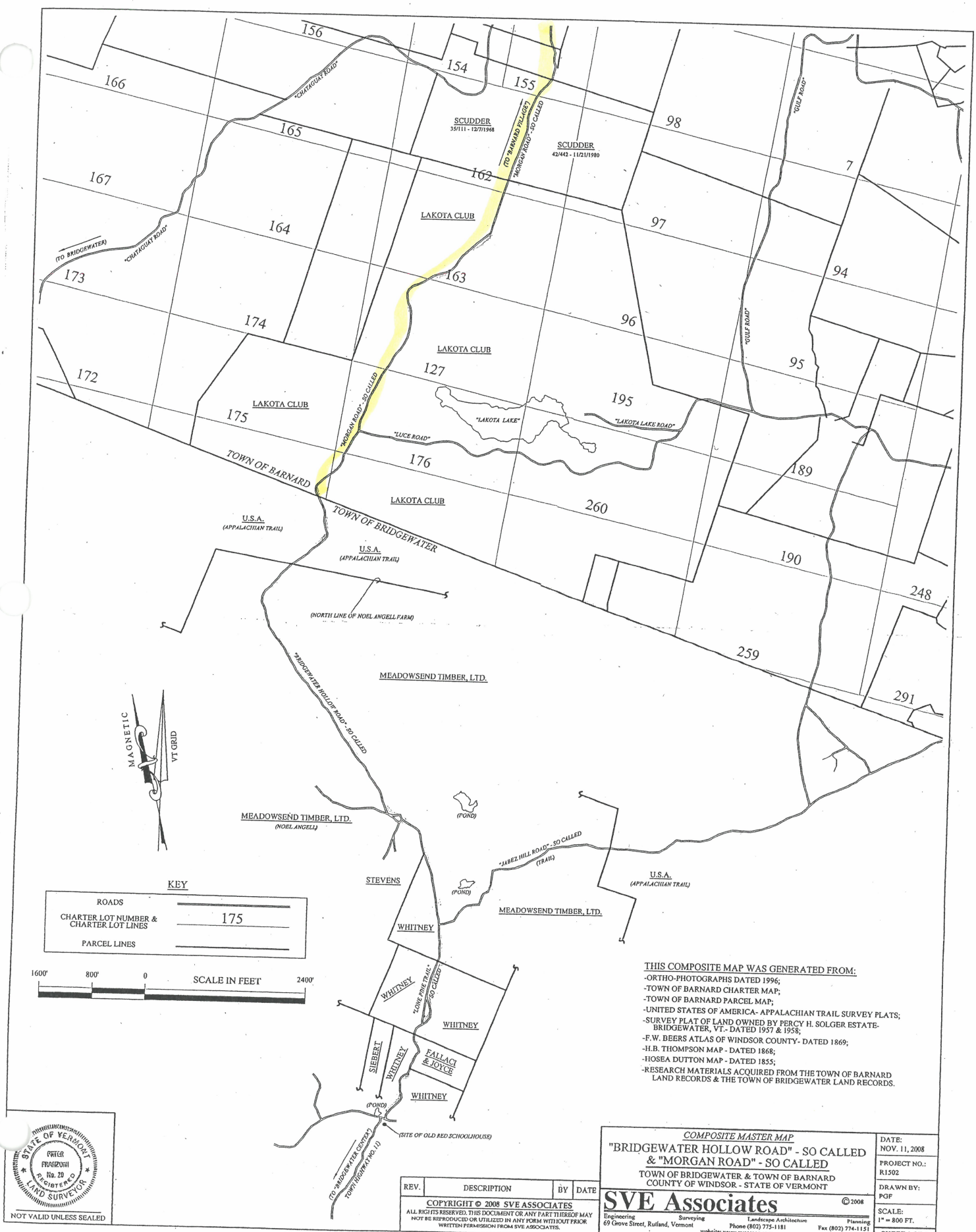
( B ) It is also my opinion that the lower portion of The Bridgewater Hollow Road so-called and The Jabez Hill Road so-called as discontinued in 1920 by The Town of Bridgewater, [ If not invalid based on my opinion above ,( A ) ] discontinued this road as a Town Highway, but based on the information as shown above in regards to a legal trail etc, I believe the intention of the Town of Bridgewater at that time ( 1920 ) was to keep these roads open to the public as a legal trail. The portion of the old Bridgewater Hollow Road, known as the Lone Pine Trail, from the area of the Red Schoolhouse northerly to the intersection or fork where the old Jabez Hill Road branches to the northeast has been depicted on Survey Plats, indicated in deeds and shown on the 1947 Town of Bridgewater Highway Map as a legal trail and or a trail. The portion of the Old Bridgewater Hollow Road , northerly of the intersection or fork where the Jabez Hill Road branches to the northeast , to the northerly property line of the old Noel Angell farm, apparently was never discontinued . The northerly property line of the old Noel Angell farm being contiguous with the property of the United States of America, ( Appalachian Trail Corridor ) it would appear that the public does have a right of way from the present termination of Bridgewater Town Highway No. 11, northerly on the old Bridgewater Hollow Road to the southerly property line of the United States Of America. ( Appalachain Trail Corridor).

Respectively Submitted , November 11, 2008:

Peter Franzoni




Peter Franzoni, Licensed Land Surveyor.
SVE. Associates
69 Grove Street
Rutland, Vermont




KEY

| | |
|---|---|
| ROADS | |
| CHARTER LOT NUMBER & CHARTER LOT LINES | 175 |
| PARCEL LINES | |

1600' 800' 0 SCALE IN FEET 2400'

THIS COMPOSITE MAP WAS GENERATED FROM:

- -ORTHO-PHOTOGRAPHS DATED 1996;
- -TOWN OF BARNARD CHARTER MAP;
- -TOWN OF BARNARD PARCEL MAP;
- -UNITED STATES OF AMERICA- APPALACHIAN TRAIL SURVEY PLATS;
- -SURVEY PLAT OF LAND OWNED BY PERCY H. SOLGER ESTATE- BRIDGEWATER, VT.- DATED 1957 & 1958;
- -F.W. BEERS ATLAS OF WINDSOR COUNTY- DATED 1869;
- -H.B. THOMPSON MAP - DATED 1868;
- -HOSEA DUTTON MAP - DATED 1855;
- -RESEARCH MATERIALS ACQUIRED FROM THE TOWN OF BARNARD LAND RECORDS & THE TOWN OF BRIDGEWATER LAND RECORDS.

STATE OF VERMONT
PETER FRANZOSA
No. 20
REGISTERED
LAND SURVEYOR

NOT VALID UNLESS SEALED

| REV. | DESCRIPTION | BY | DATE |
|---|---|---|---|

COPYRIGHT © 2008 SVE ASSOCIATES
ALL RIGHTS RESERVED. THIS DOCUMENT OR ANY PART THEREOF MAY NOT BE REPRODUCED OR UTILIZED IN ANY FORM WITHOUT PRIOR WRITTEN PERMISSION FROM SVE ASSOCIATES.

*COMPOSITE MASTER MAP*

"BRIDGEWATER HOLLOW ROAD" - SO CALLED
& "MORGAN ROAD" - SO CALLED

TOWN OF BRIDGEWATER & TOWN OF BARNARD
COUNTY OF WINDSOR - STATE OF VERMONT

**SVE Associates** ©2008
Engineering Surveying Landscape Architecture Planning
69 Grove Street, Rutland, Vermont
Phone (802) 775-1181 Fax (802) 774-1151
website: www.svesssoc.com

DATE: NOV. 11, 2008
PROJECT NO.: R1502
DRAWN BY: PGF
SCALE: 1" = 800 FT.
SHEET 1 OF 1

Barnard
Book 35
Page 111

VERMONT WARRANTY DEED

Know all Men by these Presents
That We, James Roland Lombard and George Vernon Lombard of Farmington in the County of Hartford and State of Connecticut Grantors, in the consideration of One dollar and other valuable consideration paid to our full satisfaction by David W. Scudder and Marie Louise Scudder, husband and wife, of Ipswich Agilla Road in the County of Essex and State of Massachusetts Grantees, by these presents, do freely Give, Grant, Sell, Convey And Confirm unto the said Grantees David W. Scudder and Marie Louise Scudder, husband and wife, and their heirs and assigns forever, a certain piece of land in Barnard in the County of Windsor and State of Vermont, described as follows, viz:

Being all and the same land and premises conveyed to James Roland Lombard and George Vernon Lombard by warranty deed of Francis J. Campbell and Emma W. Campbell dated December 1, 1941 and recorded December 6, 1941 in Book 29 at Page 159 of Barnard Land Records, wherein the land and premises hereby conveyed is described as follows:

"The so-called Aldrich, or Thomas Carlin farm, of about fifty acres, be the same more or less, and situated on the road which leads from Barnard to Bridgewater, and being all and the same land and premises conveyed to the said Town of Barnard by warranty deed of William A. Aldrich executed January 26, 1938 and recorded in Book 28 page 163 of Barnard Land Records to which and to preceding deeds as shown in said records reference may be had for a more particular description. This deed is given and accepted subject to such rights and easements; if any, as may appear of record.

This same land and premises were conveyed to me, said Francis J. Campbell, by warranty deed from Town of Barnard dated November 8th 1941 and recorded Book 29, page 156 of Barnard Land Records."

To Have and to Hold said granted premises, with all the privileges and appurtenances thereof, to the said Grantees David W. Scudder and Marie Louise Scudder, husband and wife, as tenants by the entirety, and their heirs and assigns, to their own use and behoof forever; And we the said Grantors James Roland Lombard and George Vernon Lombard for ourselves and our heirs, executors and administrators, do covenant with the said Grantees David W. Scudder and Marie Louise Scudder, husband and wife, and their heirs and assigns, that until the ensealing of these presents we are the sole owners of the premises, and have good right and title to convey the same in manner aforesaid, that they are Free From Every Encumbrance; excepting as aforesaid, and we do hereby engage to Warrant And Defend the same against all lawful claims whatever, excepting as aforesaid.

In Witness Whereof, we hereunto set our hands and seals this seventh day of December A.D. 1968

In Presence of

Witnesses:

1) Earl H. Denning
2) Francis J. Bundschun

James Roland Lombard L.S.
George Vernon Lombard L.S.

State of CONNECTICUT)
County HARTFORD ) ss. At BRISTOL this 7th day of December A.D. 1968

James Roland Lombard and George Vernon Lombard

personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me Francis J. Bundschun
Notary Public
(Notary Seal)
My Commission Expires April 1, 1973

Barnard Town Clerk's Office Received for record Dec.17, 1968
at 10 o'clock and 55 minutes A.M.
Attest: Hazel R Davis
Town Clerk

PROPERTY TRANSFER TAX STAMP
RECEIPT NO. 95979
ISSUED Hazel R Davis
DATE Dec. 17, 1968

VERMONT - WARRANTY DEED

TUTTLANX REGISTERED U. S. PAT. OFFICE
TUTTLE LAW PRINT, PUBLISHERS, RUTLAND, VT. 05701

442

Barnard
Book 42
Page 442

# Know all Men by these Presents

That We, Ralph J. Ward and Doris H. Ward, and Victor Ward as joint tenants

of Bethel in the County of Windsor and State of Vermont Grantor s, in the consideration of One Dollar ($1.00) and other good and valuable consideration--~~Dollars~~ paid to our full satisfaction by David W.Scudder and Marie Louise Scudder, husband and wife

of Ipswich in the County of Essex Commonwealth and ~~State~~ of Massachusetts Grantees, by these presents, do freely **Give, Grant, Sell, Convey and Confirm** unto the said Grantee s David W. Scudder and Marie Louise Scudder

and their heirs and assigns forever, a certain piece of land in Barnard in the County of Windsor and State of Vermont, described as follows, viz:

Being all and the same land and premises having been conveyed to the within Grantors by Warranty Deed of Alice Louise Washburn now Alice L. Williams and Mildred Lillian Washburn said deed having been dated January 6, 1978 and having been recorded on February 6, 1978, in Book 40, at Page 417 of the Barnard Land Records, and is therein more particularly described as follows:

"Being a parcel of land conveyed to us as fifty (50) acres now believed to contain approximately sixty four and eight tenths (64.8) acres after survey, situated southerly of but not adjacent to Chateauguay Road, so-called, Barnard and being all and the same lands and premises conveyed to us by the Quitclaim Deed of Charles H. Kidder and A.N. Washburn dated February 25, 1919 and recorded in Book 26, Page 434 of the land records of Barnard, Vermont, to which deed, prior deeds therein mentioned and said Barnard Land Records reference may be had in aid of this description.

This parcel is further described as being the southeast one-half of lot #162 as shown on the plan of lots filed in the Office of the Barnard Town Clerk.

These premises are bounded and described in accordance with a survey map of Leslie F. Newall done in 1957 and entitled "Mrs.Alice L. William's Land in Barnard Chateauguay" as follows:

Commencing at a yellow birch tree marked for a corner at the end of a stone wall near the southeasterly side of an old highway, which old highway leads southwesterly from said Chateauguay Road; thence

This survey not of record

south 58°30' east following said stone wall and in continuation thereof a blazed line along common boundary with lands now or formerly of International Paper Company approximately 108 rods to a post set in the ground; thence south 31°30° (sic) west following a marked line along common boundary with lands now or formerly of Pearsons approximately 96 rods to a stake and stones set in the ground; thence north 58°30' west following a marked line along common boundary with lands now or formerly of Lakota Club approximately 108 rods to a stone on end in a stone wall near the southeasterly side of said old highway; and thence north 31°30' east following a marked line near the southeasterly side of said old highway approximately 96 rods to the point and place of beginning."

Reference is had to the within described deeds and survey and to the Land Records of the Town of Barnard in aid of this description.

**To have and to hold** *said granted premises, with all the privileges and appurtenances thereof, to the said Grantees*

David W. Scudder and Marie Louise Scudder

and their *heirs and assigns, to their own use and behoof forever; And* we *the said Grantors*

Ralph J. Ward and Doris H. Ward and Victor Ward

*for* ourselves *and* our *heirs, executors and administrators, do covenant with the said Grantees*

David W. Scudder and Marie Louise Scudder

and their *heirs and assigns, that until the ensealing of these presents* we are *the sole owners of the premises, and have good right and title to convey the same in manner aforesaid, that they are* **Free from every encumbrance;** except as aforesaid

*hereby engage to* **Warrant and Defend** *the same against all lawful claims whatever,*
except as aforesaid

**In Witness Whereof,** we *hereunto set* our *hands and seals* *this* 21st *day of* November *A. D. 19*80

In Presence of

E Rebecca Sherman
witness as to all(RJW, DHW, VW)

witness as to all(RJW, DHW, VW)

Ralph J Ward
Ralph J. Ward

Doris H. Ward
Doris H. Ward

Victor Ward
Victor Ward

L.S.

L.S.

**State of Vermont,** Windsor **County** } **ss.** *At* Woodstock *this* 21 *day of* November *A. D. 19* 80

Ralph J. Ward and Doris H. Ward and Victor Ward *personally appeared, and* they *acknowledged this instrument, by* them *sealed and subscribed, to be* their *free act and deed.*

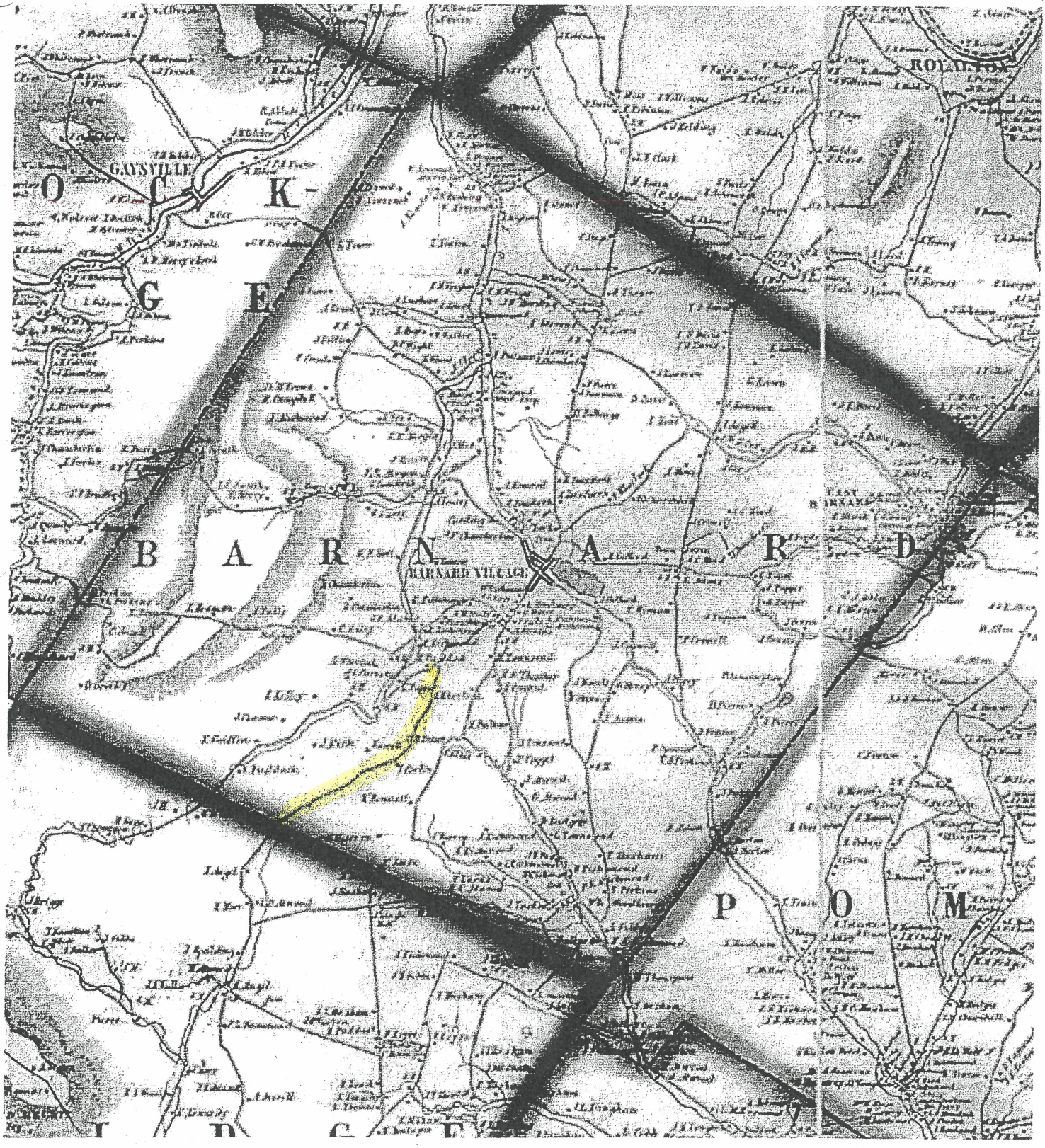
*Before me* [signature]
notary public
*(Title)*

Vermont Property Transfer Tax
32 V.S.A. Chap. 231
—ACKNOWLEDGMENT—
Return Rec'd.--Tax Paid--Board of Health Cert. Rec'd.
V.L. Land Use & Development Plans Act Cert. Rec'd.
Return No. A515789
Signed Hazel R Davis, Clerk
Date Dec. 2, 1980

Barnard Town Clerk's Office
Received for Record Dec. 2, A.D. 1980 at 10 o'clock and 30 min A.M.
Attest:
Hazel R. Davis
Town Clerk

(Hosea Dutton Map)

# BARNARD



gulf and it was a distinct advantage for him to have the road as at present and perhaps the town took the position that advantage was so great as to compensate him for his work.

In the early days the meetinghouse "at the spruce tree where the town makes the center" was the center of all civil and religious life and the roads radiated from that place like the spokes from the hub of a wheel. A road, now long abandoned, started from the old town meetinghouse on the common and running almost directly east came out on the old turnpike road and a branch of this road swerved south around the hill by the Gen. Joseph Foster farm and on to South Barnard. A part of this latter road is still used, but the part from the common on to the Foster road has been long unused.

Two roads, now abandoned, connected the north road with the road on the creek. One started in the Stevens dooryard a little south of the Methodist cemetery and followed the Dean Brook, by the Dean and Belding farms and came out nearly opposite the present creek schoolhouse. The other road started a little north of the Methodist cemetery, went down by the Chamberlin farm, turned northwest by the Fairbanks farm and came out on the creek at the hamlet of Newcombsville. A part of this last road from the Kenney or Fairbanks place to the creek is still used.

Many roads in the upper Chateauguay section of the town have been abandoned as the farms have become tenantless. One of these roads ran along on the height of land between the creek valley and the gulf road and extended on into Bridgewater. Another of these roads went over the Delectable Mountains to the old No. 2 school district and on down Stony Brook in Stockbridge roughly parallelling the present road over Smith Hill to the same destination.

Roads in the northwest section of the town have also been abandoned. The road starting from near the old mill privilege on the creek at Newcombsville once continued on to the Mount Hunger road while at another and earlier time a road further to the north also branched off and came on to the same road on Mount Hunger.

The pent rod starting near the old Timothy Newton log house on the creek and going toward the west is now unused as far as the site of the second house, the residents there preferring

BRC-105 known as "Bridgewater Hollow Road" starts at a point on TH 52 (Morgan Road) located 1.2 miles south of the intersection of Morgan Road and TH-51 (Bennett Road) and extends southerly 2.145 miles to the Bridgewater Town Line and lands of the Appalachian Trail Corridor.

Original Laying Out: Not found

This road is currently under litigation (Windsor Superior Court Docket No: 565-11-05 Wrev)

A Surveyors Report by Peter Franzoni dated 11-11-08 is attached.

Evidence of this road includes:

1. The focus of the above litigation is not the existence of this road in Barnard (which in court documents is unfortunately referred to as "Morgan Road") but rather whether the 1920 discontinuance of this road in Bridgewater was proper. The fact that Bridgewater (properly or improperly) discontinued the road argues for existence of the road in Barnard.
2. This road is mentioned in the laying out and survey of "Luce Pond Road" in 1885 (Barnard Road Book page 80; see documentation for BRC-104) where the point of beginning is described as "Beginning at a point in the Highway that leads from Bridgewater Hollow so called to the Village in Barnard."
3. This road is mentioned as a dividing line between parcels conveyed by Lombard to Scudder (Book 35, Page 111, circa 1968 and earlier) and Ward to Scudder (Book 42, Page 442, circa 1980 and earlier); copies attached.
4. This road is shown on the 1856 Windsor County (Doton) Map, copy attached.
5. This road is mentioned in the *History of Barnard, Vermont* at page 196, copy attached.

STATE OF VERMONT
COUNTY OF WINDSOR, SS.

WINDSOR SUPERIOR COURT
DOCKET NO: 565-11-05 Wrcv

MICHAEL JOYCE, GREG FAILLACI, and the TOWN OF BARNARD,
Plaintiffs

v.

IRA STEVENS, et al,
Defendants

**OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs oppose Defendants' Motion for Summary Judgment with the following arguments:

**1. Burden of Proof**

The Town of Bridgewater argues incorrectly that Plaintiffs have the burden of reviewing the Town's records and establishing the legal existence of the Upper Bridgewater Hollow Road. (See Town's Motion at 2.) The Town makes this argument despite the fact that it has failed to maintain its Highway records for decades, if not centuries, in violation of its statutory duties and has failed to reconstruct its Highway records that have been lost or destroyed. (See Plaintiff's Statement of Undisputed Fact ¶¶5, 3 & 4.)

The Town's burden of proof argument fails as a matter of Law. *McAdams*, 2007 VT 61, ¶13. ("In an action to quiet title, the plaintiffs have the burden of proof and must make out a prima facie case of title. If the plaintiffs make out a prima facie case, the defendants then have the burden of proving superior right or title in themselves. The burden was thus fairly placed on the Town to review its own records and discern whether

any roads existed.") *McAdams* shifts the burden to the towns because of the decrepit condition of many town road records: "difficulty in determining whether abandoned roads still legally exist stems from inconsistent, and sometimes incomprehensible, town records dating back two centuries or more." (Id at ¶ 13.)

Here, Joyce and Faillaci have proved their title to their second home and that they will be landlocked if the if the Bridgewater Selectboard lawfully discontinued the Bridgewater Hollow Road in 1859 and 1920. (Undisputed Fact ¶¶ 30-32.) The Town of Barnard has established the Morgan Road in Barnard, which connects to the Bridgewater Hollow Road in Bridgewater, is a Class 4 Town Highway. (Undisputed Fact ¶33.)

The Town now has the burden to review its own records and discern whether the Upper Bridgewater Hollow Road legally exists regardless of whether that road burdens the Plaintiff's property with a superior estate, or, as here, the road is allegedly discontinued so as to land lock Plaintiff's property and deprive the Town of Barnard of a through road. The Town has the burden so long as it derives its right from a recorded document in its Land Records (i.e. the 1859 and 1920 recorded road discontinuances) that may "injuriously or vexatiously affect or embarrass the owner's title." *McAdams*, 2007 VT 61, ¶10.

The Town of Bridgewater had a duty to record any selectmen or court order laying out or altering a highway together with a survey thereof in the town clerk's office under the Highway Law in effect in 1859 and 1920. See Title XII, Chap. XXII §14 of the 1850 Compiled Statutes of the State of Vermont (Exhibit 18) and Title 21, Chapter 191 §§4393 & 4398 of the 1917 General Laws of Vermont. (Exhibit 19) The Town should suffer the consequences of its failure to maintain its road records by not being able to

carry its burden. It would be inequitable to penalize the Plaintiffs for the Town's record keeping failure. See generally, *Lyndonville Nat. Bank v. Fletcher,* 68 Vt. 81, 34 A. 38, 39 (1895) ("when a mistake has been made, from which one of two innocent parties must suffer, he must suffer who made the mistake.") Accord, *Jipac, N.V. v. Silas,* 174 Vt. 57, 68, 800 A.2d 1092,1100 (2002) ("courts will afford relief from illegal contracts 'where equity requires it, to the more innocent party even after the agreement has been executed.' ")

## 2. Requirements for Creating a Legal Road

Defendants' incorrectly argue there is no evidence in the Record that establishes the Upper Bridgewater Hollow Road was laid out in a statutory proceeding or through dedication and acceptance. (See Defendants' Motion at 4-5.)

### Statutory Proceeding

There are no known town or county records of the laying out of the Morgan Road in Barnard or the Bridgewater Hollow Road in Bridgewater. (Undisputed Fact ¶4.) The Bridgewater Highway Book is missing and appears to have been missing for decades, if not centuries. (Undisputed Fact ¶¶5-4.) The public and ancient records attached to the Franzoni Report and the documents produced by the Town of Bridgewater in discovery comprise all the documents known to the parties that in any way concern or relate to the laying out, existence or discontinuance of the Morgan Road in Barnard or the Bridgewater Hollow Road in Bridgewater. (Undisputed Fact ¶8.)

Defendants do not dispute the authenticity or accuracy of the public records, 19th Century maps and other ancient records attached as exhibits to the Franzoni Report, just

the legal conclusions Mr. Franzoni draws from those exhibits. (Undisputed Fact ¶¶10-11.)

However, there is ample circumstantial evidence the Morgan Road in Barnard and the Bridgewater Hollow Road in Bridgewater were laid out as one county road because the road extends on the ground through two or more towns in Windsor County. The relevant statute in 1859 for laying out or discontinuing a road that extends into two or more towns is Chapter 22, Section 43, of the 1850 Compiled Statutes of the State of Vermont. (Exhibit 20) This law reads as follows:

> **"Sect. 43. When the public good shall require a highway to be laid out, altered or discontinued, extending into or through two or more towns in the same county, application may be made therefor, by seven freeholders or such town or the vicinity, to the county court, and such court by commissioners appointed for that purpose, may make inquiry and make order and render judgment in all things, as when the highway shall be located in only one town; and the same proceedings shall be had in all things, except that the notices required to be given shall be given to the selectmen of each town . . ."**

The Undisputed Facts that compel this "county road" conclusion are: (1) there is a road on the ground that runs between Bridgewater Hollow in the Town of Bridgewater and the Village of Barnard in the Town of Barnard, (2) the Road depicted on Exhibit 2 is described in contemporaneous deeds and surveys in the Barnard and Bridgewater Land Records circa 1855 to 1861 as a highway running between the Towns of Bridgewater and Barnard, (3) the Road depicted in Exhibit 2 is shown on the H.B. Thompson Map-Dated 1868 and the Hosea Dutton Map-Dated 1855 connecting the Town of Bridgewater and Barnard, (4) there are references in the Bridgewater Town Meeting Records from 1795, 1844 and 1845 to <u>other</u> roads running between Bridgewater and Barnard as being laid out

by: "a committee appointed by the county court," "a County Committee," or the "Courts Committee," and (5) the Town of Barnard maintains the continuation of the Bridgewater Hollow Road in Barnard (i.e. Morgan Road) as a Class 4 Town Highway. (Undisputed Fact ¶¶27, 12-26.)

Based on these Undisputed Facts, the Court may presume the Bridgewater and Barnard Selectboards followed the law and deferred to the County Court Commissioners for the laying out of the Morgan Road in Barnard and the Bridgewater Hollow Road in Bridgewater. *Traders, Inc. v. Bartholemew*, 142 Vt. 485, 489 (1983). ("The action taken by selectmen in the scope of their official duties is presumed regular and in accordance with statutory requirements.")

The Court may conclude from these Undisputed Facts the Morgan Road in Barnard and the Upper Bridgewater Hollow Road in Bridgewater shown on Exhibit 2 is a county road laid out by County Commissioners no later than 1855 as shown on the Dutton Map. (Undisputed Fact ¶¶14-16.) This conclusion is compelled by the fact the Barnard and Bridgewater Selectboards could not circumvent the jurisdiction of the county court and confer jurisdiction upon themselves by each laying out their respective parts of the Morgan and Bridgewater Hollow Roads in their respective towns. *In re Mattison,* 120 Vt. 459, 463 (1958). ("Jurisdiction may not be conferred by splitting such a[n] indivisible matter into several units.")

Finally, the Town's 1859 and 1920 attempted discontinuance of the Upper Bridgewater Hollow Road is at the very least an evidentiary admission by the Town the Upper Bridgewater Hollow Road existed as a legal Town Highway, otherwise the Town would have had no reason to formally discontinue it under the 1859 and 1920 Highway

Law. Only a legal highway may be discontinued under the Highway Law. See generally, *Traders, Inc. v. Bartholemew*, 142 Vt. at 489 ("The action taken by selectmen in the scope of their official duties is presumed regular and in accordance with statutory requirements.)

More likely, the Town of Bridgewater is bound by the judicial admissions it made in its 1859 and 1920 quasi judicial discontinuance proceedings and cannot now claim the Upper Bridgewater Hollow Road was never a Town Highway. *Trotier v. Basset,* 174 Vt. 520, 521-522, 811 A.2d 166,168-169 (2002) ("A judicial admission is testimony to a fact which is within the witness's personal knowledge and which meets the following requirements: (1) the statement must be clear; (2) it must be an unequivocal concession of fact; (3) the statement must be absolute and without qualification; (4) it must be made for the express purpose of dispensing with formal proof of one of the facts in issue; and (5) the party testifying must not have made any effort to retract, qualify, or otherwise explain the positive force of the evidence.") See also, *In re Bill*, 168 Vt. 439, 442 (1998). ("Nonetheless, because the selectboard of a town constitutes an inferior tribunal with certain quasi-judicial powers, when a selectboard acts outside its statutory authority with respect to a discontinuance, the defect is akin to a lack of jurisdiction over the subject matter.")

The Town of Bridgewater's April 26, 2005 NOTICE OF DECISION is another evidentiary or judicial admission the Lone Pine Trail section of the Upper Bridgewater Hollow Road is a legal Town Highway that was allegedly discontinued in 1920. The Town's NOTICE OF DECISION, unlike the Town's present argument, does not claim

the Upper Bridgewater Hollow Road never existed as a legal Town Highway. (See the attached Exhibit 26.)

**Dedication and Acceptance**

The controlling Highway Law in 1859 clearly states that a road running through two or more towns in the same county must be laid out by County Court Commissioners. Chapter 22, Section 43, of the 1850 Compiled Statutes of the State of Vermont. (Exhibit 20) The selectboards of two or more towns in the same county could not circumvent County Court jurisdiction by acting in concert to lay out a road running through their respective towns. *In re Mattison,* 120 Vt. at 463. It follows that those same selectboards could not circumvent County Court jurisdiction by acting in concert to establish a through road by dedication and acceptance.

Nonetheless, the undisputed facts in the Record that relate to Defendants "Dedication and Acceptance" argument are relevant and material to proving the legal existence of the Bridgewater Hollow Road, an undeniable fact the Defendants strenuously deny.

For example, the Affidavits of Nelson Lee and Charles Asbury show the Defendant landowners abutting the Lone Pine Trail section of the Upper Bridgewater Hollow Road, and their predecessors in title, have dedicated that section of the Lone Pine Trail by acquiescing to the public's use since at least the 1940s. (See Plaintiffs' Statement of Undisputed Facts ¶¶34 & 35 and Exhibits 16 & 17 attached thereto.) The Town of Bridgewater has "accepted" that dedication of the "Lone Pine Trail" section of the Upper Bridgewater Hollow Road by depicting it as a legal trail on the 1947 and 1979 Bridgewater Town Highway Maps. (See Franzoni Report at pages 5 & 9 marked as

Defendants' and Plaintiffs' Exhibit 1; see also the 1947 Bridgewater Town Highway Map attached to Plaintiffs' Exhibit 1.)

Finally, the Town of Bridgewater's acceptance of the Bridgewater Hollow Road dedication is shown by the H.B. Thompson Map- Dated 1868 and the Hosea Dutton Map- Dated 1855 which were prepared at the Town of Bridgewater's request to index what was in the Town as far as highways and dwellings were concerned. According to Mr. Franzoni: "They measured what the Town asked them to do." (See 1855 & 1868 Maps attached to Plaintiffs' Exhibit 1; see also Plaintiffs' Statement of Undisputed Facts ¶¶24, 12-16, and Franzoni Depo. at 31, L.25 to 33, L.23.)

Accord, *South Hero v. Wood* , 2006 VT 28 ¶¶10-11 ("Dedication of a roadway requires both an offer to dedicate the land and an acceptance of that offer . . . . For example, [l]ong acquiescence in use[ ] by the public, if the attending circumstances clearly indicate an intent by the owner to devote the land to public use, is evidence upon which a dedication may be predicated. This follows because the 'theory underlying dedication is that owner-permitted use of private property by the public creates . . . an expectation of continued use that estops the owner from preventing it'.")

These undisputed facts are more relevant as circumstantial evidence of the statutory laying out of the Upper Bridgewater Hollow Road, but they also disprove Defendants' claim there is no evidence to establish the Road by Dedication and Acceptance.

### 3. The Town of Bridgewater Has Not Met Its Burden

The Plaintiffs have established their title and the burden now shifts to the Town of Bridgewater to show the Upper Bridgewater Hollow Road never legally existed as a

Town Highway or was legally discontinued. Based on the Undisputed Facts and the Town's evidentiary and judicial admissions, the Town has failed to prove the Upper Bridgewater Hollow Road never legally existed. The public record and ancient maps simply do not support that conclusion of law. The Town did not even bother to address the validity of the 1859 and 1920 discontinuances having based its entire Summary Judgment Motion on the claim the Bridgewater Hollow Road was never a legal Town Highway in the fist place. Plaintiffs deal with the invalidity of the 1859 and 1920 discontinuances at Arguments 4 & 5 of its Summary Judgment Motion. The Court should deny the Defendants' Summary Judgment Motion and grant the Plaintiffs' Summary Judgment Motion accordingly.

**Conclusion**

The Town of Bridgewater has the burden of proving it lawfully discontinued the Bridgewater Hollow Road in 1859 and 1920 and it cannot meet that burden for the reasons discussed. The Court should grant Plaintiffs' summary judgment motion and declare:

> (1) The Lone Pine Trail section of the Upper Bridgewater Hollow Road was improperly discontinued by the Bridgewater Selectmen in an Order of Discontinuance dated October 18, 1920 and recorded in Book 27 at Page 411 of the Bridgewater Land Records.
>
> (2) The remainder of the Upper Bridgewater Hollow Road was improperly discontinued by the Bridgewater Selectmen in an Order of Discontinuance dated November 21, 1859 and recorded in Book 17 at Page 131 of the Bridgewater Land Records.
>
> (3) The entire Upper Bridgewater Hollow Road, starting at the end of Town Highway No. 11 by the site of the old red school house and running northerly past where the Jabez Hill Road branched off the Upper Bridgewater Hollow Road and headed to the north east, and continuing northwesterly to the southerly boundary of the Appalachian Trail Corridor owned by the United States, is an open Class IV Town Highway in the Town of Bridgewater.

(4) That the newly erected gate across the Lone Pine Trail section of the Upper Bridgewater Hollow Road is blocking an open Class IV Town Highway and must be removed.

(5) In the alternative, if the Court determines the Bridgewater Selectboard lawfully discontinued the Upper Bridgewater Hollow Road in the Town of Bridgewater in 1859 and 1920, then Plaintiffs Joyce & Faillaci have reasonable and convenient access over that discontinued road through a common law private right of access from their property to Town Highway #11 in the south and to the southerly boundary of the Appalachian Trail Corridor in the north.

(6) That Joyce & Faillaci shall have reasonable and convenient access along the Upper Bridgewater Hollow Road in either direction through all mechanized and non- mechanized means of ingress and egress to their residential property including, but not limited to, hiking, biking, skiing, snowshoeing, horseback, ATV, motorcycle, snowmobile, car, truck or other kinds of two or four wheel drive motor vehicles.

(7) That the scope of Joyce & Faillaci 's common law private right of access over the Upper Bridgewater Hollow Road extends to Joyce & Faillaci and their executors, heirs and assigns and to their social quests and invitees, but not to the general public, VAST members, or other business invitees who pay Plaintiffs for access over the discontinued road.

DATED at Rutland, Vermont this 8th day of September 2009.

MICHAEL JOYCE, GREG FAILLACI,
and the TOWN OF BARNARD

By: _____

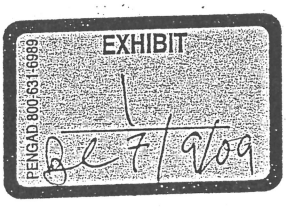
Ryan Smith & Carbine, Ltd.
P. O. Box 310
Rutland, VT 05702-0310

# SURVEYOR'S REPORT
# THE BRIDGEWATER HOLLOW ROAD so-called
# BRIDGEWATER VERMONT
# &
# THE MORGAN ROAD so-called
# BARNARD, VERMONT

This highway originally extended from the northerly line of the Woodstock Stage Road (now U.S. Route # 4) in Bridgewater Village in a general northerly direction to its intersection at School #5 (red school house) with the Bridgewater Hollow Road so-called (this portion of the highway was later discontinued or abandoned in favor of the better route or highway through Bridgewater Hollow). The highway then continues in a general northerly direction (passing the Jabez Hill Road, which branches to the northeast) on past the farm of Noel Angel to the town line between Bridgewater, VT. and Barnard, VT. This highway then continues in a general northerly direction, easterly of the Chataguay Road so-called and westerly of Lakota Lake (formerly known as Luce Pond ) and along the height of land between the said Chataguay Road and the Gulf Road on into Barnard Village.

This highway was later mentioned in the laying out and survey of the Luce Pond Road so-called in 1855 (Barnard Highway Book – Page 80). Which highway ran or runs from the Morgan Road so-called in an easterly direction around the southerly side of Luce Pond. (This road or highway was most likely altered, do to the damming and considerable expansion of the pond at a future date).
**:Beginning at a point in the highway leading from Bridgewater Hollow so-called to the village in Barnard ;** 3 rods and 3 links southerly of the bridge where the said road crosses a small brook that empties into the northwesterly side of Luce Pond; thence..., etc.(Luce Pond latter became known as Lake Lakota).

In the Town of Barnard: – Tax Parcels 7-670-1 & 7-670-2 comprise the original charter lot # 162 and is now or formerly the property of Scudder. The Morgan Road splits this original lot roughly in half and the subject road is mentioned in several deeds. Scudder bought this land in two different purchases and the property is comprised of two different chains of title. One parcel being on the east side of the Morgan Road and the other parcel being on the west side of the said Morgan Road. The property abutting to the south of the Scudder property, which extends southerly to the Barnard – Bridgewater Town Line is owned by the Lakota Club. In the portions of the Lakota Club property which we have researched, the chain of title brings us back to the original Barnard charter lots or a portion thereof. The Morgan Road which runs through this property was never a boundary and there for was never mentioned in any of these deeds.




*(continued on Page -2-)*

SURVEYOR'S REPORT
*(continued from Page -1-)*

SCUDDER PROPERTY EAST OF THE MORGAN ROAD

Deed of Ralph J. & Doris H Ward to David W & Marie Scudder (Bk. 42 Pg. 442 – Nov. 21,1980) **"The property on the southeasterly side of the old highway leading southwesterly from the Chateauguay"**

Deed of Alice Louise (Washburn) Williams & Mildred Lillian Washburn to Ralph H. & Doris H Ward (Bk. 40 Pg. 417 – Jan. 6, 1978) **"The property located on the southeasterly side of the old highway leading southwesterly from the Chateauguay Road".**

SCUDDER PROPERTY WEST OF THE MORGAN ROAD

Deed of James Roland Lambard and George Vernon Lambard to David W.. & Marie Louise Scudder (Bk. 35 Pg. 111 – Dec. 7, 1968) **"The Aldirch or Carlin farm on the road from Barnard to Bridgewater".**

Deed of William A Aldrich to the Town of Barnard (Bk. 28 Pg. 163 – Jan. 26, 1938) **"The Thomas Carlin Place situated on the road between Bridgewater and Barnard".**

This highway (Morgan Road so-called) is also mentioned in a book entitled: HISTORY OF BARNARD, VERMONT as published by the VERMONT HISTORICAL SOCIETY for the period 1761 – 1927. **"Many roads in the upper Chateauguay section of the town have been abandoned as the farms have become tenantless. One of these roads ran along the height of land between the creek valley and the gulf road and extended on into Bridgewater"**

In our research in the Land Records at the Barnard Town Clerks Office we were able to find several highway layouts and surveys that ether begin at the Bridgewater Town Line and extended northerly or begin northerly of the said Town Line and extended southerly and terminated at the Bridgewater Town Line. However, none of these highway surveys agreed or matched the location or configuration of the Morgan Road so-called. As for that matter, nether did these highway surveys agree or match the location or configuration of the Chataguay Road so-called (which is a class 4 Town Highway in Barnard as well as Bridgewater) which extends through Bridgewater and well into Barnard and is located to the west of the so-called Morgan Road.

*(continued on Page -3-)*

SURVEYOR'S REPORT
*(continued from Page -2-)*

The upper or most northerly portion of the Bridgewater Hollow Road in the Town of Bridgewater was discontinued by the selectmen of that town on November 21,1859 as recorded in the Bridgewater Land Records in Book 17 @ Page 131. This discontinuance appears to have been done unilaterally by the Bridgewater selectmen. In our research in the Town of Barnard and also in the Windsor County Court Records, we were not able to find any similar discontinuance of an extension of this highway (Bridgewater Hollow Road – Morgan Road) into the Town of Barnard. This highway (upper or most northerly portion of the Bridgewater Hollow Road) was discontinued by the Bridgewater selectman under the following description. **"This certifies that the road running from Noel Angells to Barnard is discontinued and set over to the farms from which they were taken originally".** This description is ambiguous; it does not clarify as to where this discontinuance begins. Does the discontinuance begin at Noel Angell's dwelling or at his northerly property line? According to the H. B. Thompson Map, Dated 1868 and also the Hosea Dutton Map of 1855, Noel Angell's dwelling is approximately 2,200 feet above or northwesterly of the fork in the Bridgewater Hollow Road (by scale), where the Jabez Hill Road branches to the northeast. Noel Angell's north property line is by record description approximately 100 rods southerly of the Barnard Town Line, which places his north property line about 6,100 feet northwesterly of that same fork in the highway where the Jabez Hill Road branches to the northeast.

On Oct. 18, 1920 as recorded in the Bridgewater Land Records in Book 27 @ Page 411, the Selectmen of the Town of Bridgewater discontinued a portion of the Bridgewater Hollow Road and the Jabez Hill Road under the following description: The Selectman decided to discontinue the hereinafter specified portion of the highway in Bridgewater, Vermont and the same are discontinued. **"Commencing at the turn in the road leading from the main road through Bridgewater Hollow, so-called to buildings now owned by Ernest Adams and occupied by Joseph Adams; thence easterly by the red schoolhouse and northerly and easterly through a part of Bridgewater Hollow and over Jabez Hill, so-called to the road that leads to the Jabez Maxham place now owned by Stephen Townsend."**

It is apparent from the readings of the 1859 discontinuance description and the 1920 discontinuance description, that the portion of the Bridgewater Hollow Road, from the fork in the highway where the Jabez Hill Road branches to the northeast, to the former dwelling of Noel Angell (about 2,200 feet) and/or to the northerly property line of the former Noel Angell property (about 6,100 feet) **was never discontinued.**

*(continued on Page -4-)*

BRC-107 known as "Barlow Road" starts at the terminus of TH-50 (Barlow Road) and extends northeasterly 0.797 miles to the terminus of TH-51 (Bennett Road).

Original Laying Out: Road Book Page 21, Entry C

Shown on Windsor County (Doton) Map of 1956, Walling Map of 1860, Beers Atlas of 1869, Windsor County Gazette of 1880, and the 1913 Woodstock Quad

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 21, Entry C

A Survey of A Road from Joseph Barlows to Wards Esq Barlows
Beginning at a Stake & Stones near Joseph Barlows House
E 38° N 22 Rods to Stake & Stones
E 31° N 24 Rods to Stake & Stones
E 34° N 17 Rods to Stake & Stones
E 34° N 27 Rods to Beach tree
E 24° N 20 Rods to Burch tree
E 30° 30° [sic] N 21 Rods to hemlock tree
E 25° N 12 Rods to Burch tree
N 34° E 14 Rods to Ash tree
N 30° E 34 Rods to Stake and Stones
In the Road Leading from Gideon Billings to Esq. Sd. Road to Be three Rods Wide on the Right hand side of the marked trees per me
Prince Haskell County Surveyor
Jacob Lawton ) Sworn
Joseph Barlow ) Chairmen

June 18th 1799
Jacob Lawton ) Select
Seth Dean ) men
David Pierce )

Recorded October 1th 1799
Attest Samuel Topliff T. Clerk

Simon W. Culver } Sworn
Jonathan Ashley } Chainmen

Solomon Aiken } Select
Wm Freeman } men

Recorded June th 1799
pr Samuel Topliff T. Clerk

A Survey of A Road to Stockbridge Line beginning A burch tree the North side of the Road Between Mathew Browns & Thaddeus Nott

A

W12d N 60 Rods to Maple tree
W4d N 16 Rods to Maple tree
W18d S 10 Rods to Hemlock tree
W14d S 8 Rods to Hemlock tree
W1d S 20 Rods to Spruce tree
W20d S 16 Rods to Hemlock tree
W31d S 4 Rods to Hemlock tree
W14d S 7 Rods to Hemlock tree
W14d S 7 Rods to Hemlock tree
W13d S 10 Rods to Spruce tree
W1d N 11 Rods to Beach tree
W3d S 14 Rods to Beach tree
W3d N 14 Rods Beach tree
W24d N 14 Rods to Hemlock tree
W14d N 39 Rods to Beach tree
In the Line of Stockbridge
Sd Road to Be three Rods wide on the Left hand side of the marked trees pr me

Prince Haskell } County Surveyor

Solomon Aiken Jr } Sworn
Thaddeus Nott } Chainmen

Jacob Lawton
Seth Dean
David Pierce

Barnard July th 17 1799

Recorded September th 3 1799
Attest Samuel Topliff T. Clerk

A Survey of a road Beginning at the N. W. Corner of Frances Daves House W4d N accroft the Mill pond to Stake & Stones on the West side of 3d Sd Millpond
W19d S 87 Rods to Stake and Stones
W24d N 3½ Rods to a hemlock Stump in a Road Sd Road to be Rods Wide on the Right hand side of the Marked on Bounds

Barnard June th 10 1799
per me Prince Haskell C Surveyor

(21)

Thomas Swift } Sworn
Francis Davis } Chainmen

Jacob Lawton } Select
Seth Dean } Men
David Pierce

Recorded July 1799 pr Samuel Topliff T. Clerk

A Survey of A Road from Joseph Barlows to Wards Esqr Barlows Beginning at a Stake & Stones near Joseph Barlows House

E30d N 22 Rods to Stake & Stones
E31d N 24 Rods to Stake & Stones
E35d N 17 Rods to Stake & Stones
E34d N 27 Rods to Beach tree
E24d N 20 Rods to Burch tree
E30d 3d N 21 Rods to hemlock tree
E25d N 12 Rods to Burch tree
N34d E 14 Rods to Ash tree
N30d E 34 Rods to Stake and Stones
in the Road Leading from Gideon Billings to Esqr Sd Road to Be three Rods Wide on the Right hand side of the marked trees pr me

C

Prince Haskell C Surveyor

Jacob Lawton } Sworn
Joseph Barlow } Chainmen

June th 8 1799

Jacob Lawton } Select
Seth Dean } Men
David Pierce

Recorded October th 1 1799
Attest Samuel Topliff T. Clerk

An alteration of A Road through Nathaniel Wights Land Beginning at A Beach tree Near Nathaniel Wights East Line

D

W9d S 49 Rods to Butternut tree
W6d S 38 Rods to Stake & Stones
W2d N 20 Rods to Stake & Stones
W9d N 17 Rods to Stake & Stones
W44d N 24 Rods to Stake & Stones
W40d N 27 Rods to Hemlock tree
W37d N 24 Rods to Beach tree in the old Road near Benjr Stebbings Northeast Corner of Benjamin Stebbings Land Sd Road to be three Rods Wide on the Right hand side of the marked pr me

Prince Haskell C Surveyor

Barnard June 18 1799
Seth Dean } Sworn
Benona Wight } Chainmen
Jacob Lawton } Select
Seth Dean } men
David Pierce

Oct 1 1799 Recorded S. Topliff T. Clerk

(21)

Barnard Road Book Page 21, Entry C
BRC-107 Barlow Road

BRC-108 known as "Wheat Road" starts at a point on TH-5 (West Road) located 0.5 miles west of the intersection of West Road and VT Route 12 and extends southwesterly 1.160 miles to a point on TH-47 (Chateauguay Road) located 0.9 miles south of the intersection of Chateauguay Road with TH-5 (West Road) and TH-26 (Smith Hill Road).

Original Laying Out: Road Book Page 39, Entry A

This road was declared a Class 4 public highway by Windsor Superior Court Order dated July 3, 1986 (Docket No. S246-85WrC)(copy attached).

Shown on the 1913 Woodstock Quad

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 39, Entry A

A survey of a road Beginning at a small maple tree on the North side of the Mill yard Belonging to Thadeus Nott
E 36° N 8 rods to spruce tree
N 29° E 7 rods to maple tree
N17° E 6 rods to a Beech tree
N 9° E 5 rods to maple tree
N 12° E 16 rods to Beech stump
N 38° E 18 rods to stake & stones
N 23° E 32 rods to S.E. corner of house
E 33° S 21 rods to stake and stones
N 35° E 64½ rods to ash Bush
N 1° E 18½ rods stake and stones
Thence N. Westerly as the line between Briggs & Nott now runs 35 rods
N 20° E 8 rods to Beach tree
N 29° E 9 rods to Beach tree
E 31° N 10 rods to a maple staddle
E 37° N 7 rods to small maple
E 36° N 7 rods to small Beach
N 45° E 11 rods to small Burch tree
N 40° E 6 rods spruce stump
E 3° S 16 rods to Basswood stump
E 13° N 13 rods to small maple tree on the southerly side of the now road from Moses Bruce house to the meeting house – sd road is three rods wide on the right hand side of the Bounds – Said road Subject to gates & Bars.

Shiverick Crowel ) Sworn
Solomon Nott ) Chairmen
Sept. 7th 1816
Thomas Freeman ) Select
Benj. Cox ) men
Shiverick Crowel )

Recorded January 1, 1817
attest Samuel Topliff, Town Clerk

(39)

A survey of a road Beginning at a small maple tree on the North side of the Mill yard Belonging to Thaddeus Nott E 36d N 8 rods to spruce tree
N 29d E 7 rods to maple tree
N 17d E 6 rods to a Birch tree
N 9d E 5 rods to maple tree
N 12d E 16 rods to Beach stump
N 38d E 18 rods to stake & stones
N 23d E 32 rods to S.E. corner of house
E 33d S 21 rods to stake and stones
N 35d E 64½ rods to ash Bush
N 1d E 18½ rods to stake and stones
thence N. Westerly as the line between Briggs & Nat now runs 35 rods
N 20d E 8 rods to Beach tree
N 29d E 9 rods to Beach tree
E 31d N 10 rods to a maple staddle
E 37d N 7 rods to small maple
E 36d N 7 rods to small Beach
N 45d E 11 rods to small Birch tree
N 40d E 6 rods spruce stump
E 3d S 16 rods to Bass wood stump
E 13d N 13 rods to small maple tree
on the southerly side of the now road from Mars Bruce house to the meeting house — sd road is three rods wide on the right hand side of the Bounds —
Said road Subject to gates & Bars
Shiverick Crowel { Sworn
Salaman Nott { Chainmen
attest Prince haskell County surv
Sept 7th 1816
Thomas Freeman { Select
Benjr Cox { men
Shiverick Crowel
Recorded January 1st 1817
attest Samuel Topliff
Town Clerk

A Road to accommodate Henry Richmond Beginning at a Maple Stump in Townsends Pasture —
S 31 & 3/4d E to Mr Townsends wall thence on sd Townsend wall as it Now runs the Course of the Wall 82 rods to the now road Leading from mr Townsends to Mr Lurveys
sd road three rods wide on the left hand side of the Bound
Benjr Cox — { Sworn
Shiverick Crowel { Chainmen
Septr 7th 1816
attest Prince Haskell County surveyor
to be Bars on orchard line a gate at Mr Townsends road
Thomas Freeman } select
Benjr Cox — } men
Shiverick Crowel
Reccorded February 24th 1817
attest Samuel Topliff Town Clerk

A Survey of a road on Jonathan Esteys Land Beginning at a small Beach tree on the west side of the Turnpike road —
S 22d W 10 rods to stake & stones
about three rods ~~east~~ N.E. of sd Esteys house —
S 25d W 18 rods to stake & stones
S 44d E 8 rods to stake on the west side of the turnpike road —
said road three rods wide on the Easterly side of the line
Thomas Freeman { Sworn
Benjr Cox — { Chainmen
December 13th 1816
Prince Haskell County surveyor
Thomas Freeman } Select
Benjr Cox — } men
Siverick Crowel
Recorded Febr 12th 1817
attest Samuel Topliff
Town Clerk

Barnard Road Book pg. 39 A
BRC-108 Wheat Road

7.3.86

STATE OF VERMONT

WINDSOR COUNTY, SS.

| | | |
|---|---|---|
| BYRON K. KELLY, SR. and BYRON K. KELLY, JR. | ) | |
| v. | ) | WINDSOR SUPERIOR COURT<br>CIVIL ACTION<br>DOCKET NO. S246-85WrC |
| TOWN OF BARNARD, JOHN GENCO and RUTH GENCO | ) | |

DECISION

This case came before the Court on December 26, 1985 on Plaintiff's Motion for Summary Judgment and on February 21, 1986 on Defendant's, Town of Barnard, Motion for Summary Judgment. Both Motions were denied by this Court on April 10, 1986. On May 30, 1986, the Plaintiffs filed a Motion to Reconsider the Court's Order dated April 10, 1986, denying Plaintiffs' Motion for Summary Judgment. After reconsideration of the Plaintiffs' and Defendants' Memoranda and Affidavits, and applicable statutory and case law, this Court concludes that partial summary judgment for the Plaintiffs is appropriate.

The Plaintiffs, by a Complaint filed September 18, 1985, requested that this Court declare "Wheat Road" a public highway and further order that it be kept in good repair by the Town of Barnard, or, in the alternative, permit Plaintiffs to do so and receive reimbursement from the Town of Barnard. The Plaintiffs further requested that Defendants, Ruth and John Genco, be permanently enjoined from interfering with the Plaintiffs use of "Wheat Road" as a town highway and pay actual damages sustained by the Plaintiffs as a result of their threatened actions against Plaintiffs should they attempt to use "Wheat Road". Plaintiffs by

FILED
JUL 3 1986
JANE W. NORMAN
WINDSOR COUNTY CLERK

access by road to their property is over "Wheat Road".

It is undisputed that "Wheat Road" was "properly laid out" in 1816 by making a survey of "Wheat Road" with reference to "gates and bars", and recording it in the Town of Barnard Clerk's Office in 1817. Defendant, Town of Barnard, argues that although "Wheat Road" was properly "laid out", the road was never "opened" by the town, a legal and technical step first required by Act Number 10 of 1820. See 1824 Laws of Vermont, Ch. LIII, No. 10, § 2 at 443; current law at 19 V.S.A. § 349. This Act reads, in relevant part:

> Sec. 2. And it is hereby further enacted, That, when the selectmen of any town shall open any road, heretofore, or hereafter, laid out, they shall cause a certificate thereof, signed by them, or a major part of them, to be forthwith recorded in the town clerk's office, in such town; and the day on which such certificate is recorded, shall be taken and deemed to be the time of opening such road.

The required certificate was never filed by Town of Barnard Selectmen with respect to "Wheat Road".

This Court concludes, however, consonant with Plaintiffs' Objections to Defendant Town's Motion for Summary Judgment, (March 14, 1986), that the above statutory requirement was applicable only to those roads "heretofore, or hereafter, laid out" which had not been "opened" prior to the statute's enactment in 1820. The Barnard Selectmen, in 1817, complied with the necessary statutory requirements to officially open "Wheat Road". Before 1820, the relevant statute, passed on March 3, 1797, read, in part:

> ... And every highway or road which shall in future be laid out or opened, shall be actually surveyed, and a survey thereof made out, entered and recorded, in the town clerk's office, where such highway or road lies, (and for want thereof, in the proprietor's clerk's office) ascertaining the breadth, course and distance of such road.

FILED
JUL - 3 1986
JANE W. NORMAN

1 Laws of Vermont, Ch. XLV, "Of Highways", § 1 at 446 (1808), (emphasis added) (hereinafter referred to as Act of 1797).

Upon a presumption of the regularity of official acts, this Court concludes that "Wheat Road" was opened prior to 1820. See Bacon v. Boston & Maine Railroad, 83 Vt. 421, 433-34 (1910). The primary or best evidence that "Wheat Road" was opened, absent any evidence to the contrary, is the selectmen's recording of the survey, with a statement as to gates and bars in the Town Clerk's Office on January, 1817, in compliance with the then existing statute.

In further support, the Affidavit of Frank B. Lamson, a registered land surveyor in the State of Vermont, states that there exists a roadbed which closely follows the path of the "Wheat Road" survey as laid out in 1816 and filed in 1817. This is additional evidence that "Wheat Road" was not only "laid out", which means merely to survey the course of the road, see The State v. The Inhabitants of Brookfield, 2 Vt. 548, 553 (1830) (distinguishes a road "laid" from the duty to "make and open" said road) but that it was also "made" and therefore "opened" when the survey was recorded in the Town Clerk's Office in 1817. Many town selectmen were reluctant to make and open roads laid out (surveyed) by committees specially appointed by the Legislature or by county courts, which generally involved roads passing through more towns than one. See Patchen v. Morrison, 3 Vt. 590, 592 (1831). In this case, however, the selectmen, on their own assessment of need and without court or legislative order, laid out "Wheat Road" and presumably did not neglect to complete the project they initiated at the town's expense.

FILED
JUL - 3 1986
JANE W. NORMAN
WINDSOR COUNTY CLERK

In summary, the fact that a certificate of opening, under the Act of 1820, was never filed, is not evidence that the road was not opened prior to 1820; no certificate was required for previously opened town roads. No evidence has been offered that "Wheat Road" was merely "laid out" or surveyed and never "opened" before 1820. This Court may therefore rely upon the survey recorded pursuant to the Act of 1797, the existence of a roadbed, and a presumption of regularity of official acts to conclude that "Wheat Road" became a public highway in 1817, classified as a "pent road". The Town of Barnard has never discontinued "Wheat Road" in accordance with statutory provisions; "Wheat Road", therefore, is presently a public highway in the nature of a "pent road".

ORDER

For all the foregoing reasons, this Court declares that "Wheat Road" is a Class Four (4) public highway under the provisions of 19 V.S.A. § 17(a)(4); as such the Plaintiffs and general public are entitled to travel "Wheat Road" without interference.

DATED at Woodstock, in the County of Windsor and State of Vermont this 3rd day of July, 1986.

Alan W. Cheever
HON. ALAN W. CHEEVER
PRESIDING JUDGE

Harold E. Eaton
HON. HAROLD E. EATON
ASSISTANT JUDGE

James O. Howland
HON. JAMES O. HOWLAND
ASSISTANT JUDGE

FILED

JUL - 3 1986

JANE W. NORMAN
WINDSOR COUNTY CLERK

VT. SUPREME COURT
FILED IN CLERK'S OFFICE

OCT 19 1990

ENTRY ORDER

SUPREME COURT DOCKET NO. 88-268

MARCH TERM, 1990

| | | |
|---|---|---|
| Byron K. Kelly, Sr., Byron K. Kelly Jr., and Jeffry C. Kelly | } | APPEALED FROM: |
| v. | } | Windsor Superior Court |
| Town of Barnard, John Genco and Ruth Genco | } | DOCKET NO. S246-85Wrc |

In the above entitled cause the Clerk will enter:

Affirmed.

FOR THE COURT:

Louis P. Peck

Louis P. Peck, Associate Justice

Concurring:

Frederic W. Allen

Frederic W. Allen, Chief Justice

Ernest W. Gibson III

Ernest W. Gibson, III, Associate Justice

John A. Dooley

John A. Dooley, Associate Justice

James L. Morse

James L. Morse, Associate Justice

[ ] Publish

[ ] Do Not Publish

NOTICE: This opinion is subject to motions for reargument under V.R.A.P. 40 as well as formal revision before publication in the Vermont Reports. Readers are requested to notify the Reporter of Decisions, Vermont Supreme Court, 111 State Street, Montpelier, Vermont 05602 of any errors in order that corrections may be made before this opinion goes to press.

VT. SUPREME COURT
FILED IN CLERK'S OFFICE

OCT 19 1990

No. 88-268

Byron K. Kelly, Sr., Byron K. Kelly, Jr., and Jeffry C. Kelly

v.

Town of Barnard, John Genco and Ruth Genco

Supreme Court

On Appeal from
Windsor Superior Court

March Term, 1989

Alan W. Cheever, J.

Bourdon & Cullen, Woodstock, for plaintiffs-appellees

Rexford & Kilmartin, Newport, for defendants-appellants

PRESENT: Allen, C.J., Peck, Gibson, Dooley and Morse, JJ.

PECK, J. Defendants, John and Ruth Genco, appeal a superior court order granting summary judgment in favor of plaintiffs who claim that a road crossing defendants' property is a public road. We affirm.

On appeal, defendants, the Gencos, raise a host of challenges. The two primary claims are (1) that the trial court erred in granting summary judgment because genuine issues of material fact existed and because the legal theory applied by the court was erroneous, and (2) that not all necessary parties were joined.[1]

---

[1] Defendants also seek oral argument before this Court. Because the request was untimely, and because the Court considers the briefs adequate to determine the merits, permission to present oral argument is denied.

Plaintiffs, the Kellys, own property in the Town of Barnard. They claim that sole access to the property is by the Wheat Road, continuing as the Park Hill Road which crosses defendants' land. After the plaintiffs purchased the property, defendants told them that any use of the roads would constitute trespass, as the roads had been discontinued. Plaintiffs' initial requests to the Town to upgrade the roads or to allow them to repair the roads were denied, and this action was commenced in 1985.

Plaintiffs sought judgment declaring that Wheat Road and Park Hill Road are public roads which the Town has a duty to maintain and enjoining the Gencos from interfering with plaintiffs' use of the roads. The Town of Barnard and the Gencos were named as defendants. The central issue was whether Wheat Road and Park Hill Road were properly laid out and opened in 1816 and 1788.

Plaintiffs and the Town sought summary judgment and both motions were initially denied; however, following plaintiffs' motion to reconsider, the trial court granted summary judgment in favor of plaintiffs, ruling that Wheat Road is a class 4 public highway and that plaintiffs and the public are entitled to use the road. An amended complaint added Park Hill Road, and the trial court granted a further motion for supplemental summary judgment, declaring that road a public highway. Plaintiffs and the Town supplemented both motions with affidavits and memoranda. The Gencos submitted no materials in response. Thereafter, the plaintiffs and the Town reached an agreement dismissing the action pertaining to the Town, and acknowledging the continuing force and effect of the two summary judgment orders declaring Wheat Road and Park Hill Road public highways. After a teleconference hearing, the trial court made final disposition of the case

by ordering that the prior summary judgment orders should be of "continuing force and effect," that all pending equitable claims were withdrawn without prejudice to the plaintiffs, and that all pending claims for damages were dismissed with prejudice. The Gencos filed a motion to alter, amend and strike orders and judgment orders. The trial court denied the motion. This appeal followed.

I.

When reviewing a motion for summary judgment, we apply the same standard the trial court used in ruling on the motion. Morrisville Lumber Co. v. Okcuoglu, 148 Vt. 180, 182-83, 531 A.2d 887, 888-89 (1987). To prevail, the moving party must satisfy a two-part test. They must establish that no genuine issues of material fact exist, and that the motion rests on a valid legal theory that entitles them to judgment as a matter of law. V.R.C.P. 56(c). Both in the trial court and on appeal, the moving party bears the burden of proof. Price v. Leland, 149 Vt. 518, 521, 546 A.2d 793, 796 (1988).

At the outset, we note that the Gencos provided the trial court with no evidence to counter the plaintiffs' affidavits in support of summary judgment. Plaintiffs filed two motions for summary judgment, both supported by affidavits and legal memoranda. Neither motion was opposed by the Gencos. "Nothing in our case law or the language of Rule 56" requires an adverse party to file an affidavit in opposition to a summary judgment motion. Bingham v. Tenney, ___ Vt. ___, ___, 573 A.2d 1185, 1187 (1990). However,

> [w]hen a motion for summary judgment is made and supported as provided in [Rule 56], an adverse party may not rest upon the mere allegations or denials of the adverse party's pleading, but the adverse party's

> response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

V.R.C.P. 56(e); see Gore v. Green Mountain Lakes, Inc., 140 Vt. 262, 266, 438 A.2d 373, 375 (1981).

A.

Defendants' first claim of error is that there existed a genuine issue as to the existence of Wheat Road and Park Hill Road and the location of the roads. They also argue that whether Wheat Road and Park Hill Road are public highways is a mixed question of law and fact and that the court engaged in fact finding when it decided the status of the roads. Therefore, they conclude, summary judgment was inappropriate. We disagree.

In both cases, the only issue which the court decided when it granted summary judgment was whether the road in question was a public highway. The court based its decisions on the following facts: (1) Wheat Road and Park Hill Road exist, and have existed since the early 19th century, and (2) Wheat Road was surveyed in 1816 and recorded in 1817, and Park Hill Road was surveyed and recorded in 1788.

At the time the court granted the motions for summary judgment it had before it the following materials:

> 1. affidavits from John Dutton, a surveyor who had conducted extensive boundary and highway research in the Town of Barnard, stating that he had examined the Barnard Land Records and the area of the disputed roads in 1985 and had uncovered (a) a survey of the Wheat Road dated September 17, 1816 and recorded in the Barnard Land Roads and Villages Book at Page 39 on January 1, 1817, and (b) a survey of the Park Hill Road dated September 9, 1788 and recorded in the Barnard Land Roads and Villages Book at page 5;

2. affidavits from Frank B. Lamson, a registered land surveyor in the State of Vermont, stating that (a) in 1985, he supervised a survey of the "so-called Wheat Road's" present centerline and the "so-called Park Hill Road's" present centerline; and (b) in the process of conducting the 1985 survey, he found (i) clear evidence of Wheat Road's and Park Hill Road's continued existence and (ii) that the centerline of the current roadbeds closely followed, for the most part, the path of the same laid out in 1816;[2]

3. a certified copy of the September 17, 1816 survey of Wheat Road signed by the Barnard Selectmen and a certified copy of the September 9, 1788 survey of Park Hill Road also signed by the Barnard Selectmen.

4. a copy of the 1985 survey of the Wheat Road and the Park Hill Road conducted by Mr. Lamson.

---

[2] The defendants fire a battery of frivolous challenges at the affidavits of Lamson and Dutton. Suffice it to say that the affidavits show that the affiants were qualified to testify as to the facts the court used the affidavits to establish. Dutton, an experienced surveyor, testified as to the results of research he personally conducted. Lamson, a registered land surveyor, testified as to the results of a survey he personally supervised. The affidavits were duly sworn and notarized. Defects in other information contained in the affidavits are irrelevant since that information was not relied on by the court in its decision. See Deary v. Evans, 570 F. Supp. 189, 193 n.6 (D.C.V.I. 1983) (where an affidavit contained certain objectionable statements, the court struck those statements but considered the remainder of the affidavit); Chambers v. McLean Trucking Co., 550 F. Supp. 1335, 1338 (M.D.N.C. 1981) ("In deciding the motions for summary judgment, the Court will only consider statements which these affiants have made based on their knowledge gained through their positions. It will not strike those affidavits in their entirety merely because they contain a few statements as to the affiants' understandings rather than knowledge.") Furthermore, it is not evidence of bad faith or lack of competence that the affiants modified their testimony to reflect the fact that a road originally believed to be just the Wheat Road was subsequently discovered to include portions of the Park Hill Road. Finally, we note that it is well established that "[a]bsent a motion to strike or other timely objection, the trial court may consider a document which fails to conform to the formal requirements of Rule 56(e)." Williams v. Evangelical Retirement Homes, 594 F.2d 701, 703 (8th Cir. 1979) (per curiam) (emphasis added). The first time defendants made any reference to the alleged deficiencies in the affidavits was in their motion to strike orders filed after both summary judgment motions were granted, after a teleconference hearing during which the final disposition of the case was discussed, and after final judgment was entered. This does not constitute a timely objection.

These materials were evidence of the facts relied on by the court in making its decision. The only challenge to the determining facts consisted of a general denial by the Gencos of the following clause in the plaintiffs' complaint:

> Plaintiffs' only access by road to [their] premises is over the "Wheat Road" or "Old Town Road," so called, (hereinafter referred to as the Wheat Road) to the Park Hill Road, so called. The Wheat Road, which lies solely within the Town of Barnard, also adjoins lands of Defendants John and Ruth Genco and connects with another old town highway. The Wheat Road was laid out and approved as a town highway in 1816. A survey of the Wheat Road, dated September 7, 1816 and signed by the Selectmen of the Town of Barnard, was recorded on January 1, 1817 at Page 39 of the Barnard Highway Records.

Because the plaintiffs submitted credible affidavits and documentary evidence in support of the determining facts, defendants could "not rest upon the mere allegations or denials of the adverse party's pleading," but were required to respond "by affidavits or as otherwise provided in [Rule 56] ... set[ting] forth specific facts showing that there [was] a genuine issue for trial." V.R.C.P. 56(e); see Gore, 140 Vt. at 266, 438 A.2d at 375.

B.

In order to prevail on their motion for summary judgment the plaintiffs must show that the motion rests on a valid theory of law. The defendants argue that the court applied an incorrect legal theory in deciding that Wheat Road and Park Hill Road are class four public roads. We disagree.

In 1816 and 1817 the procedure for the establishment of a public highway was as follows:

> [E]very highway or road which shall in future be laid out or opened, shall be actually surveyed, and a survey thereof made out, entered and recorded, in the town

> clerk's office, where such highway or road lies, (and for want thereof, in the proprietors' clerk's office) ascertaining the breadth, course and distance of such road.

1 Laws of Vermont, Ch. XLV, §1, at 446 (1808). In 1820 the following step was added to the procedure:

> [W]hen the selectmen of any town shall open any road, heretofore, or hereafter, laid out, they shall cause a certificate thereof, signed by them, or a major part of them, to be forthwith recorded in the town clerk's office, in such town; and the day on which such certificate is recorded, shall be taken and deemed to be the time of opening such road.

1820, ch. 6, § 2, at 22 (current version at 19 V.S.A. § 715). The court interpreted the "heretofore or hereafter" language to apply to "laid out". Thus, the 1820 additional step of certification for valid opening applies only to roads which were laid out but not opened before the change was enacted and to roads laid out after the passage of the provision. We agree with the court's interpretation.

This interpretation, however, does not end the matter. As the defendants point out, although there is evidence that Wheat Road and Park Hill Road were surveyed and laid out before 1820 there is no evidence establishing when the roads were opened. Thus, it is possible that although Wheat Road and Park Hill Road were laid out before 1820 they were not opened until after 1820. If that were the case, certification would have been required for the proper establishment of the roads as public highways. There is no evidence that either Wheat Road or Park Hill Road was ever certified.

At this juncture, the date of the opening of the contested roads is difficult to ascertain. However, evidence that the roads were opened early in the 19th century is found in Frank Lamson's affidavits which stated that

in the process of conducting the 1985 survey of Wheat Road and Park Hill Road, he found "clear evidence" of the "continued existence" of the roads and that "[t]he centerline of the current roadbed[s] closely followed, for the most part, the path of the same as laid out in 1816." In Bacon v. Boston & Maine R.R., 83 Vt. 421, 434, 76 A. 128, 134 (1910), we stated that "[w]here the regularity of an official act is dependent upon some coexisting or preexisting act or fact there is a presumption in favor of the doing of such act or the existence of such fact." Here, since openings subsequent to 1820 required certification, the opening of Wheat Road and Park Hill Road was regular only if it was accomplished prior to 1820. Opening prior to 1820 is thus a coexisting or preexisting fact upon which the regularity of the opening is dependent. Therefore, the court was correct in presuming that the roads were opened prior to 1820 absent evidence to the contrary.[3] Since there is an uncontested presumption that Wheat Road and Park Hill Road were opened prior to 1820, and since the roads were surveyed and the surveys were recorded, the court was correct in concluding that public highways were properly established.

II.

Defendants argue that the court lacked jurisdiction to rule on plaintiffs' claim for declaratory judgment because not all necessary parties were joined. The Declaratory Judgments Act provides that

---

[3] Defendants argue that in Bacon the Court declined to apply the presumption of regularity of official acts on facts similar to the facts in this case. However, in Bacon the Court stated that the presumption could not be used to show that a certificate was filed where no certificate was found. Here, it is not alleged that a certificate was filed. Rather, the presumption is applied to show that the failure to file was regular since no certificate was required.

> [w]hen declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding.

12 V.S.A. § 4721.[4]

Although the Gencos raised the issue of joinder as a defense, they have not mentioned specifically a single additional party whose interest is affected by the decision in this case. Indeed, when suggesting to the Kellys that the status of the contested roads should be determined in court, the Gencos advised the Kellys to "commence an action in the Windsor Superior Court against the Town of Barnard and the Gencos." In their answer to the complaint, defendants simply stated that the plaintiffs did not join all the interested parties. In their motion to alter, amend and strike orders and judgment orders, defendants alleged that "[t]here are five known property owners whose interest in land is affected by the two court Orders of July 3, 1986 and April 30, 1987 who were not made parties," but did not explain who these five property owners are or how their interest in land is affected. There is no evidence in the record that Wheat Road and Park Hill Road run through land other than that belonging either to the Gencos or to the Kellys. "An affected, interested person must be cited in a declaratory judgment action <u>when his existence and claim are evident</u>." <u>Blanchard v. Naquin</u>, 428 So. 2d 926, 928 (La. Ct. App. 1983) (emphasis added). However, in the absence of any specific fact in the record indi-

---

[4] Defendants also claim that 19 V.S.A. § 709 required notice to "persons owning or interested in lands through which the highway may pass or abut." 19 V.S.A. § 709 relates to 19 V.S.A. § 708, a provision for the "la[ying] out, alter[ing], reclassif[ying] or discontinu[ing]" of a highway. Plaintiffs here are merely seeking recognition that a public highway exists; therefore, § 708, and consequently § 709, do not apply.

cating that there are other persons whose interests will be affected by the trial court's order we will not reverse the judgment of that court.[5] See Trammel v. Glens Falls Indemnity Co., 259 Ala. 430, 436-37, 66 So. 2d 537, 542-544 (1953) (per curiam) (a declaratory judgment was valid despite the possible existence of two children whose interest would have been affected by it in the absence of any indication in the record that such children did exist). If any such person exists, he or she will not be bound by the judgment. See 12 V.S.A. § 4721; Bills v. Wardsboro School District, 150 Vt. 541, 545-46, 554 A.2d 673, 676 (1988).[6]

III.

Defendants raise a variety of further challenges to the summary judgment orders, all of which are without merit.

Defendants take issue with the court's pretrial order stating that (1) no private easement claims existed, (2) plaintiffs were to file a motion for summary judgement within thirty days and (3) defendants' motion to dismiss was denied. They state that the court ordered plaintiffs to move for summary judgement improperly since Rule 56 is permissive. We do not interpret the pretrial order as requiring the plaintiffs to file a motion

---

[5] Our reasoning here is not affected by the fact that the case was decided at summary judgment. "Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no 'genuine issue for trial.'" Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986). There is nothing in the record which supports the Gencos' bald assertion that additional interested parties exist.

[6] The Gencos complain that "Genco and other so-called unidentified abutters or adjoiners to 'any highway' in question appeared to be irrelevant as parties." Since the Gencos, who were the identified abutters and adjoiners to the highways in question, were made defendants in the action this reproach is disingenuous. Neither the court nor the plaintiffs are responsible for the Gencos' failure to participate actively in the action after answering the complaint and moving to dismiss.

for summary judgment. Either party was free to file such a motion "at any time after the expiration of 20 days from the commencement of the action." V.R.C.P. 56(a).[7]

Defendants allege that plaintiffs' motion for summary judgment did not demand "judgment for the relief to which he deems himself entitled," and that the motion was fatally deficient because it did not state against which of the defendants summary judgment was sought. The memorandum in support of the motion for summary judgment makes it clear that plaintiffs sought a declaration that Wheat Road is a public highway. The motion itself clearly identified the Town of Barnard, John Genco and Ruth Genco as the defendants.

Defendants argue that the docket entries do not reflect the receipt of the 1985 survey of Wheat Road and Park Hill Road, the 1816 survey of Wheat Road, and the 1788 survey of Park Hill Road. However, the documents were contained in the file of the case, and the defendants themselves admit that they received a copy of the 1985 survey.

Defendants complain of the court's reconsideration of the plaintiffs' motion for summary judgment without notice to the parties. In Vermont, "[b]efore the court can grant summary judgment, it must give the opposing party a reasonable opportunity to show the existence of a fact question." Campbell v. Dupont, 138 Vt. 448, 450, 417 A.2d 929, 930 (1980). Opposing

---

7 There is no merit in defendants' assertion that the court, in "ordering" the Kellys to file a motion for summary judgment, decided to resolve on the basis of affidavits two material issues of fact -- whether "Wheat Road was a public highway and its location in relationship to Genco, Kelly, et al." The court never made any decisions as to the location of Wheat Road in relation to Genco, Kelly, or others, since such a decision was immaterial to the only issue which the court did decide -- the status of Wheat Road and Park Hill Road. That decision was a mixed question of law and fact; however, since the determative facts were uncontested, summary judgment was appropriate.

parties must be given "notice of the motion" and "opportunity to demonstrate the existence of a fact question." Id. The Kellys filed a motion to reconsider the denial of their motion for summary judgment on May 30, 1986. Summary judgment in their favor was entered July 3, 1986. The Gencos do not contend that they did not receive a copy of the Kellys' motion to reconsider. They had over a month to "show the existence of a fact question."

Defendants state that granting summary judgment after a denial of a previous similar motion is inappropriate in the absence of new facts. However,

> [u]ntil final decree the court always retains jurisdiction to modify or rescind a prior interlocutory order. Although the court might properly refuse to consider a second motion, we will not require a judge to perpetuate error or take a more roundabout way to arrive at ultimately necessary judgment by refusing him the right to entertain a second motion for summary judgment after he has ruled once the other way.

Lindsey v. Dayton-Hudson Corp., 592 F.2d 1118, 1121 (10th Cir. 1979) (citation omitted); see United States v. Desert Gold Mining Co., 433 F.2d 713, 715 (9th Cir. 1970).

Defendants further object to the form of the orders disposing of the case. They do not, however, allege that the orders are invalid, nor do they cite any case law to that effect. In particular, the Gencos claim that the order declaring Wheat Road a public highway does not identify Wheat Road, does not locate it in the Town of Barnard and does not relate Wheat Road to the lands of Kelly or Genco or other unidentified adjoiners and abutters. They claim that the order declaring Park Hill Road a public highway is "subject to the same objections" but is also deficient because it does not give the Kellys or the general public the right to travel the road.

The order pertaining to Wheat Road is the final paragraph of a trial court opinion which clearly identifies Wheat Road and locates it in the Town of Barnard. Since the court's decision that the road is a public highway is not affected by the particular lands through which the road runs, it is irrelevant that the order did not identify those lands. The order declaring Park Hill Road a public highway clearly locates the road in the Town of Barnard. There is no need for the order to include a provision stating that the Kellys and or anyone else can travel on the road since such a conclusion follows from the determination that the road is a public highway.[8] The court entered a final judgment making the orders declaring the roads public highways of continuing force and effect. The record clearly shows which roads are the subject of the court's disposition.

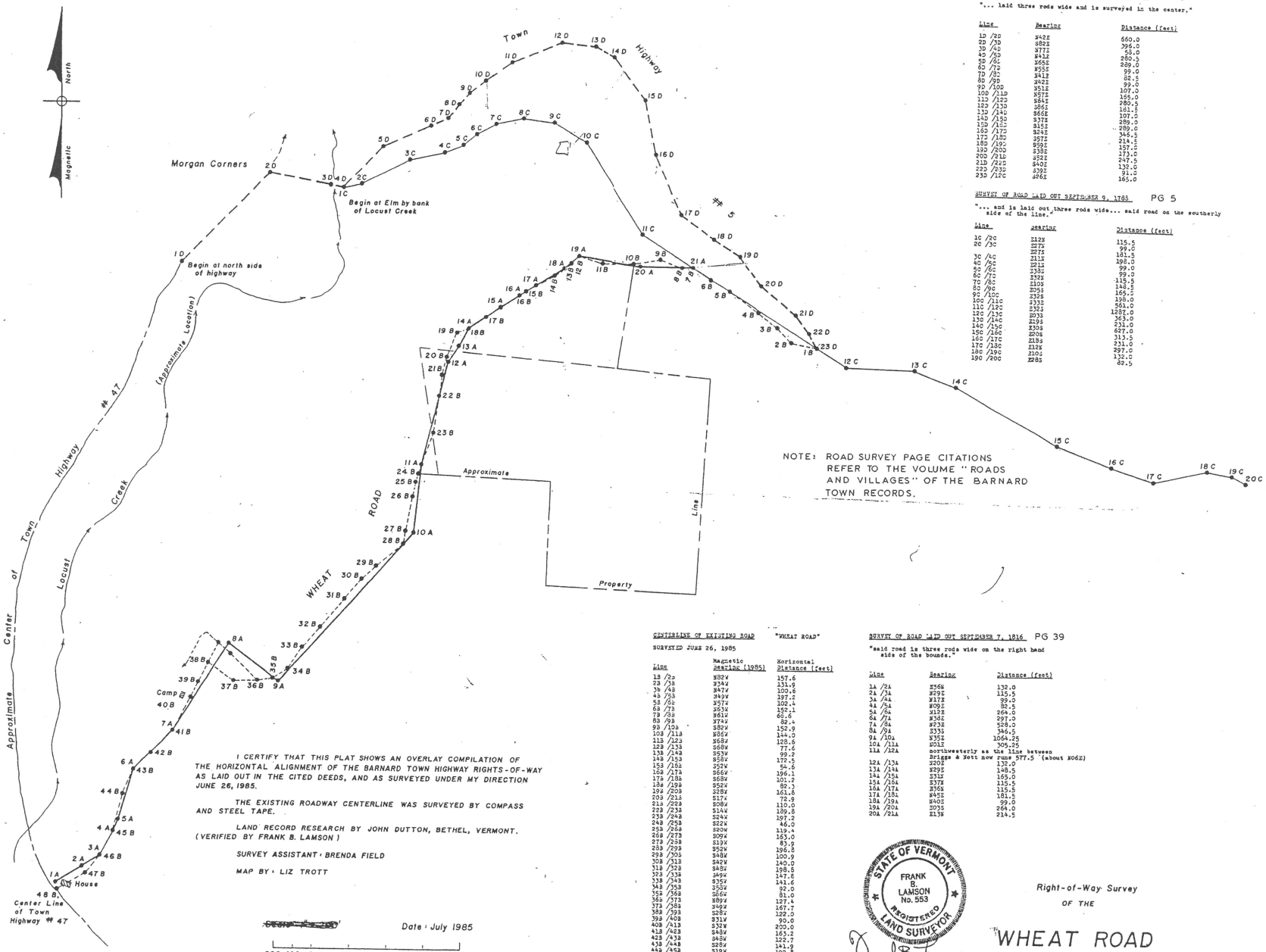
Affirmed.

FOR THE COURT:

Louis P. Peck
Associate Justice

---

[8] The fact that the summary judgment order did not contain findings of fact does not affect its validity. See Crosby v. The Great A & P Tea Co., 143 Vt. 537, 539, 468 A.2d 567, 569 (1983).




NOTE: ROAD SURVEY PAGE CITATIONS REFER TO THE VOLUME "ROADS AND VILLAGES" OF THE BARNARD TOWN RECORDS.

CENTERLINE OF ROAD LAID OUT OCTOBER 9, 1826 PG 51

"... laid three rods wide and is surveyed in the center."

| Line | Bearing | Distance (feet) |
|---|---|---|
| 1D /2D | N42E | 660.0 |
| 2D /3D | S82E | 396.0 |
| 3D /4D | N77E | 58.0 |
| 4D /5D | N43E | 280.5 |
| 5D /6D | N65E | 289.0 |
| 6D /7D | N55E | 99.0 |
| 7D /8D | N41E | 68.5 |
| 8D /9D | N42E | 99.0 |
| 9D /10D | N51E | 107.0 |
| 10D /11D | N57E | 165.0 |
| 11D /12D | S64E | 280.5 |
| 12D /13D | S86E | 181.5 |
| 13D /14D | N66E | 107.0 |
| 14D /15D | N37E | 289.0 |
| 15D /16D | N15E | 289.0 |
| 16D /17D | S24E | 349.5 |
| 17D /18D | S57E | 214.5 |
| 18D /19D | N59E | 157.5 |
| 19D /20D | S38E | 173.0 |
| 20D /21D | N52E | 247.5 |
| 21D /22D | S40E | 132.0 |
| 22D /23D | S39E | 91.0 |
| 23D /1C | N26E | 165.0 |

SURVEY OF ROAD LAID OUT SEPTEMBER 9, 1783 PG 5

"... and is laid out three rods wide... said road on the southerly side of the line."

| Line | Bearing | Distance (feet) |
|---|---|---|
| 1C /2C | N12W | 115.5 |
| 2C /3C | S27W | 99.0 |
| 3C /4C | N11W | 181.5 |
| 4C /5C | N21W | 198.0 |
| 5C /6C | S38W | 99.0 |
| 6C /7C | S32W | 99.0 |
| 7C /8C | S39W | 115.5 |
| 8C /9C | S10W | 148.5 |
| 9C /10C | N25W | 165.0 |
| 10C /11C | S33W | 198.0 |
| 11C /12C | S55W | 561.0 |
| 12C /13C | S53W | 1287.0 |
| 13C /14C | S03W | 363.0 |
| 14C /15C | S19W | 231.0 |
| 15C /16C | S30W | 627.0 |
| 16C /17C | S18W | 313.5 |
| 17C /18C | S12W | 231.0 |
| 18C /19C | S10W | 297.0 |
| 19C /20C | S28W | 132.0 |
| | | 82.5 |

CENTERLINE OF EXISTING ROAD "WHEAT ROAD"

SURVEYED JUNE 26, 1985

| Line | Magnetic bearing (1985) | Horizontal Distance (feet) |
|---|---|---|
| 1B /2B | W82W | 157.6 |
| 2B /3B | W34W | 131.9 |
| 3B /4B | N47W | 100.8 |
| 4B /5B | N49W | 197.2 |
| 5B /6B | N57W | 102.4 |
| 6B /7B | N63W | 152.1 |
| 7B /8B | N61W | 66.6 |
| 8B /9B | W74W | 82.4 |
| 9B /10B | N82W | 152.9 |
| 10B /11B | N86W | 144.0 |
| 11B /12B | N68W | 128.6 |
| 12B /13B | S60W | 77.6 |
| 13B /14B | S53W | 99.2 |
| 14B /15B | S58W | 177.5 |
| 15B /16B | S52W | 54.6 |
| 16B /17B | S66W | 196.1 |
| 17B /18B | S68W | 101.2 |
| 18B /19B | S52W | 82.3 |
| 19B /20B | S28W | 161.6 |
| 20B /21B | S17W | 72.9 |
| 21B /22B | S08W | 110.0 |
| 22B /23B | S14W | 189.8 |
| 23B /24B | S24W | 197.2 |
| 24B /25B | S22W | 46.0 |
| 25B /26B | S20W | 119.4 |
| 26B /27B | S09W | 163.0 |
| 27B /28B | S13W | 83.9 |
| 28B /29B | S52W | 196.8 |
| 29B /30B | S48W | 100.9 |
| 30B /31B | S42W | 140.0 |
| 31B /32B | S48W | 198.6 |
| 32B /33B | S49W | 147.6 |
| 33B /34B | S35W | 141.6 |
| 34B /35B | S50W | 92.0 |
| 35B /36B | S66W | 81.0 |
| 36B /37B | W89W | 127.4 |
| 37B /38B | S49W | 167.7 |
| 38B /39B | S28W | 122.0 |
| 39B /40B | S31W | 90.0 |
| 40B /41B | S32W | 200.0 |
| 41B /42B | S48W | 163.2 |
| 42B /43B | S48W | 122.7 |
| 43B /44B | S28W | 141.9 |
| 44B /45B | S19W | 199.8 |
| 45B /46B | S30W | 150.0 |
| 46B /47B | S43W | 118.7 |
| 47B /48B | S62W | 214.7 |

SURVEY OF ROAD LAID OUT SEPTEMBER 7, 1816 PG 39

"said road is three rods wide on the right hand side of the bounds."

| Line | Bearing | Distance (feet) |
|---|---|---|
| 1A /2A | E56E | 132.0 |
| 2A /3A | N29E | 115.5 |
| 3A /4A | N17E | 99.0 |
| 4A /5A | N09E | 82.5 |
| 5A /6A | N12E | 264.0 |
| 6A /7A | N30E | 297.0 |
| 7A /8A | N23E | 528.0 |
| 8A /9A | S33E | 346.5 |
| 9A /10A | N35E | 1064.25 |
| 10A /11A | N01E | 305.25 |
| 11A /12A | northwesterly as the line between Briggs & Mott now runs 577.5 (about N06E) | |
| 12A /13A | N20E | 132.0 |
| 13A /14A | N29E | 148.5 |
| 14A /15A | S31E | 165.0 |
| 15A /16A | S37E | 115.5 |
| 16A /17A | E36E | 115.5 |
| 17A /18A | N45E | 181.5 |
| 18A /19A | N40E | 99.0 |
| 19A /20A | E03E | 264.0 |
| 20A /21A | E15E | 214.5 |

I CERTIFY THAT THIS PLAT SHOWS AN OVERLAY COMPILATION OF THE HORIZONTAL ALIGNMENT OF THE BARNARD TOWN HIGHWAY RIGHTS-OF-WAY AS LAID OUT IN THE CITED DEEDS, AND AS SURVEYED UNDER MY DIRECTION JUNE 26, 1985.

THE EXISTING ROADWAY CENTERLINE WAS SURVEYED BY COMPASS AND STEEL TAPE.

LAND RECORD RESEARCH BY JOHN DUTTON, BETHEL, VERMONT. (VERIFIED BY FRANK B. LAMSON)

SURVEY ASSISTANT: BRENDA FIELD

MAP BY: LIZ TROTT

Date: July 1985

200 100 0 200 400 600 800

STATE OF VERMONT
FRANK B. LAMSON No. 553
REGISTERED LAND SURVEYOR

Frank B. Lamson

FRANK B. LAMSON
SO. ROYALTON, VT

Right-of-Way Survey
OF THE

# WHEAT ROAD

Barnard Twp., Vermont

Field Book 85-2

85-26

BRC-111 known as "Hayes Brook Road" starts at the terminus of TH-48 and extends southwesterly 2.924 miles to the terminus of Stockbridge TH-37 (Flint Hill Road) on the Stockbridge Town Line.

Original Laying Out: Road Book Page 43b, Entry A and Page 48, Entry C

Shown as a through road to Stockbridge on the Windsor County (Doton) Map of 1856, Walling Map of 1860, Beers Atlas of 1869, and the Windsor County Gazette of 1880

The western portion of this road from Flint Hill Road (TH-37) in Stockbridge is shown extending into Barnard on the 1913 Woodstock Quad

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 43b, Entry A

A Survey of a road Beginning at a Stake and Stones about six rods West of Nathaniel Deans now dwelling house – Thence
S 45° W 11½ rods to Stake & Stones
W 39° S 45 rods to Stake & Stones
W 26° S 38 rods Stake & Stones near Dotens house
S 31° W 16 rods to spruce tree
S 13° W 24 rods to maple tree
S 39° W 22 rods to maple tree
W 26° S 19 rods to maple tree
W 9° S 12 rods to a Popple tree
W 2° S 10 rods to a maple tree
S 32° W 19 rods to spruce tree
W 41° S 9 rods to hemlock tree
S 41° W 9 rods to a Beach tree
W 25° [N] 66 rods on the line between two lots to a butternut tree, to be on the line or either side of the line as shall best accommodate for the public
W 3° S 8 rods to Beach tree
W 30° S 8 rods to a large Beach tree
W 11° S 12 rods to a Beach tree
W 27° N 14 rods to Beach tree
W 5° S 12 rods to a hemlock tree
W 19° S 20 rods to hemlock tree
W 7° S 13 rods to spruce tree
W 6° N 18 rods to maple tree
W 16° N 12 rods to Beach tree
W 23° N 20 rods to Basswood tree
W 28° S 26 rods to Beach tree
S 43° W 15 rods to spruce tree
W 6° N 16 rods to maple tree
W 5° S 17 rods to spruce tree
W 4° S 40 rods to small spruce tree
West 72 rods to a Balsame tree
West 21° N 34 rods to beach tree about 8 rods SW of Dewes House
W 14° S 28 rods to beach tree
N 42° W 28 rods to maple tree
W 18° S 16 rods to Bastard maple
W 14° N 17 rods to Burch tree
W 12° S 43 rods to Beach tree
W 32° S 20 rods to maple tree
W 24° S 27 rods to maple tree
W 6° S 55 rods to maple tree

Page 43b, Entry A, *continued ...*

S 33° W 13 rods to Burch tree
S 15° W 42 rods to spruce tree
S 30° W 7 rods to spruce tree
W 37° S 16 rods to Beach tree
W 2° S 19 rods to maple tree – Perkins Lot
W 14° N 68 rods to Beach tree – Gardner
W 32° N 12 rods to maple tree
W 42° N 25 rods to Beach tree
N 35° W 62 rods to maple tree about 8 rods east of Gardner's house
W 35° N 10 rods to Beach tree
N 23° W 36 rods to small maple
N 6° W 24 rods to Beach stump
N 22° E 36 rods to a large Basswood tree on David G. & Gaius Perkins land – so road is laid four rods Wide on the left hand side of the Bounds Except where otherwise mentioned.
Surveyed Novr 26th 1822

| | | |
|---|---|---|
| David G. Perkins | ) | Sworn |
| Hosea Perkins | ) | Chair- |
| Nathaniel Perkins | ) | men |

Barnard Windsor County
attest Prince Haskell County Surveyor

| | | |
|---|---|---|
| Thos Freeman | ) | |
| William Caryl | ) | Select- |
| Alpheus Howe | ) | men |

Recorded October 16th 1823
attest Samuel Topliff Town Clerk

---

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 48, Entry C

Whereas the Selectmen of Barnard Called on me to Survey a road and by their order I began my Survey at a maple tree standing on Stockbridge line it being the center of the road and from thence running South 64° East 15 rods thence South 84° East 71 rods thence S 75° East 4 rods thence South 72° East 10 rods thence South 12° East 18 rods thence South 39° West 16 rods and there struck the road formerly laid from Gaius Perkins in sd. Barnard to the Center of sd. Town.

Barnard September 22, 1826 Winslow Woods

| | | |
|---|---|---|
| Elijah Aikens | ) | |
| Luther Fairbank | ) | Selectmen |
| John S. Bicknell | ) | |

Recorded the above March 13th 1827
Attest George N. Winslow Town Clerk

(43)

N25d E36 rods to Beach tree
N33d E9 rods to Beach tree
N18d E16 rods to Beach tree
N21d E7 rods to Burch tree
N17d W6 rods to hemlock tree
South E. corner of the bridge
N28d E7 rods to hemlock tree
N42d E10 rods to Beach tree
N33d E19 rods to hemlock tree
E32d N8 rods to maple tree
E37d N6 rods to maple tree
E32d N6 rods to Burch tree
E38d N7 rods to Maple tree
N22d E6 rods to ash tree in the road Leading to I Dotens this road is laid on the left hand side of the Mark'd trees three rods wide

Ebenezer Adams } Sworn
James Adams } Chainmen

October 6th 1823
attt Prince Haskell County surveyor

Willard Caryl } Select
Thos Freeman } Men
Alpheus How }

Recorded October 16th 1823
attt Samuel Topliff Town Clerk

A Survey of a road Beginning at a Stake & stones about six rods West of Nathaniel Deans now dwelling house - thence
S45d W11½ rods to stake & stones
W39d S45 rods to stake & stones
W26d S38 rods stake & stones near Dotens house
S31d W16 rods to spruce tree
S13d W24 rods to maple tree
S39d W22 rods to maple tree
W26d S19 rods to maple tree
W9d S12 rods to a Popple tree
W2d S10 rods to a maple tree
S32d W19 rods to spruce tree

(43B)

W41d S9 rods to hemlock tree
S41d W9 rods to a Beach tree
W25d 66 rods on the line between two lots to a ~~butternut~~ Burch tree, to be on the line or either side of the line as shall best accomodate for the public — — — —
W3d S8 rods to Beach tree
W30d S8 rods to a large Burch tree
W11d S12 rods to a Beach tree
W27d N14 rods to Beach tree
W5d S12 rods to a hemlock tree
W19d S20 rods to hemlock tree
W7d S13 rods to spruce tree
W6d N18 rods to maple tree
W16d N12 rods to Beach tree
W23d N20 rods to Basswood tree
W28d S26 rods to Beach tree
S43d W15 rods to spruce tree
W6d N16 rods to Beach tree
W5d S17 rods to spruce tree
W4d S40 rods to small spruce tree
West 72 rods to a Balsome tree
West 21d N34 rods to beach tree about 8 rods S W of Dewes house
W14d S28 rods to beach tree
N42d W28 rods to maple tree
W18d S16 rods to Bastard maple
W14d N17 rods to Burch tree
W12d S43 rods to Beach tree
W32d S20 rods to maple tree
W24d S27 rods to maple tree
W6d S55 rods to maple tree
S33d W13 rods to Burch tree
S15d W42 rods to spruce tree
S30d W7 rods to spruce tree
W37d S16 rods to Beach tree
W2d S19 rods to maple tree Perkins
W14d N68 rods to Beach tree - Gard
W32d N12 rods to maple tree
W42d N25 rods to Beach tree
N35d W62 rods to maple tree about 8 rods east of Girders house

Barnard Road Book pg 43B, Entry A
BRC-111 Hayes Brook Road

W35d N10 rods to Beach tree
N23d W36 rods to small maple
N6d W24 rods to Beach stump
N22d E36 rods to a Large Basswood
tree on David G. & Gains Perkins
land sd road is laid four rods
Wide on the left hand side of the
Bounds Except where otherwise
mentioned
Surveyed Novr 26th 1822

David G. Perkins } Sworn
Hosea Perkins } Chain-
Nathaniel Dean } men

Barnard Windsor County
attt Prince Haskell County surveyor

Thos Freeman } Select
Willard Caryl } men
Alpheus How }

Recorded October 16th 1823
attt Samuel Topliff Town Clerk

A Survey of a road from William
Esteys North line to Isaac Graves
Beginning at a stake on the
West side of the Now road
N19d E34 rods to burch tree
N3d E16 rods to beach tree
N12d E42 rods to maple stump
N25d E24 rods to beach tree
N35d E10 rods to beach stump
N45d E26 rods to stake & stones
N35d E20 rods to a heap of stones
on the south side of Isaac Graves
stone wall which is the Northerly
side of the Now road
also Discontinue the road from
Seth Tuppers house to whare this
survey begins — the road is laid three
rods wide on the right hand side of
the sd bounds as surveyed this day
December 6th 1823
Alpheus How } Sworn
Isaac Graves } Chainmen
attt Prince Haskell County surveyor
Thos Freeman } Select
Alpheus How } men
Willard Caryl }

Recorded the foregoing survey of
a road March 30th 1824
attt Samuel Topliff Town Clerk

A Survey of a road Beginning on the
Easterly side of the Now road from
Jaques old Stand to the old Stetson farm
Beginning at a small beach tree
about six rods South of the South
line of the North school lot
S32d W18 rods to a small maple tree
S42d W19 to Stake & Stones sd road is
Laid 3 rods Wide on the right hand
side of the bounds — —
Samuel Ball } Sworn Chainmen
Samuel Topliff }
Barnard June 22d 1825
attt Prince Haskell County surveyor
John S Bicknell } Select men
Ebenr Richmond }
Recorded June 22d 1825
attt Samuel Topliff Town Clerk

A Survey of a road Beginning at a
Stake & Stones on the Easterly side of the
now road on Capt Peter Foster's land
near Mr Topliffs house — —
S14d E20 rods to Stake & Stones
S32d E23 rods to Stake & Stones
S41d E21 rods to apple tree
S38d E30 to Stake & Stones
S8d E10 rods to Ash tree
S11d W9 rods to Burch tree
South 25d W14 rods to Stake & Stones on
Esqr John Foster's land and to the easterly
side of the Now road meaning to
annul the now road from where this
road joins the Now road Northerly to
near Capt Peter Foster's house sd road
three rods wide on the right hand side
of the Bounds — — —
Novr 5th 1825
John Foster Esqr } Sworn Chainmen
Capt Peter Foster }
attt Prince Haskell } County surveyor
John S Bicknell } Select men
Ebenr Richmond }
Recorded November 5th 1825
attt Samuel Topliff Town Clerk

Barnard Road Book pg 44, continued from pg 43B

Whereas the Selectmen of Barnard called on me to Survey a Road and by their order I began my Survey at burch stump standing near Abner Butmans house in said Barnard and the S to be the east bounds of S Road and from thence runing South 10° West 42 rods & 10 links thence South 35° W 32 rods & 11 links thence South 34° West 12 rods thence South 58° West 6 rods thence South 44° W - 22 rods thence North 18° West 10 rods thence North 28° W - 28 rods thence North 39° West 12 rods thence North 28° West 12 rods thence North 78 W 10 rods thence North 16° W - 44 rods thence South 70° West 10 - rods and there struck the Road Runing from Alvin D Woolfs to the Turnpike

Barnard Sept 23d 1826 Winslow Woods

A

Elijah Aikens
Luther Fairbank } Select men
John S Bicknell

Recorded the above Survey March 13th 1827

Attest George N. Winslow Town Clerk

---

Whereas the Select Men of Barnard called on me to Survey a road and by their order I begun my Survey at stake and stones standing on the westerly side of the turnpike North of Asa Chamberlains in S Barnard it being the Southerly side of S road and runing from thence North 76° West 6 rods and 17 links thence North 1° West 14 rods & 16 links thence North 69° West 16 rods & 20 links and there struck the road leading from the turnpike to Wm Chamberlain Jr.

Barnard Sept 21st 1826 Winslow Woods

B

Elijah Aikens
Luther Fairbank } Select men
John S Bicknell

Recorded March 13th 1826

Attest George N. Winslow Town Clerk

---

Whereas the select men ~~called~~ of Barnard called on me to Survey a road and by their order I begun my Survey at a maple tree standing on Stockbridge line it being the center of the road and from thence runing South 64° East 15 rods thence South 84° East 71 rods thence S 75° East 4 rods thence South 72° East 10 rods thence South 12° East 18 rods thence South 39° West 16 rods and there struck the road formerly laid from Gaius Perkins in S Barnard to the Center of S Town

Barnard Sept 22d 1826 Winslow Woods

Elijah Aikens
Luther Fairbank } Select men
John S Bicknell

C

Recorded the above March 13th 1827

Attest George N. Winslow Town Clerk

Barnard Road Book pg 48, entry C
BRC-112 Perkins Hill Road

BRC-115 known as "Gardner Road" starts at a point on BRC-111 located 0.2 miles east of the Stockbridge Town Line and Stockbridge TH-37 (Flint Hill Road) and extends northerly 0.839 miles to a point on BRC-118 (Packard Road) located 0.1 miles west of the intersection of Packard Road and Stockbridge TH-30 at the Stockbridge Town Line.

Original Laying Out: Road Book Page 49, Entry A and Page 71, Entry A

Partially shown on the Beers Atlas of 1869

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 49, Entry A

Whereas the Selectmen of Barnard Called on me to Survey a road and by their order I began my Survey at a Maple tree standing on Stockbridge line standing East of Thomas Winslows house in sd Stockbridge sd tree to be the center of sd road and from thence South 21° East 11 rods thence South 25° East 11 rods thence South 2° West 12 rods thence South 31° West 13 rods thence South 10° West 25 rods thence South 9° East 14 rods thence South 17° East 11 rods thence due South 24 rods and there strikes the road that I have this day Surveyed from Gaius Perkins in Barnard to Stockbridge line.

Barnard September 22, 1826 Winslow Woods
Elijah Aikens )
Luther Fairbank ) Selectmen
John S. Bicknell )
Recorded the above March 13th 1827
Attest George N. Winslow T. Clerk

---

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 71, Entry A

Survey Bill of Road near A. Parkhurst
Barnard May 26, 1849
Samuel Conant Surveyor

Beginning near Alanson Parkhurst's House Running for the center of the Road Thence
S 73° E 7 rods
N 50° E 11 "
N 54° E 20 "
N 60° E 20 "
N 43° E 14 "
N 56° E 8 "
N 21° E 2½ "
N 54° E 15 "
N 20° E 11 "
N 15° E 26 "
N 37° E 24 " 16 links to the Road in Stockbridge which runs from the town line to Austin Bradfords.
Attest Samuel Conant Surveyor
Recorded July 23, 1851
Attest S. C. Thayer Town Clerk

(49)

Whereas the Select men of Barnard Called on me to Survey a road & by their order I begun my Survey at a Mapletree on Stockbridge line Standing East of Thomas Winslows house in Sd Stockbridge Sd tree to be the center of Sd road and from thence South 21d East 11 rods thence South 25d East 11 rods thence South 2d west 12 rods thence South 31d West 13 rods thence South 10d West 25 rods thence South 9d East 14 rods thence South 17d East 11 rods thence due South 24 rods and there Strikes the road that I have this day Surveyed from Gaius Perkins in Barnard to Stockbridge line

Barnard Sept 22d 1826 Winslow Woods

A

Elijah Aikens
Luther Fairbank } Select men
John S Bicknell

Recorded the above March 13th 1827
Attest George N Winslow T. Clerk

Whereas the Select men of Barnard Called on me to Survey a road and by their order I begun my Survey at a Stake and Stones Standing on the west side of the Old road leading from David Perkins to Alvin D Wolfe Sd Stake to be the east side of the road and from thence South 23d W – 30 rods thence South 21d W – 18 rods thence South 17d W – 38 rods & 13 links to David Perkins South line thence South 31d W – on Cyrus Perkins 11 rods & 8 links and there Struck the Turnpike

Barnard Sept 23d 1826 Winslow Woods

B

Elijah Aikens
Luther Fairbank } Select men
John S Bicknell

Recorded the above March 13th 1827
Attest George N. Winslow Town Clerk

A Survey of a Road Begining at a Stake and Stones Near a gate on Henrary Richmonds land in front of his New Sellar S 40d E 13 rods to the Corner of the wall on Sd Richmonds land South 22d E 29 rods to Stake and Stones on on Townsends land S. 31d E. 84 rods to the Road from George Townsends to Bicknell Paiges Sd Road laid three rods wide on the left hand Side of the Sd Bound

April 17th 1828

C

Henry Richmond } Sworn Chain men
Henry Richmond Jr

Attest Prince Haskell County Surveyor

Luther Fairbank
Jos B. Danforth } Select men

Recorded the above April 18th 1828
Attest Geo N. Winslow Town Clerk

BRC-115
Barnard Road Book Pg. 49, Entry A

(71)

Survey Bill of Roads near A. Packards.

Barnard May 26. 1849.

Samuel Conant Surveyor.

Begining near Alonson Packards House Runing for the center of the Roads. Thence S. 73. E. 7 Rods.

" N. 50. E. 11 "
N. 54. E. 20 "
N. 60. E. 20 "
N. 43. E. 14 "
N. 56. E. 8 "
N. 21. E. 2½ "
N. 54. E. 15 "
N. 20 W. 11 "
N. 15 E. 26 "
N. 37 E. 24 " 16 Links to the Road in Stockbridge which runs from the town line to Auston Boadfords.

A

Attest Samuel Conant Surveyor.

Recorded July 23d 1851
Attest S. C. Thayer Town Clerk.

---

Survey of Road near Marshal Townsends.

Begining at a point in the old Road between Marshal Townsends and the School House near a large Rock.

Thence N. 53. E. 7 Rods
" N. 21. E. 16 "
" N. 20. E. 13 "
" N. 12. E 1 " to the old Road.

B

Attest Samuel Conant Surveyor.

Barnard Sept. 17. 1849.

Silas Tuttle } Select
Lucius Freeman } Men.
H. B. Slocomb }

Recorded July 23d 1851.
Attest S. C. Thayer Town Clerk.

Barnard Road Book pg 71, entry A

BRC-115

BRC-118 known as "Packard Road" starts at the terminus of Stockbridge TH-30 at the Stockbridge Town Line and extends easterly 1.223 miles to a point on TH-26 (Smith Hill Road) located 0.8 miles east of the intersection of Smith Hill Road with Stockbridge TH-29 (Davis Hill Road) on the Stockbridge Town Line.

Original Laying Out: Road Book Page 21, Entry A

The western portion of this road from TH-30 in Stockbridge is shown extending into Barnard on the 1913 Woodstock Quad

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 22, Entry A

A Survey of a Road to Stockbridge Line beginning at burch tree the North side of the Road Between Nathan Browns & Thaddeus Notts
W 12° N 60 Rods to Maple tree
W 5° N 16 Rods to Maple tree
W 18° S 10 Rods to Hemlock tree
W 15° S 8 Rods to Hemlock tree
W 1° S 20 Rods to Spruce tree
W 20° S 16 Rods to Hemlock tree
W 31° S 5 Rods to Hemlock tree
W 15° S 7 Rods to Hemlock tree
W 14° S 7 Rods to Hemlock tree
W 13° S 10 Rods to Spruce tree
W 1° N 11 Rods to Beach tree
W 3° S 14 Rods to Beach tree
W 3° N 14 Rods to Beach tree
W 25° N 14 Rods to Hemlock tree
W 14° N 39 Rods to Beach tree on the Line of Stockbridge sd Road to Be three Rods wide on the Left hand side of the marked trees per me
Prince Haskell ) County Surveyor

Solomon Aiken Jr ) Sworn
Thaddeus Nott ) Chairmen

Jacob Lawton
Seth Dean [Selectmen]
David Pierce
Barnard July 17th 1799

Recorded September 3th 1799
Attest Samuel Topliff T. Clerk

Simon W. Culver } Sworn
Jonathan Ashley } Chainmen

Solomon Aiken } Select
Wm Freeman } men

Recorded June th 5 1799
per Samuel Topliff T. Clerk

A Survey of A Road to Stockbridge Line beginning A Burch tree the North side of the Road Between Mathew Browns & Thaddeus Notts
W12d N 60 Rods to Maple tree
W5d N 16 Rods to Maple tree
W18d S 10 Rods to Hemlock tree
W15d S 8 Rods to Hemlock tree
W1d S 20 Rods to Spruce tree
W20d S 16 Rods to Hemlock tree
W31d S 5 Rods to Hemlock tree
W15d S 7 Rods to Hemlock tree
W14d S 7 Rods to Hemlock tree
W13d S 10 Rods to Spruce tree
W1d N 11 Rods to Beach tree
W3d S 14 Rods to Beach tree
W3d N 14 Rods Beach tree
W25d N 14 Rods to Hemlock tree
W14d N 39 Rods to Beach tree
In the Line of Stockbridge
Sd Road to Be three Rods wide on the Left hand side of the marked trees per me
Prince Haskell } County Surveyor
Solomon Aiken Jr } Sworn
Thaddeus Nott } Chain men
Jacob Lawton
Seth Dean
David Pierce
Barnard July th 17 1799
Recorded September th 3 1799
Attest Samuel Topliff T. Clerk

A Survey of a road Beginning at the N. W. Corner of frances Daves House W4d N accross the Mill pond to Stake & Stones on the West side of ye Sd Millpond
W19d S 87 Rods to Stake and Stones
W25d N 3½ Rods to a hemlock Stump in a Road Sd Road to be Rods Wide on the Right hand side of the Markd on Bounds
Barnard June th 10 1799
per me Prince Haskell C Surveyor

Thomas Swift } Sworn
Francis Davis } Chain men

Jacob Lawton } Select
Seth Dean } Men
David Pierce
Recorded July 1799 per Samuel Topliff T. Clerk

A Survey of A Road from Joseph Barlows to Wards Esqr Barlows Beginning at a Stake & Stones near Joseph Barlows House
E 30d N 22 Rods to Stake & Stones
E 31d N 24 Rods to Stake & Stones
E 35d N 17 Rods to Stake & Stones
E 34d N 27 Rods to Beach tree
E 24d N 20 Rods to Burch tree
E 30d 30 N 21 Rods to hemlock tree
E 25d N 12 Rods to Burch tree
N 34d E 14 Rods to Ash tree
N 30d E 34 Rods to Stake and Stones
in the Road Leading from Gideon Billings to Esqr Sd Road to Be three Rods Wide on the Right hand side of the marked trees per me
Prince Haskell C. Surveyor
Jacob Lawton } Sworn
Joseph Barlow } Chain men
June th 18 1799
Jacob Lawton } Select
Seth Dean } Men
David Pierce
Recorded October th 1 1799
Attest Samuel Topliff T. Clerk

An alteration of A Road through Nathaniel Wights Land Beginning at A Beach tree Near Nathaniel Wights East Line
W9d S 49 Rods to Butternut tree
W6d S 38 Rods to Stake & Stones
W2d N 20 Rods to Stake & Stones
W9d N 17 Rods to Stake & Stones
W44d N 24 Rods to Stake & Stones
W40d N 27 Rods to Hemlock tree
W37d N 24 Rods to Beach tree in the old Road near Benjr Stebbings Northeast Corner of Benjamin Stebbings Land Sd Road to be three Rods Wide on the Right hand side of the marked per me
Prince Haskell C. Surveyor
Barnard June 18 1799
Seth Dean } Sworn
Benona Wight } Chain men
Jacob Lawton } Select
Seth Dean } men
David Pierce
Oct 1 1799 Recorded S. Topliff T. Clerk

Barnard Road Book pg 21, entry A
BRC-118 Packard Road

BRC-119 known as "Charles French Road" starts at the terminus of TH-45 and extends southerly 1.117 miles to a point on BRC-111 (Hayes Brook Road) located 0.4 miles west of the terminus of TH-48.

Original Laying Out: Road Book Page 22, Entry A
Page 29, Entry A
Page 71, Entry B

Portion shown on Beers Atlas of 1869 and the Windsor County Gazette of 1880

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 22, Entry A

A Survey of a Road from Wm Hathaways to Silas Woods
Beginning at a Hemlock tree in the Road Near Ichabod Hathaways
S 13° W 15½ Rods to Stake and Stones
S 32° W 10 Rods to Stake & Stones
S 23° W 9 Rods to Beach tree
S 31° W 19 Rods to Beach tree
S 33° W 29 Rods to Spruce tree
S 3° W 6 Rods to Basswood tree
S 6° E 18 Rods to Spruce tree
S 8° W 34 Rods to Stake & Stones
S 21° W 26½ Rods Stake & Stones
S 13° W 26 Rods to Ellis Chimney
S 3° W 50 Rods to Hemlock tree
S 15° W 13 Rods to Beach tree
S 10° W 22 Rods to the N.W. Corner of Silas Woods House sd Road Laid the Easterly side of ye marked trees three Rods Wide Per Me

Prince Haskett County Surveyor
June the 9th 1798

Silas Woods ) Sworn
Jonathan Fay ) Chairmen

Solomon Aikins Jr. ) Select
Wm Freeman ) men

Recorded October 1th 1799
Per Samuel Topliff T. Clerk

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 29, Entry A

An alteration of a road from Capt Luther Fairbanks by Stephen Ellis toward Mr. Ichabod Hathaways
Beginning at a Stake & Stones on sd Fairbanks North line
E 32° N 12 rods to Burch tree
N 34° E 20 rods to Beach tree
N 15° E 6 rods to Beach stump
N 9° E 6 rods to Spruce stump
N 17° W 12 rods to Spruce stump
N 19° W 17 rods to Hemlock Root
N 18° E 66 rods to maple tree
N 22° E 14 rods to ash tree
N 36° E 12 rods to Beech tree in the road to sd Hathaways
Sd road on the right hand side of the sd marked trees three rods wide
Per me Prince Haskell County Surveyor
Barnard June 10th 1805

John Fafter ) Sworn
Saml Steward ) Chairmen

Samuel Steward) Select
John Fafter ) men

Recorded Feb 1th 1806
Per Samuel Topliff Town Clerk

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 71, Entry B

Survey of Road near Marshal Townsends

Beginning at a point in the old Road between Marshal Townsends and the School House near a large Rock,

Thence N. 53. E. 7 Rods
" N. 21. E. 16 "
" N. 20. E. 13 "
" N. 12. E 1 " to the old Road

Attest Samuel Conant Surveyor

Barnard Sept. 17, 1849,

Silas Tupper )
Lucius Freeman ) Select Men
H.O. Slocomb )

Recorded July 23, 1851,

Attest S.G. Thayer Town Clerk

(22)

A Survey of a Road from Mr Hathaways to Silas Woods —

Beginning at a Hemlock tree in the Road near Jehabod Hathaways — — —

S 13 d W 16½ Rods to Stake and Stones
S 32 d W 8 Rods to Stake & Stones
S 23 d W 9 Rods to Beach Tree
S 31 d W 19 Rods to Beach Tree
S 33 d W 29 Rods to Spruce tree
S 3 d W 6 Rods to Basswood tree
E 16 d E 18 Rods to Spruce Tree
S 18 d W 34 Rods to Stake & Stones
S 21 d W 26½ Rods to Stake & Stones
S 13 d W 26 Rods to Elbis Chimaney
S 38 W 50 Rods to Hemlock Tree
S 15½ d W 13 Rods to Beach Tree
S 10 d W 22 Rods to the N.W. Corner of Silas Woods House Sd Road Laid the Easterly side of ye Marked trees Three Rods Wide Pr Me

Prince Haskell County Surveyor

June the 9th 1798

Silas Woods } Sworn Chainmen
Jona Thorn Esq } Solomon Aikens 2d } Select men
Jona Freeman }

Recorded October 1st 1799

Pr Samuel Dorfkiff J. Clerk

---

A Survey of A Road Beginning at a Beach Stump on Nathan Borrowmans Land — — —

N 21 d E 34 Rods to Hemlock Tree
N 17 d E 29 Rods to Stake & Stones
E 19 d N 20 Rods to A Beach tree
E 12 d S 18 Rods to Stake & Stones
E 2 d N 15 Rods to Stake & Stones
E 25 d S 19 Rods to Stake & Stones
E 8 d S 25 Rods to Stake & Stones
E 14 d S 14 Rods to A Stump in the Creek Road Near Mr Elijah Barns Barn Sd Road to be three Rods wide on the Left hand of the Bounds or marked trees

June 3d 1799 Pr me

Prince Haskell { County Surveyor

Gideon Newton } Sworn
Nathan Borrowman Jr } Chain men

David Peirce
Seth Dean } Select men
Jacob Lawton

Recorded Oct 1st 1799

Pr Samuel Dorfkiff J. Clerk

---

An alteration of a Road from Between Mr Moses Belcings & Mr Wright Brick yard Beginning at a Stake & Stones in the Road the East side of the Creek — —

W 25 d N 21 Rods to Stake & Stones
N 30 d W 7 Rods to Stake & Stones
N 13 d W 14 Rods to the Creek Road Sd Road to be two Rods wide on the Southerly & Westerly side of the marks Pr me

Prince Haskell { County Surveyor

June 3d 1799

Thomas H. Wright } Sworn
Aarnos Bicknell } Chainmen

David Peirce
Seth Dean } Select Men
Jacob Lawton

Recorded Oct 1st 1799

Pr Samuel Dorfkiff J. Town Clerk

---

An alteration of a Road to accommodate Capt Hutch & others to the Center of the Town Beginning at a Hemlock tree Near Capt Hutchs improvements and in the old Road — —

E 7 d S 18½ Rods to Basswood tree
E 9 d S 29 Rods to Maple tree
E 21 d S 17 Rods to Beach tree
E 13 d S 12 Rods to Hemlock tree
S 18 d E 36 Rods to Beach Tree
S 19 d W 7½ Rods to Hemlock tree
S 41 d W 12 Rods to Hemlock tree
S 31 d S 9 Rods to Beach Stump
S 22 d W 12 Rods to Beach tree
S 24 d W 8 Rods to Beach tree
S 19 d E 13 Rods to Beach tree
S 9 d W 7½ Rods to Beach tree
S 30 d E 15 Rods to Beach Stump
S 9 d E 16 Rods to Hemlock Stump
S 32 d E 10 Rods to Stake & Stones in the Roade Between David Whites & the Creek Bridge Sd Roade to be three Rods wide on the Left hand side of the marked Trees

Septr 16th 1799

Prince Haskell { County Surveyor

David Peirce } Sworn
Seth Dean } Chainmen

David Peirce
Seth Dean } Select Men

Recorded Oct 30th 1799

Pr Samuel Dorfkiff J. Clerk

---

An alteration of a Road from Smiths Newtons to Amos Bicknells Beginning at a Stake and Stones in the Creek Road Near Sd Newtons Barn — — —

N 12 d N 20 Rods to Stake & Stones
S 40 d W 36 Rods to Stake & Stones
N 66 d W 36 Rods to Maple tree
W 32 d N 39 Rods to Hemlock tree
W 18 d N 32 Rods to the South end of Amos Bicknells House Sd Road to be three Rods wide on the Right hand side of the marked trees Pr me

Prince Haskell County Surveyor

June the 3d 1799

Osborn H. Wright } Sworn Chain men
Amos Bicknell }

David Peirce
Seth Dean } Select Men
Jacob Lawton

Recorded Oct 1st 1799

Pr Samuel Dorfkiff J. Town Clerk

---

Bannard Road Book pg 22, entry A

BRC-119 Charles French Road

An alteration of a road from Capt Luther Fairbanks & Stephen Ellis towards mr Ichabod Hathaways Beginning at a Stake & Stones on Sd Fairbanks North line

E 32d N 12 rods to Burch tree
N 34d E 20 rods to Beach tree
N 15d E 6 rods to Beach Stump
N 9d E 6 rods to spruce Stump
N 17d W 12 rods to spruce Stump
N 19d W 17 rods to Hemlock Root
N 18d E 66 rods to maple tree
N 22d E 14 rods to ash tree
N 36d E 12 rods to Beach tree in the road to ~~to~~ Sd Hathaways Sd road on the right hand side of the Sd marked trees three rods wide Pr me Prince Haskell County surveyor

Barnard June 10th 1805
John Foster } Sworn
Saml Steward } Chainmen
Samuel Steward } Select
John Foster } men

Recorded feb 1th 1806
Pr Samuel Topliff Town Clerk

A

An alteration of a road between Samuel Wood & Wm McIntosh beginning at a Stake & Stones in the road Near Sd Woods House

W 7d N 44 rods to stake & stones
W 11d N 22 rods to hemlock tree
N 44d W 22 rods to stake & stones
W 7d N 34 rods to stake & stones in the road near Sd McIntoshes — Sd road three rods Wide on the Left hand side of the Sd marks or Bounds — Survd Pr me Prince Haskell C. surveyor

Saml Wood } Sworn
Ebenz McIntosh } Chainmen
Barnard June 10th 1805
John Foster } Select
Saml Steward } men

Recorded Feb 1th 1806
Pr Samuel Topliff Town Clerk

B

A Survey of a highway in Barnard Beginning at a small tree in the South Line of Sd Town about two Rods west of Mr Eatons House thence North 10° W 16 rods thence N 30° W 15½ rods then N 38° W 49 Rods to the old highway Leading from Capt Richmonds to Bridgwater and the old Road South on this is hereby set over to Richmond in full of Damages for this the above described Courses & distances on the North east side of Sd highway which Extends forty feet South westerly thereof surveyed April 7th 1806 by order of

John Foster } Select
Thomas Freeman Jr } men

Attest Olr Williams } surveyor
Recorded April 7th 1806
Pr Samuel Topliff Town Clerk

C

A Survey of a road from Mr William Records by Mr Saml Whittens to Deac David Pierces Beginning at a Stake & Stones in the Now road near Mr Records House

N 33d E 13 rods to hemlock Stump & Stones
N 11d E 14 rods to stake & stones
N 32d E 26 rods to hemlock tree
N 27d E 42 rods to Maple tree
N 34d E 33 rods to Stake & Stones
N 23d W 6 rods to Stake & Stones
N 1d E 16 rods to stake & Stones
N 28d W 19 rods to Beach Stump
N 39d W 21 rods to Beach tree
W 8d N 27 rods to Basswood Stump
W 26d N 43 rods to Beach tree
W 33d N 8 rods to stake
W 18d N 41 rods to Stake & Stones
W 33d N 11 rods to Stake & Stones
W 20d N 16 rods to Stake & Stones to the Now road near Deac David Pierces House Sd road two rods Wide on the Left hand side of ye Sd Bounds — Surveyd pr me June 5th 1806 Prince Haskell County Surveyor

John Foster } Sworn
Saml Steward } Chainmen
John Foster } Select
Saml Steward } men

Recorded May 15th 1806
Pr Samuel Topliff T. Clerk

D

Barnard Road Book Pg 29, Entry A
BRC-119 Charles French Road

71

Survey Bill of Roads near A. Packards.
Barnard May 26. 1849.
Samuel Conant Surveyor.

Beginning near Alanson Packards House Running for the center of the Road. Thence S. 73. E. 7 Rods.
" N. 50. E. 11 "
N. 54. E. 20 "
N. 60. E. 20 "
N. 43. E. 14 "
N. 56. E. 8 "
N. 21. E. 2½ "
N. 54. E. 15 "
N. 20 W. 11 "
N. 15 E. 26 "
N. 37 E. 24 " 16 Links to the Road in Stockbridge which runs from the town line to Austin Broadfords.

A

Recorded July 23d 1851
Attest S. C. Thayer. Town Clerk.

Attest Samuel Conant Surveyor.

Survey of Road near Marshal Townsends.

Begining at a point in the old Road between Marshal Townsends and the School House near a large Rock.
Thence N. 53. E. 7 Rods
" N. 21. E. 16 "
" N. 20. E. 13 "
" N. 12. E 1 " to the old Road.

B

Barnard Sept. 17. 1849.

Attest Samuel Conant Surveyor.

Silas Tuttle
Lucius Freeman } Select Men.
H. A. Slocomb

Recorded July 23d 1851.
Attest S. C. Thayer Town Clerk.

Barnard Road Book Pg 71, entry B
BRC-119 Charles French Road

BRC-120 known as "Old Hathorn Road" starts at a point on BRC-118 (Packard Road) located 0.2 miles south of the intersection of Packard Road and TH-26 (Smith Hill Road) and extends southeasterly 0.672 miles to a point on BRC-119 (Charles French Road) located 0.7 miles north of the intersection of Charles French Road and BRC-111 (Hayes Brook Road).

Original Laying Out: Road Book Page 22, Entry A

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 22, Entry A

A Survey of a Road from Wm Hathaways to Silas Woods
Beginning at a Hemlock tree in the Road Near Ichabod Hathaways
S 13° W 15½ Rods to Stake and Stones
S 32° W 10 Rods to Stake & Stones
S 23° W 9 Rods to Beach tree
S 31° W 19 Rods to Beach tree
S 33° W 29 Rods to Spruce tree
S 3° W 6 Rods to Basswood tree
S 6° E 18 Rods to Spruce tree
S 8° W 34 Rods to Stake & Stones
S 21° W 26½ Rods Stake & Stones
S 13° W 26 Rods to Ellis Chimney
S 3° W 50 Rods to Hemlock tree
S 15° W 13 Rods to Beach tree
S 10° W 22 Rods to the N.W. Corner of Silas Woods House sd Road Laid the Easterly side of ye marked trees three Rods Wide Per Me

Prince Haskett County Surveyor
June the 9th 1798

Silas Woods ) Sworn
Jonathan Fay ) Chairmen

Solomon Aikins Jr. ) Select
Wm Freeman ) men

Recorded October 1th 1799
Per Samuel Topliff T. Clerk

(22)

A Survey of a Road from Mr Hathaways to Silas Woods —
Beginning at a Hemlock tree in the Road Near Ichabod Hathaways — — —
S13d W15½ Rods to Stake and Stones
S32d W10 Rods to Stake & Stones
S23d W9 Rods to Beach tree
S31d W19 Rods to Beach tree
S33d W29 Rods to Spruce tree
S3d W6 Rods to Basswood tree
S6d E18 Rods to Spruce tree
S8d W34 Rods to Stake & Stones
S21d W26½ Rods to Stake & Stones
S13d W26 Rods to Ellis Chimney
S3d W50 Rods to Hemlock tree
S15d W13 Rods to Beach tree
S10d W22 Rods to the N. W. Corner of Silas Woods House Sd Road Laid the Easterly side of ye Marked trees three Rods Wide Pr Me
Prince Haskell County Surveyor
June the 9th 1798
Silas Woods } Sworn
Jonathan Day } Chainmen
Solomon Aikens Jr } Select men
Wm Freeman
Recorded October th 1799
Pr Samuel Topliff T. Clerk

An alteration of a Road ~~from~~ Between Mr Moses Beldings & Mr Wright Brick yard Beginning at a Stake & Stones in the Road the East side of the Creek —
W25d N21 Rods to Stake & Stones
N30d W4 Rods to Stake & Stones
N13d W14 Rods to the Creek Road Sd Road to be two Rods wide on the Southerly & Westerly side of the marks Pr me
Prince Haskell } County Surveyor
June yd 3d 1799
Thomas M. Wright } Sworn
Aamos Bicknell } Chainmen
David Peirce } Select
Seth Dean } Men
Jacob Lawton
Recorded Oct 1th 1799
Pr Samuel Topliff Town Clerk

An alteration of a Road from Timothy Newtons to Amos Bicknells Beginning at a State and Stones in the Creek Road Near Sd Newtons Barn — — —
W12d N20 Rods to Stake & Stones
S40d W36 Rods to Stake & Stones
N16d W16 Rods to Maple tree
W37d N39 Rods to Hemlock tree
W18d N32 Rods to the South and of Amos Bicknells House Sd Road to be three Rods wide on the Right hand ~~side~~ of the marked trees Pr me Prince Haskell C. Surveyor
June the 3d 1799
Thom M. Wright } Sworn
Amos Bicknell } Chain men
David Peirce } Select
Seth Dean } Men
Jacob Lawton
Recorded Oct th 1799
Pr Samuel Topliff Town Clerk

A Survey of A Road Beginning at A ~~State~~ Beach Stump on Nathan Bowmans Jr Land — — — —
N21d E34 Rods to Hemlock tree
N17d E29 Rods to Stake & Stones
E19d N20 Rods to A Beach tree
E12d S18 Rods to Stake & Stones
E2d N18 Rods to Stake & Stones
E25d S49 Rods to Stake & Stones
E8d S26 Rods to Stake & Stones
E14d S44 Rods to A Stump in the Creek Road Near Mr Elijah Barns Barn Sd Road to be three Rods wide on the Left hand of the Bounds or markd trees
June th 3d 1799 Pr me
Prince Haskell } County Surveyor
Gideon Newton } Sworn
Nathan Bowman Jr } Chain men
David Peirce } Select
Seth Dean } men
Jacob Lawton
Recorded Oct 1th 1799
Pr Samuel Topliff T. Clerk

An alteration of a Road to accommodate Capt Hieth & others to the Center of the Town Beginning at a Kirch tree Near Capt Hieth improvements and in the old Road — — —
E7d S84 Rods to Basswood tree
E9d S29 Rods to Maple tree
E21d S17 Rods to Beach tree
E43d S12 Rods to Hemlock tree
S18d E36 Rods to Beach tree
S19d W14 Rods to Hemlock tree
S41d W12 Rods to Hemlock tree
W31d S9 Rods to Beach ~~Stump~~
S22d W12 Rods to Beach tree
S25d W10 Rods to Beach tree
S19d E13 Rods to Beach tree
S9d W14 Rods to Beach tree
S30d E14 Rods to Beach Stump
S9d E56 Rods to Hemlock Stump
S32d E10 Rods to Stake & Stones in the Roade Between David Whites & the Creek Bridge Sd Roade to be three Rods wide on the Left hand side of the markd trees
Septr 16th 1799
Prince Haskell } County Surveyor
David Peirce } Sworn
Seth Dean } Chainmen
David Peirce } Select
Seth Dean } Men
Recorded Oct 30th 1799
Pr Samuel Topliff T. Clerk

Barnard Road Book pg 22, entry A
BRC-120 Old Hathorn Road

BRC-122 known as "Porter Road" starts at the terminus of TH-43 and extends westerly 0.545 miles, crossing the terminus of TH-45 and ending at a point on BRC-120 ("Old Hathorn Road) located 0.2 miles northwest of the intersection of Old Hathorn Road and BRC-111 (Hayes Brook Road).

Original Laying Out: Road Book Page 30, Entry B

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 30, Entry B

A survey of a road from Robert Tuckers to the Creek Bridge near Job Winslows
Beginning at a post in said Tuckers fence about 3 rods S.E. of Tuckers House
E 3° N 68 rods to stake & stones
E 15° N 130 rods to beach tree
E 19° S 26 rods to spruce stub
E 3° S 12 rods to maple tree
E 20° S 4 rods to Beach tree
E 31° N 12 rods to maple tree
E 37° N 8 rods to small Beach tree
N 28° E 29 rods to Spruce tree
N 32° E 18 rods to Burch tree
N 12° E 14 rods to Beach tree
N 4° E 28 rods to hemlock tree
N 24° E 16 rods to Beach tree
N 28° E 18 rods to stake & stones
N 8° E 6 rods to stake & stones
N 28° E 15 rods to stake & stones
N 13° E 8 rods to stake & stones
N 4° W 10 rods to stake & stones
N 18° E 9 rods to stake & stones
N 19° E 12 rods to beach tree
N 22° E 11 rods to hemlock tree
E 41° N 21 rods to hemlock tree
N 7° E 15 rods to Hemlock tree
N 28° W 18 rods to Elm tree
N 38° W 9 rods to the south west corner Corner of the Creek Bridge on Jabez Wights Land –
Sd. road to be three rods wide on the left hand side of the Bounds until it comes to the Bank of the Creek then the remainder to be two rods wide on the same side of the Bounds – Surveyed Per me
May 15th 1806
Prince Haskell ) County Surveyor

Robert Tucker ) Sworn
Jacob Allin ) Chairmen

Thos Freeman Jr ) Select
John Fafter ) men

Recorded May 15th 1806
Pr. Samuel Topliff Town Clerk

(31)

An alteration of a road on Daniel Jaques Land Beginning at a Stake & Stones at the Corner of sd Jaques walk wards John Perkins — — —

E 2 d N 14 rods to Stake & Stones
N 43 d E 9 rods & links to Stake & Stones
N 22 d E 10 rods to Samuel Pratts N E Corner being a Stake in the ground
sd road on the right hand side of the Bounds two rods wide
Pr me Prince Haskell } County Surveyor
May 15 th 1806
Samuel Pratt } Sworn
Gabez Hunt } Chainmen
John Foster } Select
Tho — Freeman } men
Recorded May 15 th 1806
Pr Samuel Danforth Town Clerk

A

(30)

sd road to be three rods wide on the left hand side of the Bounds untill it comes to the Bank of the Creek then the remainder to be two rods wide on the same side of Bounds — Surveyd Pr me
May 15 th 1806 Prince Haskell } County Surveyor
Robert Dickey } Sworn
Jacob Allen } Chainmen
Thos Freeman jn } Select
John Foster — } men
Recorded May — 1806
Pr Samuel Danforth Town Clerk

A survey of a road from Robert Dickeys to the Creek Bridge near Job Kimptons Beginning at a post in sd Dickeys fence about 3 rods S. E of Dickeys House

E 3 d N 68 rods to Stake & Stones
E 15 d N 130 rods to Beach tree
E 19 d E 26 rods to Spruce Stub
E 2 d E 12 rods to Maple tree
E 0 d N 4 rods to Beach tree
E 31 d N 12 rods to Birch tree
E 35 d E 28 rods to small Beach tree
N 28 d E 29 rods to Spruce tree
N 32 d E 18 rods to Birch tree
N 12 d E 14 rods to Beach tree
N 2 d E 28 rods to Hemlock tree
N 22 d E 16 rods to Beach tree
N 28 d E 18 rods to Stake & Stones
N 38 d E 6 rods to Stake & Stones
N 28 d E 15 rods to Stake & Stones
N 15 d E 8 rods to Stake & Stones
N 6 d W 10 rods to Stake & Stones
N 18 d E 9 rods to Stake & Stones
S 19 d E 12 rods to Beach tree
N 22 d E 11 rods to Hemlock tree
E 13 d N 21 rods to Hemlock tree
N 7 d E 15 rods to Elm tree
N 25 d W 15 rods to ~~the Elm tree~~ Cornerd on the South ~~Corner~~ of the Creek Bridge on the West corner on Jabez Hayletts Land — — —

B

An alteration of a road Between John Perkins & Samuel Pratts — Beginning at a Butternut tree on the West side of the new road — — — — —

E 16 d N 23 rods to Butternut Stump
E 16 d N 12½ rods to Beach tree
E 28 d N 15 rods to Beach Bush
E 15 d N 28 rods to maple Bush
N 33 d E 23½ rods to maple Bush
E 37 d N 29 rods to Stake & Stones
E 10 d N 7 rods to Stake & Stones
E 32 d N 22 rods to Stake & Stones
N 20 d E 28 rods to Stake & Stones in the old rods Near Mr Jaques old house sd road 2 rods wide on the Right hand side of the Bounds
May 3 d 1806 Prince Haskell } County Surveyor
Daniel Jaques } Sworn
Alex Bowman } Chainmen
Joshua Freeman } Select man
Recorded July 31 st 1806
Pr Samuel Danforth Town Clerk

C

An alteration of a road between the great Iron Brush by Paul Richmonds house & on near to Abner Richmonds house — Beginning at a small maple tree on the West side of the new road
S 19 d E 16 rods to Stake & Stones
S 4 d E 30 rods to Stake & Stones
S 14 d E 26 rods to Stake & Stones
S 20 d E 27 rods to Stake & Stones
S 80 d E 12 rods to Stake & Stones
in the new road near Abners

D

Barnard Road Book pg 30, entry B
BRC - 122 Porter Road

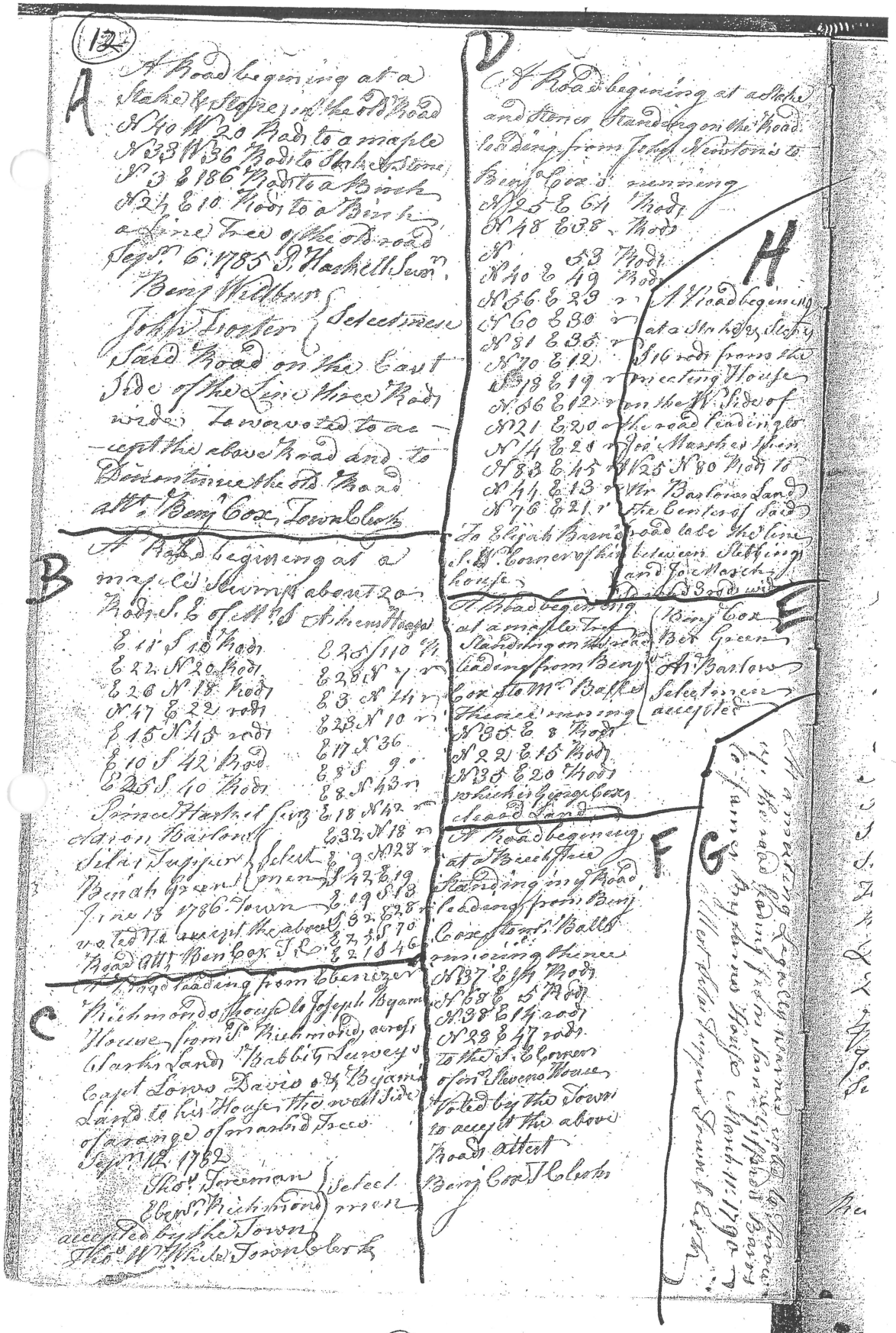
BRC-123 Known as "Alice's Turn Road" starts at the terminus of TH-44 (Alice's Turn Road) and extends southwesterly 0.533 miles to the current terminus of TH-43.

Original Laying Out: Road Book Page 12, Entry A

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 12, Entry A

A Road beginning at a Stake & Stones in the old Road
N 40° W 20 Rods to a maple
N 33° W 36 Rods to a Stake & Stones
N 3° E 186 Rods to a Birch
N 24° E 10 Rods to a Birch
a Line Tree of the old road
Septr. 6: 1785 P. Haskell Surv.
Benj. Willbur ) Selectmen
John Foster )
Said Road on the East Side of the Line three Rods wide
Town votes to accept the above Road and to Discontinue the old Road
attest Benj. Cox Town Clerk



(12)

A

A Road beginning at a Stake & Stones in the old Road N 40 W 20 Rods to a maple N 33 W 36 Rods to Stake & Stone N 3 E 186 Rods to a Birch N 24 E 10 Rods to a Birch a Line Tree of the old road Sept. 6. 1785 P. Hazlett Surv.

Benj. Wildbur
John Foster
Selectmen

Said Road on the East Side of the Lein Three Rods wide Is voted to accept this above Road and to Discontinue the old Road

attest Benj. Cox Town Clerk

B

A Road beginning at a marked Stump about 20 Rods S. E. of the N. W. Corner of Thomas Hoag's

E 18 S 18 Rods
E 22 N 20 Rods
E 26 N 18 Rods
N 47 E 22 Rods
E 15 N 48 Rods
E 10 S 42 Rods
E 25 S 40 Rods

Prince Hazlett Surv.

Aaron Barlow
Silas Jaquith
Selectmen
Jeremiah Greene

June 18 1786 Town voted to accept the above laid Road

Attest Benj. Cox Town Clerk

E 105 N 10 Rods
E 2 N 7 Rods
E 3 N 44 Rods
E 28 N 10 Rods
E 17 N 36
E 8 S 9 Rods
E 8 N 43 Rods
E 18 N 42 Rods
E 32 N 18 Rods
E 9 N 28 Rods
E 42 E 19
E 19 S 13
E 32 S 28 Rods
E 7 S 5 70
E 2 1846

C

A Road leading from Ebenezer Richmonds House to Joseph Byams House from Mr. Richmonds across Martins Land to Rabbits Survey's Capt Lewis Davis & Mr Byams Land to his House the west Side of Jarvis's Orchard Sept. 12. 1782

Thos. Foreman
Ebenr. Richmond
Selectmen

accepted by the Town

Thos. W. White Town Clerk

D

A Road beginning at a Stake and Stones Standing on the Road leading from John Newtons to Benj. Cox's running

N 2 E 64 Rods
N 48 E 38 Rods
N 53 Rods
N 40 E 49 Rods
N 86 E 23 Rods
N 60 E 30 Rods
N 81 E 36 Rods
N 70 E 12 Rods
N 18 E 19 Rods
N 86 E 12 Rods
N 21 E 20 Rods
N 14 E 28 Rods
N 83 E 45 Rods
N 14 E 13 Rods
N 76 E 21 Rods

To Elijah Barnes Road lade the Line of S. W. Corner of his between Stebbins and Joel Marsh's house

Laid out 3 Rods wide

H

A Road beginning at a Stake & Stones standing on the Road leading from Benj. Cox's Store to Mr. Bailes

Benj. Cox
Ber. Green
Mr. Barlow
Selectmen
accepted

N 80 E 8 Rods
N 22 E 15 Rods
N 35 E 20 Rods

which is George Cox's Cleared Land

F

A Road beginning at a Beech Tree standing in my Road, leading from Benj. Cox's to Mr. Bailes

running thence

N 37 E 14 Rods
N 68 E 5 Rods
N 38 E 14 Rods
N 23 E 47 Rods

To the S. E. Corner of Sam. Stevens House

Voted by the Town to accept the above Road attest

Benj. Cox Town Clerk

G

(12)

Barnard Road Book Page 12, Entry A

BRC-123 "Alice's Turn Road"

Selectman's acknowledgement that the 1994 discontinuance of 0.1 mile of TH-69 (now a portion of TH-93) recorded in Book 59, Pages 313, 333 and 343, is VOID



Received
VT Agency of Transportation
NOV 02 2010
Planning Outreach and Community Affairs Division

# Town of Barnard, Vermont

*Chartered July 17, 1761*

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

BRC-128
S. Moulton
11/29/2011

Selex Min 041410

**Selectmen's Minutes** **April 14, 2010**

Called to order 7:10pm.
Present: Johnson, Webster, Morse, R. Lamphere, L. Webster

Act 178/Class 4 Roads Submissions to AOT: Rec'd letter (attached) from Atty Hayes re 1994 discontinuance of portion of TH69 advising that the discontinuance was illegal because road travels into Stockbridge and because a parcel was landlocked. Recommends voting to void 1994 discontinuance.
Vote to VOID 1994 Discontinuance of TH69, 0.1mile as illegally decided per recommendation of Atty Hayes.

Roy Lanphere/Fairpoint: Requests easement on Town Hall lot property to install equipment for fiber optic service station to be redistributed as DSL internet service to Barnard residents. See attached letter and photos. Discuss further conditions for easement: Fairpoint to bury phone/elec lines from North Rd to Hall & remove 2 poles, reduce size of easement request. Lamphere will consult Fairpoint engineer, stake site. Will discuss further.

Lance Webster/Road Foreman:
1. Discuss Class 2 Resurfacing Grant Appl. for pavement & gravel resurfacing of portions of Stage Road, TH1.
2. Discuss Webster's meeting with Pat Ross (Water Resources) & Pete Fellows (TRORC) re head waters grant for bridge & culvert replacement on Class 4 portion of Chateauguay Rd.
3. Discuss Structures Grant Appl. recommendations for large culvert on Wayside and specs for box culvert installation on Royalton Tnpk at Webster Hill.

Approved Town & Highway orders for payment, minutes of 4/7/10, reviewed mail.

Adjourned 8pm. Recorded by Morse.

Tim Johnson Rock Webster Tom Morse, Selectmen

Johnathan –
Selectboard decision as recorded for your BARNARD file.
Preston

RECEIVED AND RECORDED
ON 10.12.10
AT 12:56 PM
BOOK 101 PAGE 166-168
attest
Diane Harvey
TOWN CLERK BARNARD, VT

Selectman's acknowledgement that the 1994 discontinuance of 0.1 mile of TH-69 (now a portion of TH-93) recorded in Book 59, Pages 313, 333 and 343, is VOID



THOMAS HAYES
RICHARD J. WINDISH
BONNIE B. SHAPPY
SUSAN J. MANLEY*

HAYES & WINDISH
A PROFESSIONAL CORPORATION
ATTORNEYS LICENSED IN
VERMONT & NEW HAMPSHIRE
45 PLEASANT STREET
WOODSTOCK, VERMONT 05091
WWW.HAYES-WINDISH.COM
TELEPHONE (802) 457-2123
FACSIMILE (802) 457-3656

LEE W. RESSEGUIE
MICHAEL R. KAINEN
OF COUNSEL

*ADMITTED IN VERMONT ONLY

April 12, 2010

Mr. Tom Morse
P.O. Box 101
Barnard, VT 05031

Re: Discontinuance of TH-69

Dear Tom:

I met recently with Preston Bristow to discuss the Town's 1994 action to discontinue TH-69, which was believed to be a short section of road one-tenth of a mile long off of Smith Road. The vote to discontinue the road occurred on January 5, 1994.

At the time of the discontinuance action two important facts were not known to the select board. First, that the road discontinuance "land locks" a parcel of land, and second, that the road continued across the Stockbridge town line.

The first problem would be relatively easy to deal with because when a town discontinues the public access to a road it does not extinguish the private rights of abutters. *Okemo Mountain, Inv. v. Ludlow*, 171 VT 201 (2000). However, because of my analysis below, I do not think it will be necessary.

In 1994 the statutory requirements to discontinue a road were found at 19 V.S.A. §771. The select board was required to comply with the following provisions:

"The selectmen of two or more towns may discontinue a highway continuing into each of the towns by individually following [section 708-711 of this title.] The public hearing may be jointly held if the selectmen agree. If the decision is not the same in all towns involved, the superior court shall be petitioned to resolve the issue."

The provisions of Section 708 to 711 are attached.

Because the select board did not know that the road in question extended into another town, it did not follow the applicable procedure for discontinuance in that case. The law in Vermont is that "[t]the procedure to be followed in laying out or discontinuing a highway is wholly statutory and the method prescribed must be substantially complied with or the proceedings will be void. In re Bill, 168 VT 439, 724 A2d 444 (1998). Actions of a select board

Selectman's acknowledgement that the 1994 discontinuance of 0.1 mile of TH-69 (now a portion of TH-93) recorded in Book 59, Pages 313, 333 and 343, is VOID





are presumed to be in accordance with statutory requirements, however, when a select board acts outside its statutory authority with respect to a discontinuance, the defect is akin to lack of subject matter jurisdiction. Id; In re Mattison 120 VT 459, 144 A2d 778 (1958). Those proceedings would be void and may be impeached in any way at any time. Id.

Since the select board is now aware that the 1994 discontinuance of the TH-69 did not comply with the statutory requirements of the time, and the action is therefore void, and since such action may be impeached at any time and in any way, I recommend that the select board acknowledge that the January 5, 1994 discontinuance of TH-69 was void and set it aside on its own initiative.

Returning to the issue of the "land locked" parcel, because the 1994 discontinuance was void when it was attempted, the parcel was not land locked by the Town's action, and no change of status occurred.

Yours truly,

Thomas Hayes, Esq.

TH/ps
Encls.

BRC-128 known as "Judson Morse Road" starts at a point on TH-26 (Smith Hill Road) located 0.2 miles west of the intersection of Smith Hill Road and TH-45 and extends northwesterly 2.683 miles, intersecting the terminus of BRC-129 (Norton's Hook Road), and ending at the Stockbridge Town Line.

| | |
|---|---|
| Original Laying Out: | Road Book Page 11, Entry B<br>Page 25, Entry C<br>Page 42, Entry A |

The western portion of this road from Stockbridge is shown extending into Barnard on the Beers Atlas of 1869 and the 1913 Woodstock Quad

This road is mentioned in a deed from International Paper Realty Corporation to Lambert (Book 45, Page 318 circa 1983 and earlier).

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 11, Entry B

A Survey of a Road beginning three Rods Easterly Louis Bicknel House
Thence
N 74 Deg. W 40 rods
S 87 W 52 rods
N 69 W 39 rods
N 31 W 48 rods
N 88 W 21 rods
N 88 W 40 rods
N 80 W 27 rods
N 56 W 37 rods
N 89 W 32 rods
N 68 W 13 rods
N 58 W 25 rods
N 88 W 26 rods
N 74 W 47 rods
N 58 W 22rods
N 27 W 20 rods
N 19 W 66 rods
N 30 W 10 rods
N 15 W 39 rods
N 32 W 42 rods
N 65 W 25 rods to Stockbridge Line lying the South Side of Said Line

The above Roads approved of by
June 16, 1784 Benj. Cox )
Beriah Green ) Selectmen
Aaron Barlow )

(11)

A

A Survey of a Road begining at a Stake & Stones Three Rods East of the meeting House

| | |
|---|---|
| N 26 E 44 rods | N 12 W 19 rod |
| N 46 W 21 rods | N 22 W 3 rod |
| N 25 W 82 rod | N 23 W 20 rod |
| N 44 W 14 rod | N 26 W 35 rod |
| N 13 W 5 Rods | N 4 W 30 rod |
| N 26 E 24 rods | N 5 E 28 rod |
| N 3 W 10 rod | N 25 W 9 rod |
| N 42 W 20 rod | N 43 rod |
| N 53 W 12 rod | N 15 E 23 rod |
| N 50 W 24 rods | N 4 E 41 rod |
| N 28 W 18 rods | N 7 E 20 rod |
| N 8 W 36 rods | N 3 E 56 rods |
| N 29 W 26 rods | N 9 E 20 rod |
| N 15 W 36 rod | N 7 W 21 rod |
| N 12 W 12 rods | N 44 W 8 rod |
| N 3 W 12 rods | N 57 W 47 rod |
| N 17 W 6 rod | N 5 W 15 Rod |
| N 29 W 44 rod | N 32 W 52 rod |
| N 49 W 16 rods | N 56 W 20 rod |
| N 23 W 9 rod | N 40 W 52 rod |
| N 43 rod | to Bethel Line |
| N 14 E 25 rods | Said Road lying |
| N 34 E 20 rods | the Westward Side |
| N 10 W 43 rods | of Said Line Three |
| N 4 E 24 rod | Rods wide |
| N 3 E 118 rod | |

B

A Survey of a Road begining three Rods Easterly Lieut Bicknal House Thence

| |
|---|
| N 74 W 40 rods |
| S 87 W 52 rods |
| N 69 W 39 rods |
| N 51 W 48 rods |
| N 83 W 21 rods |
| N 88 W 40 rods |
| N 80 W 27 rods |
| N 56 W 37 rods |
| N 89 W 32 rods |
| N 68 W 13 rods |
| N 58 W 25 Rods |
| N 88 W 26 rods |
| N 74 W 47 rods |
| N 58 W 22 rods |
| N 27 W 20 rods |
| N 29 W 66 rods |
| N 30 W 10 rods |
| N 15 W 39 rods |
| N 32 W 42 rods |
| N 65 W 25 rods to |

Stockbridge Line lying the South Side of Said Line

C

A Survey of a Road begining one & half Rod South of the Line where it Strikes the Road between Thos W Whites & Daniel Hodges thence

| | | |
|---|---|---|
| S 65 E 58 rod | S 26 W 20 rod | S 11 W 19 Rod |
| S 18 E 16 rod | S 1 W 42 rod | S point 18 rods |
| S 31 E 71 rod | S 24 E 51 rod | S 6 W 47 rods |
| N 84 E 32 rod | S 12 E 20 rod | S 1 W 36 rods |
| N 71 E 45 rod | S point 32 rod | S 7 E 22 rods to a |
| S 69 E 15 rod | S 13 W 12 rod | large Birch Tree near |
| S 2 W 73 rod | S 21 W 32 rod | Shiverick Crowels house |

Said Road lying on the northward & eastward Side of Said Line The above Roads approved of by

June 16 1784

Benj Cox
Beriah Green
Aaron Barlow
} Selectmen

(11)

Barnard Road Book Page 11, Entry B
BRC-128
"Judson Morse Road"

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 25, Entry C

A Survey of a road from Elijah Greens By Paul Woods to the road Leading from Mr Browns to the meeting house Beginning at Stake & Stones about ten rods North of sd. Greens House
S 31° W 26 rods to Cherry tree
S 13° W 140 rods to S W Corner P W Bar
S 10° E 12 rods to Maple tree
S 9° E 14 rods to Basswood tree
S 28° E 10 rods to Stake & Stones in the road from Mr. Browns to the meeting house sd. Road on the right hand side of the marked trees three rods wide.
Barnard December th. 20 – 1802
Surveyed by me Prince Haskell County S.
Benjamin Clapp ) Sworn
Asa Paige ) Chairmen
Benjamin Clapp ) Select
Asa Paige ) men
The above road is subject to three Gates on Mr. Paul Woods Land and at his expense for the term of five years, and then to be completely open –
Recorded March 12, 1803
Attest Samuel Topliff Town Clerk

---

Page 42, Entry A

A alteration of an old bridle road Now a open highway from the S. W. corner of Paul Woods barn to the road from Robert Browns to the gagnes farm Beginning at the S.W. corner of sd. barn –
S 13° W 32 rods to Stake & Stones
S 49° E 31 rods to beach tree
E 23° S 7 rods to Stake & Stones on the North line of the road from Robert Browns – The road three rods Wide on the right hand side of the Bounds
Willard Charyl )
Luther Charney ) Selectmen
Surveyed June 13th 1821
Paul Woods ) Sworn
Ephraim Berry ) Chairmen
Attest Prince Haskell ) County Surveyor
Recorded October 22nd – 1821
Attest Samuel Topliff Town Clerk

W 16d N 16 rods to stake & stones in the road Near Nathl Aikens house Sd road three rods wide on the right hand of ye Sd Bounds Sd alteration to be in full affect in one year from this Date

Barnard June 23th 1801
Prince Haskell County surveyor
John Fish } Sworn Chainmen
Nathl Aiken }

Joseph Fosler Jr } Select
Benjr Wilber } mem
Ephraim Briggs }

Recorded Novm D 1801
Attst Samuel Topliff Town Clerk

A

A Survey of a road from Samuel Whittons to John Notts
Beginning at a stake & stones about one rod west of Sd Whittons house
S 27d W 29 R 1/3 to hemlock tree
S 29d W 24 R 2/3 to stake & stones
S 13d W 27 R to stake and stones on the North side of a road this day Layd out from Mr Reckards to the road Between Mr Eastmans & Paul Richmonds Sd road Laid the right hand side of Sd Bounds three rods wide this 12 day of June 1802 pr me
Prince Haskell County Survey

Lemuel Reckar } Chainmen
John Nott } sworn

Benjr Clapp } Select
Abel Babbet } Men
Asa Paige }

Recorded March 12th 1803
pr Samuel Topliff Town Clerk



A Survey of a road from Jacob Fosters to the road Leading from Samuel Grays to the meeting house Beginning at a stake and stones about 2 rods East of Sd Fosters Barn
N 8d E 47 rods to stake & stones on Ellis Tuppers south Line one rod East of S Tuppers South ~~Line~~ W Corn
N 25d E 52 Rods to stake & stones
N 15d E 6 rods stake & stones in the aforesd Saml Grays road this road Laid one rod Wide on the Left hand side of the marked trees — Prince Haskell County Surveyor

B

Ellis Tupper } Sworn
David Eastman } Chainmen
June 12th 1802

Benjamin Clapp } Select
Abel Babbet } Men
Asa Paige }

Recorded March 12th 1803
pr Samuel Topliff Town Clerk

C

A Survey of a roade from Elijah Greens By Paul Woods to the road Leading from Mr Browns to the meeting house Beginning at a stake & stones about ten rods North of Sd Greens House
S 31d W 26 rods to Cherrytree
S 13d W 140 rods to S W Corner Pd W Bar
S 10d E 12 rods to Maple tree
S 9d E 14 rods to Basswood tree
S 28d E 10 rods to stake & stones in the road from Mr Browns to the meeting house Sd road on the right hand side of the markd trees three rods wide
Barnard December th 20 — 1802
Surveyd Pr me Prince Haskell County S.

Benjamin Clapp } Sworn
Asa Paige } Chainmen

Benjamin Clapp } Select
Asa Paige } men

The above road is subject to three Gates on Mr Paul Woods Land and at his expence for the term of five years and then to be Compleately open — Recorded March 12 — 1803
Attst Samuel Topliff Town Clerk

Barnard Road Book pg 25, entry C
BRC-128 Judson Morse Road

A alteration of an old bridle road Now a open high way from the S.W. corner of Paul Woods barn to the road from Robert Browns to the jaques farm Beginning at the S.W. corner sd barn —
S 13d W 32 rods to stake & stones
S 49d E 21 rods to beach tree
E 23d S 7 rods to stake & stones on the North line of the road from Robert Browns — Pd road three rods Wide on the right hand side of the Bounds

Willard Caryl } Select men
Luther Chaney }

Surveyed june 13th 1821

A

Paul Woods — } Sworn
Ephraim Berry } Chainmen

attst Prince Haskell { County Surveyor

Recorded October 22d — 1821
attest Samuel Topliff Town Clerk

A Survey of a road from Stockbridge line near Ephraim Berrys towards Robert Browns Beginning at a Stake & Stones on Stockbridge east line
E 37d S 46 rods to stake & stones
E 7d S 56 rods to stake & stones
E 20d N 13 rods to hemlock tree
E 10d N 107 rods to a spruce tree
E 4d S 15 rods to stake & stones
E 22d N 32 rods to stake & stones
E 12d S 44 rods to N.W. corner of mathew Browns farm —
E 4d N 23 rods to stake & stones
N 20d E 22 rods to stake & stones
to the now road between Robert & Matthew Browns houses
Said road three rods Wide on the left hand side of said bounds
Surveyed june 13th 1821

B

Luther Chaney } Select men
Willard Caryl }

Willard Caryl } Sworn
Luther Chaney } Chainmen

attst Prince Haskell County surveyor

Recorded October 22d — 1821
attest Samuel Topliff Town Clerk

A survey of a road from Nathl Dea to the Now road near joseph B Danforth house — Beginning at a stake & stones about six rods west of Nathaniel Deans Dwelling house thence — — — —
N 44d E 28 rods to stake & stones
E 28d N 8 rods to maple tree
E 14d N 22 rods to Beach tree
E 6d N 18 rods to hemlock tree
E 22 N 14 rods to Basswood tree
E 22d N 14½ rods to Basswood tree
N 38d E 18½ rods to stake & stones
N 32d E 27 rods to small maple
N 35d E 13 rods to small butternut tree
N 40d E 4 rods to stake & stones
N 35d E 11 rods to willow tree
N 38d E 9½ rods to small ash
N 34d E 25½ rods to swall maple tree
N 48d E 18½ rods to small butternut tree
N 41d 17 rods to a small butternut tree
E 16d S 5 rods to stake & stones
S 27d E 48 rods to stake and stones
on the easterly side of the now road sd road is three rods wide on the right hand side of the sd Bounds
301½ rods — — — — —
Laid out by us

C

Willard Caryl } Select men
Luther Chaney }

Surveyed August 28th 1821

Samuel Pratt } Sworn
Harrison Topliff } Chainmen

attest Prince Haskell { County surveyor

N.B the old road from N Deans house to J.B. Danforths Barn or such parts of it as is not covered by the above surveyed road is hereby set over in lieu of Damage to the proprietors of the land through which said road passes

Willard Caryl } Select
Luther Chaney } men

Recorded August 28th 1821
attest Samuel Topliff Town Clerk

Barnard Road Book pg 42, entry A
BRC-128 Judson Morse Road

Barnard Book 45, Page 318

FORM 901 VERMONT — LIMITED WARRANTY DEED Rev. 9/80

TUTBLANK REGISTERED U. S. PAT. OFFICE
TUTTLE LAW PRINT, PUBLISHERS, RUTLAND, VT 05701

# Know all Men by these Presents

That IT, INTERNATIONAL PAPER REALTY CORPORATION, a Delaware Corporation having its principal office at International Paper Plaza, 77 West 45th Street, in the City of

of New York and State of New York in the County of New York Grantor, in the consideration of ---------ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION-- Dollars paid to its full satisfaction by

FRANK H. LAMBERT & LOIS LAMBERT, husband and wife,

of Stockbridge and State of Vermont in the County of Windsor Grantees, by these presents, do freely **Give, Grant, Sell, Convey and Confirm** unto the said Grantee s

FRANK H. LAMBERT & LOIS LAMBERT

and their heirs and assigns forever, a certain piece of land in Barnard in the County of Windsor and State of Vermont, described as follows, viz:

Being all and the same lands and premises conveyed to International Paper Realty Corporation by deed of International Paper Company, dated September 1, 1982, recorded in the Town of Barnard Land Records in Book 44 at Page 80, and therein described as follows:

"A certain tract of land situated in the Town of Barnard, in the County of Windsor and State of Vermont, bounded and described as follows:

Being the west part of the home farm, now or formerly of B. R. Lillie, beginning at a spruce post in the north end of a stone wall, in east side of a road, the north-west corner of said farm, thence south 33° west, partly along a wall, one hundred and twenty-seven rods eight links (127-08) to a black cherry post; thence north 57° west thirteen rods eight links to a maple tree marked as a corner; thence south 32° west one hundred and three rods (103) more or less, to an old corner on a beech tree and hemlock post, the south-west corner of said Lillie Farm; thence south 63° east ninety-one rods nineteen links (91-19) more or less, to a corner of old fences and new post, the corner of land now or formerly of E.E. Hoyt; thence, along old fences and walls north 37° 45' east seventeen (17) rods; thence north 35° east seventy-two (72) rods to a birch tree, the corner of the Hoyt land; thence north 36° 15' east one hundred and thirty-three rods twenty links (133-20), more or less, to a post at corner of fences in the south line of the Sardine Cowdrey Farm; thence north 56° west eighty-eight rods twenty links (88-20), more or less, to the corner begun at. Containing 125 acres, more or less, and being the same land deeded by Charles H. Kidder and B.R. Lillie to Bean and Hodgdon by deed dated October 15th, 1908 and recorded in Barnard Land Records in Volume 25, Page 150, said Hodgdon's interest having been conveyed to A.M. Bean by deed dated October 21, 1916, recorded in Volume 26-1/2, page 90.

This conveyance is made subject to the following:

1. The lien for ad valorum taxes here and after falling due, which are hereby to be pro-rated, and payment of which is expressly assumed by Grantee.

2. Any and all oil, gas and mineral leases, reservations and conveyances, and any restrictions, flowage rights, servitudes, easements and rights-of-way which are now in force and effect, either of record or presently existing on said property.

3. Any condition or state of facts which might be ascertained or revealed by an accurate survey and/or inspection of the premises, including but not limited to boundary line disputes, encroachments and adverse claims.

MINERAL RESERVATION

"All mineral substances presently owned by grantor are hereby conveyed to grantee herein, together with the full and exclusive executory rights to lease such substances; SUBJECT, HOWEVER, and there is hereby reserved to Grantor, its successors and assigns, and excepted from this conveyance, the following:

1. An undivided one-eighth (1/8th) non-participating royalty interest in oil, gas and associated hydrocarbons.

2. An undivided one-half (1/2) of any and all bonus consideration, rentals, royalties and other payments provided for in any mineral lease or leases executed by Grantee, its successors and assigns, covering lead, zinc, copper, coal, lignite, sulphur, phosphate, iron ore, sodium, salt, leucoxene, ilmenite, zircon, monzonite, uranium, thorium, molybdenum, vanadium, titanium and other fissionable materials, gold, silver, bauxite, limestone, geothermal energy and all other mineral substances and ore deposits of any kind or character, whether solid, liquid or gaseous, and without limitation by enumeration of the minerals expressly mentioned above (but not including sand, clay and gravel). In the event Grantee, its successors and assigns, elects to develop and produce any mineral substances described in this paragraph, there is further hereby reserved to Grantor, its successors and assigns, an undivided one-half (1/2) of the proceeds of said development, exclusive of all expenses incurred by Grantee, it successors or assigns in said development.

This conveyance is subject to all outstanding oil, gas and other mineral and/or royalty rights and interests shown of record on any of said lands."

To have and to hold said granted premises, with all the privileges and appurtenances thereof, to the said Grantees

FRANK H. LAMBERT & LOIS LAMBERT, husband and wife, as tenants by the entirety,

their heirs and assigns, to their own use and behoof forever;

And it the said Grantor

INTERNATIONAL PAPER REALTY CORPORATION

successors and assigns for itself and its heirs, ~~executors and administrators~~, do covenant with the said Grantees

FRANK H. LAMBERT & LOIS LAMBERT

their heirs and assigns, that until the ensealing of these presents it is the sole owner of the premises, and have good right and title to convey the same in manner aforesaid, that they are Free from every encumbrance;

hereby engage to Warrant and Defend the same against all lawful claims whatever, arising by, through or under International Paper Realty Corporation, but none other.

In Witness Whereof, it has affixed its corporate seal hereunto ~~set~~ ~~hand and~~ this 10th day of October A. D. 19 83

In Presence of

INTERNATIONAL PAPER REALTY CORP.

BY: _____ L.S.
GARY BECKER, Vice President

Nancy J. Dooley
WITNESS

_____ L.S.

Rosemary Waldmann
WITNESS

_____ L.S.

_____ L.S.

_____ L.S.

State of ~~Vermont~~ NEW YORK, County } ss. At THE CITY OF NEW YORK this 10th day of October A. D. 19 83

NEW YORK

Gary Becker, duly authorized agent of INTERNATIONAL PAPER REALTY CORPORATION personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed. and the free act and deed of International Paper Realty Corp.

Before me James E. Grapka
Notary Public

(Title)

JAMES E. GRAPKA
Notary Public, State of New York
No. 31-4775495
Qualified in New York County
Commission Expires March 30, 1984

Vermont Property Transfer Tax
32 V.S.A. Chap. 231

—ACKNOWLEDGMENT—

Return Rec'd.--Tax Paid--Board of Health Cert. Rec'd.-
Vt. Land Use & Development Plans Act Cert. Rec'd.

Return No. A610724
Signed Hazel R. Davis, Clerk
Date Jan 4, 1984

RECEIVED & RECORDED ON Jan 4, 1984 at 12 o'clock noon
Book 45 Page 318-320.
Attest
Hazel R. Davis
Town Clerk, Barnard, Vt.

BRC-129 known as "Norton's Hook Road" starts at a point on BRC-128 (Judson Morse Road) located 1.2 miles north of the intersection of BRC-128 and TH26 (Smith Hill Road) and extends southwesterly 0.968 miles to the Stockbridge Town Line.

Original Laying Out: Road Book Page 42, Entry B

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 42, Entry B

A Survey of a road from Stockbridge line near Ephraim Berrys towards Robert Browns
Beginning at a Stake & Stones on Stockbridge east line
E 37° S 46 rods to stake & stones
E 7° S 56 rods to stake & stones
E 20° N 13 rods to hemlock tree
E 10° N 107 rods to a spruce tree
E 4° S 15 rods to stake & stones
E 22° N 32 rods to stake & stones
E 12° S 44 rods to N.W. Corner of Mathew Browns farm –
E 4° N 23 rods to stake & stones
N 20° E 22 rods to stake & stones
to the now road between Robert & Matthew Browns houses
Said road three rods Wide on the left hand side of said bounds
Surveyed June 13, 1821

Luther Chaney )
Willard Caryl ) Selectmen

Willard Caryl )
Luther Chaney ) Sworn Chairmen

Attest Prince Haskell County Surveyor
Recorded October 22, 1821
Attest Samuel Topliff Town Clerk

(42)

A alteration of an old bridle road Now a open high way from the S.W. corner of Paul Woods barn to the road from Robert Browns to the jaques farm Beginning at the S.W. corner sd barn —
S 13d W 32 rods to stake & stones
S 49d E 21 rods to beach tree
E 23d S 7 rods to stake & stones on the North line of the road from Robert Browns — Pd road three rods Wide on the right hand side of the Bounds

Willard Caryl } Select men
Luther Chaney }

Surveyed june 13th 1821

A

Paul Woods — } Sworn
Ephraim Berry } Chainmen

attest Prince Haskell { County Surveyor

Recorded October 22d — 1821

attest Samuel Topliff Town Clerk

A Survey of a road from Stockbridge line near Ephraim Berrys towards Robert Browns Beginning at a Stake & Stones on Stockbridge east line
E 37d S 46 rods to stake & stones
E 7d S 56 rods to stake & stones
E 20d N 13 rods to hemlock tree
E 10d N 107 rods to a spruce tree
E 4d S 15 rods to stake & stones
E 22d N 32 rods to stake & stones
E 12d S 44 rods to N.W. corner of mathew Browns farm —
E 4d N 23 rods to stake & stones
N 20d E 22 rods to stake & stones to the now road between Robert & Matthew Browns houses
Said road three rods Wide on the left hand side of said bounds
Surveyed june 13th 1821

B

Luther Chaney } Select men
Willard Caryl }

(42)

Willard Caryl } Sworn
Luther Chaney } Chainmen

attest Prince Haskell County surveyor

Recorded October 22d — 1821

attest Samuel Topliff Town Clerk

A survey of a road from Nath.l Dea to the Now road near joseph B Danforth house — Beginning at a stake & stones about six rods west of Nathaniel Deans Dwelling house thence — — — —
N 44d E 28 rods to stake & stones
E 28d N 8 rods to maple tree
E 14d N 22 rods to Beach tree
E 6d N 18 rods to hemlock tree
E 22 N 14 rods to Basswood tree
E 22d N 14½ rods to Basswood tree
N 38d E 18½ rods to stake & stones
N 32d E 27 rods to small maple
N 35d E 13 rods to small butternut tree
N 40d E 4 rods to stake & stones
N 35d E 11 rods to willow tree
N 38d E 9½ rods to small ash
N 34d E 25½ rods to small maple tree
N 48d E 18½ rods to small butternut tree
N 41d 17 rods to a small butternut tree
E 16d S 5 rods to stake & stones
S 27d E 48 rods to stake and stones on the easterly side of the now road sd road is three rods wide on the right hand side of the sd Bounds
301½ rods — — — — —
Laid out by us

C

Willard Caryl } Select men
Luther Chaney }

Surveyed August 28th 1821

Samuel Pratt } Sworn
Harrison Topliff } Chainmen

attest Prince Haskell { County surveyor

N.B the old road from N Deans house to J.B. Danforths Barn or such parts of it as is not covered by the above surveyed road is hereby set over in lieu of Damage to the proprietors of the land through which said road passes

Willard Caryl } Select
Luther Chaney } men

Recorded August 28th 1821

attest Samuel Topliff Town Clerk

Barnard Road Book Page 42, Entry B
BRC-129 Norton's Hook Road

BRC-133 known as "Masterson Road" starts at a point on TH-8 (Masterson Road) located 0.8 miles west of the intersection of Masterson Road and VT Route 12 and extends southwesterly 1.342 miles to a point on TH-24 (Old Mount Hunger Road) located 0.2 miles east of the intersection of Old Mount Hunger Road and Stockbridge TH-15

Original Laying Out: Road Book Page 37, Entry D and Page 72, Entry A

Shown on the Windsor County Gazette of 1880

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 37, Entry D

A Survey of a road Beginning at the S.E. corner of James Bryants house
E 14° S 37 rods to ash tree
E 8° S 34 rods to beach tree
E 25° S 68 rods to beach tree
S 34° E 9 rods to maple tree
N 24° E 22 rods to Spruce tree
E 39° N 8 rods to Spruce tree
E 5° N 6 rods to Hemlock tree
E 2° S 24 rods to Stake & Stones
E 20° N 30 rods to Stake near Shermans ^(Stackside [?]
E 43° N 10 rods to Stake & Stones
N 38° E 35½ rods to Stake & Stones
N 30° E 36 rods to Stake & Stones in the road near the house of Joseph Dutton sd. road 3 rods wide on the right hand side of the sd. Bounds
John Cummings ) Sworn
Zephaniah Sherman ) Chairmen
Octr. 10th 1815
attest Prince Haskell County Surveyor
approved by us
Thom. Freeman ) Select
John Foster ) men
Leml. Richmond )
Recorded Feby. 25—1816
attest Samuel Topliff Town Clerk

side of the markes three rods wide —
January 15th 1802
attest Prince Haskell County S.
Benjr Briggs } Chainmen
Dean Briggs }
Joseph Foster } select
Benjr Wilbur } men
Recorded February 20th 1811
attest Samuel Topliff T. Clerk

A

A Survey of a road from the now road on the land of Ebenr Addams to Pomfret line Near Benjr Ashleys south line —
Beginning ~~Near Benjr~~ at stake and stones — — — — —
N 39d E 34 rods to stake & stones
E 20d N 58 rods to hemlock tree
E 35d N 34 rods to beach tree on the land of Benjr Ashley supposed to be near Pomfret west line
Sd road is three rods wide on the Easterly side of the line or Bounds
Thomas Freeman } Sworn
Ebenr Richmond Jr } Chainmen
Pr me Prince Haskell County Sur
Septr 21st 1812
Ebenr Richmond Jr } select
Thomas Freeman } men
Recorded September 21st 1812
attest Samuel Topliff T. Clerk

B

A Survey of a Road for the accomodation of Ichabod Davis Beginning at a Stake & Stones on the line of the land of Alfred Chamberlin Near the Sawmill of Jonathan Ashleys & others
thence N 27d W 40 rods to Spruce Stump N 10d W 16 rods to stake & stones
W 36d N 14 rods to stake & stones
3 rods South of Sd Davis house
Sd road 3 rods wide on the Easterly or right hand side of the Bounds
Thomas Freeman
Ebenezer Richmond Jr
Sworn Chainmen

(37)

(37)

Barnard Septr 21st 1812
Pr me Prince Haskell
County Surveyor
Thomas Freeman } select
Ebenr Richmond } men
Recorded Septr 21st 1812
attest Samuel Topliff T. Clerk

C

Windsor County Barnard May 30th 1815 an alteration of a road between the house of Abner Perkins and Benjr Wilbur Beginning at a stake & stones on the south side of the road & on Sd Wilburs land
N 41d W 14 rods to heap of stones
N 50d W 13 rods 14 links to stake
N 47d W 6 rods 10 links to hemlock tree
N 60 W 8 rods 15 links to stake & stones on the southerly side of the now road
Sd road three rods wide on the right hand side of the bounds
Joseph Perkins } Sworn Chainmen
Church Wilbur }
attest Prince Haskell County Surveyor
approved { John Foster } select
{ Thos Freeman } men
Recorded Feb 25th 1816
attest Samuel Topliff T. Clerk

D

A Survey of a road Beginning at the S.E corner of James Bryants house E 14d S 37 rods to ash tree
E 8d S 34 rods to beach tree
E 25d S 68 rods to beach tree
S 34d E 9 rods to maple tree
N 24d E 22 rods to Spruce tree
E 39d N 8 rods to Spruce tree
E 5d N 6 rods to Hemlock tree
E 2d S 24 rods to stake & stones
E 20d N 30 rods to stake near Sermans (Stack Yard)
E 43d N 10 rods to stake & stones
N 38d E 35½ rods to stake & stones
N 30d E 36 rods to stake & stones
in the old road near the house of Joseph Dutton Sd road 3 rods wide on the right hand side of the Sd Bounds
John Cummings } Sworn
Zephaniah Sherman } Chainmen
Octr 10th 1815
attest Prince Haskell County Surveyor
approved by Thom Freeman } select
us John Foster } men
Saml Richmond }
Recorded Feby 25 1816
attest Samuel Topliff Town Clerk

Road Book Page 37, Entry D
BRC-133 Masterson Road

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 72, Entry A

Survey of a Road from the Town Road near the Snow Barn so called to Geo. Bancroft's House.

| | | | |
|---|---|---|---|
| Thence | S.18.W. | 14 | Rods |
| " | S.21.W | 6 | " |
| " | S.32.W | 6 | " |
| " | S.40.W | 10 | " |
| | S.30.W | 4 | " |
| | S.50.W | 20 | " |
| | S.62.W | 10 | " |
| | S.47.W | 6 | " |
| | S.75.W | 4½ | " |
| | N.46.W | 8 | " |
| | N.37.W | 6 | " |
| | N.25.E | 6 | " to Geo. Bancrofts House |

Barnard Sept. 21, 1849, Attest Samuel Conant Surveyor
Recorded July 23rd 1851, Attest S.C. Thayer, Town Clerk

Survey of Road from the Town Road near the Snow Barn so called to Geo. Bancrofts House.

Thence S. 18. W. 14 Rods
" S. 21. W. 6 "
" S. 32. W. 6 "
" S. 40. W. 10 "
S. 30. W. 4 "
S. 50. W. 20 "
S. 63. W. 10 "
S. 47. W. 6 "
S. 75. W. ~~8~~ 4½ "
N. 46. W. 8 "
N. 37. W. 6 "
N. 25. E. 6 " to Geo. Bancrofts House

A

Silas Tupper
Lucius Freeman } Select Men
H. O. Slocomb

Barnard Sept. 21. 1849. ~~Attest~~ Samuel Conant Surveyor.

Recorded July 23d 1851. ~~Attest~~ S. C. Thayer, Town Clerk.

Survey of Road from Jeremiah Kendalls to the Creek Road near Earl Newtons. Begining at the terminus of Road leading from Samuel Bryants to Kendalls.

Thence S. 75. E. 24 Rods
S. 85. E. 7 "
S. 75. E. 8 "
S. 60. E. 10 "
S. 40. E. 22 "
S. 34. E. 7 "
S. 00. 8 "
N. 46. E. 36 "
S. 74 E. 41 " ~~Attest~~ Samuel Conant Surveyor.

B

Barnard Sept. 21, 1849. Silas Tupper
Lucius Freeman } Select Men.
Harrison O. Slocomb.

Recorded July 23d 1851
~~Attest~~ S. C. Thayer, Town Clerk.



Road Book Page 72, Entry A
BRC-133 Masterson Road

BRC-136 known as "Edmunds Road" starts at a point on BRC-108 located 0.7 miles south of the intersection of BRC-108 and West Road (TH-5) and extends southeasterly 0.484 miles to a point on BRC-107 located 0.3 miles north of the terminus of Barlow Road (TH-30).

Original Laying Out: Road Book Page 59, Entry A

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 59, Entry B

Survey of road Beginning at Stake Standing on the East Side of the road leading from David Lewises to Leonard Paiges near David Lewis North west – and
from thence South 73° E 15 rods 5 links –
thence South 76° E 19 rods 16 links
thence North 48° East 9 rods
thence North 40° E 27 rods 13 links
to the bounds of the now traveled road
Surveyed Nov. 16th 1830
by W. Woods

Jas. B. Danforth )
Thomas Freeman ) Select Men
Apollos Warner )

Recorded by Geo. R. Winslow
Town Clerk –

(59)

(59)

Survey of a road laid from Robert G Chamberlens to the new Road — Begining at an Apple tree which is marked D tree stands the East side of the old road about in front of D Chamberlins dwelling house and from thence South 77° East 26 rods and Sixteen links to a butter nut tree standing within the bounds of the new road layed by the County Commissioners

A

Surveyed the 2 day of Nov 1830 by Winslow Woods

Jas B Danforth } Select men
Thomas Freeman }
Apollos Warner }

Recorded by Geo R. Winslow
Town Clerk

Survey of road Begining at Stake ~~&~~ standing on the East side the road leading from David Lewises to Leonard Paiges near David Lewis North west — and from thence South 73° E 15 rods 5 links
thence South 76° E 19 rods 16 links
thence North 48° East 9 rods
thence North 40° E 27 rods 13 links
to the bounds of the now traveled road

B

Surveyed Nov 16th 1830 by W Woods

Jas B Danforth } Select
Thomas Freeman } Men
Apollos Warner }

Recorded by Geo R Winslow
Town Clerk —

(59)

Road Book Page 59, Entry B
BRC-136 Edmunds Road

BRC-204 known as "General Foster Road" starts at a point on TH-56 (North Perry Road) located 0.9 miles north of the intersection of North Perry Road with Stage Road (TH-1) and extends northerly 0.505 miles to a point on LT-4, the portion of which extending westerly 0.8 miles to VT Route 12 is known as "Butman Trail" and the portion of which extending northerly 0.9 miles to LT-2 is known as "General Foster Trail."

Original Laying Out: Road Book Page 3, Entry A

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 3, Entry A

A Road beginning at a birch tree E 31° S 152 rods from the Meeting House
<10 non-pertinent meets and bounds no transcribed>
S 33° E 18 Rods to a Beech Tree
S 20° E 30 Rods to a Bass Tree
S 7° E 62 Rods to a Beech Tree
S 29° E 40 Rod to a Spruce Stump
S 27° W 28 Rod to a Maple Tree
S 37° W 12 Rods to a Beech Stump
S 26° W 30 Rods to a Maple Tree
S 12° W 20 Rods to a beech Tree
S 3° E 34 Rod to a Beech
S 5° W 33 Rod to a maple tree
S 16° E 16 Rod to a Rimmons
S 10° E 20 Rod to a Beech
S 16° W 48 Rod to a Maple in the Road leading from Deacon Cheedle's to Timothy Eastman's.

attest Prince Haskell C.S.
Asa Emmerson ) Sworn
Wm Cheedle ) Chairmen
approved by us
Silas Tupper ) Selectmen
Ebenzr Richmond )
Recorded Nov. 17, 1788

(3)

A A Road begining at a birch Tree E 31 S 152 rods from Meeting House
S 26 E 52 rods to a beech Tree
E 25 S 91 rods to a Beech Tree
S 39 E 20 rods to a spruce Tree
S 11 E 80 rods to a bass Tree
S 20 E 20 rods to a bass Tree
S 33 E 14 rods to a maple Tree
S 19 E 20 rods to a bestternut
S 10 W 50 rods to an Elm Stump
S 5 W 16 rods to a beech Tree
S 15 W 56 Rods to a birch Tree
S 33 E 18 Rods to a Beech Tree
S 20 E 30 Rods to a Bass Tree
S 7 E 62 Rods to a Beech Tree
S 29 E 40 Rods to a Spruce Stump
S 27 W 28 Rods to a Maple Tree
S 37 W 12 Rods to a Beech Stump
S 26 W 30 Rods to a Maple Tree
S 12 W 20 Rods to a beech Tree
S 3 E 34 Rods to a Beech
S 5 W 33 Rods to a maple Tree
S 16 E 16 Rods to a Rimmon
S 10 E 20 Rods to a Beech
S 16 W 48 Rods to a Maple in the Road leading from Deacon Cheedles to Tim.o Eastmans

B then begining at a beech Stump in the old Road leading from Dea.n Cheedles to Eastmans
East 28 S 36 Rods to a Maple Tree
S 32 E 12 Rods to a Beech Tree in the Road leading from Dea.n Emersons to M Willsons
attest Prince Haskell C. T.
Asa Emerson } Sworn
W.m Cheedle } Chainmen
approved by us
Silas Tupper } Selectmen
Ebenz. Richmond
Barnard Nov.r 17: 1788

C A Road begining at the S. E Corner of Moses Frays House
S 8 E 76 Rods to a small Tree
S 12 E 10 Rods to a small Beech
S 37 E 8 Rods to a beech Tree
S 43 E 16 Rods to a spruce Tree
S 24 E 14 Rods to an Hemlock
S 8 E 16 Rods to a Birch Tree
S 6 E 18 Rods to a Hemlock Tree
E 4 S 15 Rods to a hemlock
S 37 E 5 Rods to a Birch Tree
S 29 E 8 Rods to a Birch Tree
S 21 E 48 Rods to an Hemlock in the Road leading from the Meeting House to Asa Foster's Laid three Rods wide on the Easterly side of said Line Sept. 9: 1788
David White } Sworn Chainmen
Tho.s White
Prince Haskell County Surv.r
Approved by
Silas Tupper } Selectmen
Thomas Swift

D A Road begining at a maple Tree in the Road leading from M.r Tho.s Freemans to Joseph Bowmans
W 30 N 53 Rods
W 25 N 64 Rods
W 35 N 60 Rods
W 2 N 72 Rods to Esq.r Jn.o Benjamin house and to the Road leading from the meeting House to Bethel Aaron Barlow
Silas Tupper } Selectmen
Beriah Green
June 13: 1786 The Town voted to accept the above Road
attest Benj Cox Town Clerk

Barnard Road Book pg 3, entry A
BRC-204 General Foster Road

BRC-207 known as "Old East Road" starts at a point on VT Route 12 located 0.2 miles south of the intersection of VT Route 12 and TH-1 (Stage Road) and extends easterly 0.263 miles to the northern terminus of LT-2 known as "General Foster Trail."

Original Laying Out: Road Book Page 1, Entry D

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

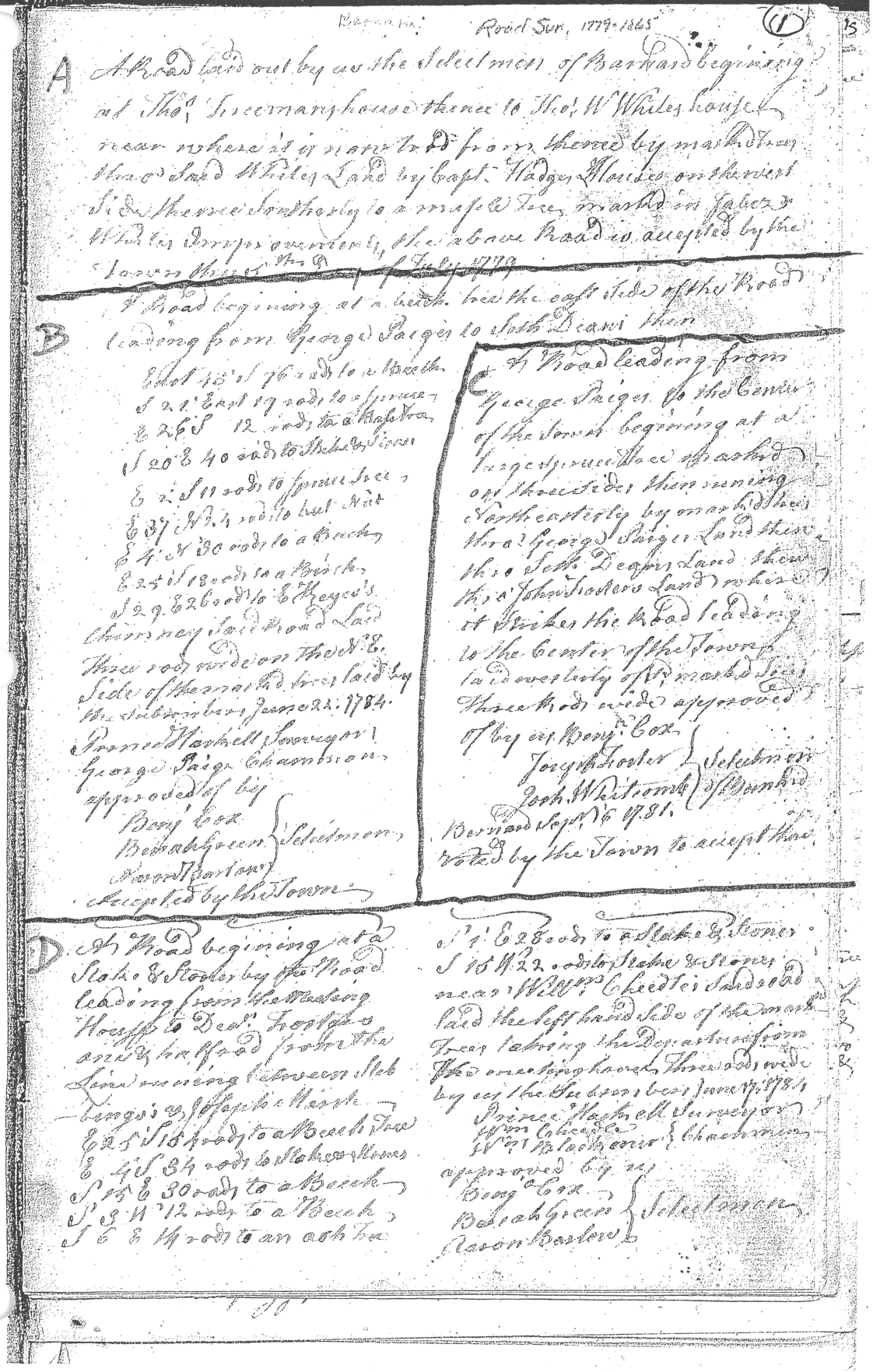
Page 1, Entry D

A Road beginning at a Stake & Stones by the Road leading from the Meeting House to Deacon Fosters one & half rod from the Line running between Stebbings's & Joseph Marsh
E 25° S 154 rods to a Beech Tree
E 4° S 34 rods to Stake & Stones
S 15° E 30 rods to a Beech
S 3° W 12 rods to a Beech
S 6° E 14 rods to an ash Tree
S 1° E 28 rods to a Stake & Stones
S 15° W 22 rods to a Stake & Stones near Willm Cheedle's Said road laid the left hand Side of the marked Trees taking the Departure from the meeting house Three rods wide by us the Subscribers June 17, 1784.

Prince Haskell, Surveyor
Wm Cheedle ) Chairmen
Wm Blackmer )

Approved by us
Benja Cox )
Beriah Green ) Selectmen
Aaron Barlow )

Barnard Road Book pg 1, entry D
BRC - 207 old East Road



Barnard Road Surv. 1779-1865 (1)

A A Road laid out by us the Selectmen of Barnard beginning at Tho[s] Sweetmans house thence to Tho[s] W Whites house near where it is now to be from thence by marked trees Thos Todd White land by Capt. Hodges House on the west side thence southerly to a maple tree marked on four sides White Oaks corners &c. the above Road is accepted by the Town this 9th day of July 1779

B A Road beginning at a birch tree the east side of the Road leading from George Saiges to South Bears thus

East 15 rods 96 links to a birch
S 21 E 19 rods to a spruce
E 26 S 12 rods to a Hemlock
S 20 E 40 rods to White Stones
E 2 S 10 rods to spruce tree
E 37 N 4 rods to butt Nut
E 4 N 30 rods to a Beech
E 25 N 18 rods to a Birch
N 29 E 82 rods to Thayers's

Chairmen Jacob Wood Said Three rods wide on the N.E. Side of the marked trees laid by the Subscribers June 22: 1784.
Francis Markell Surveyor
George Paige Chairman
approved of by
Benj[a] Cox
Bela Ashcom
Daniel Barton } Selectmen
accepted by the Town

C A Road leading from George Saiges to the Center of the Town beginning at a large spruce tree marked on four sides then running Northeasterly by marked trees thro[a] George Saiges Land then thro[a] South Deans Land then thro[a] John Hosters Land where it strikes the Road leading to the Center of the Town said course being as the marked trees Three rods wide approved of by us Benj[a] Cox

Josyah Hoster } Selectmen
Josh. Whitcomb } of Barnard

Barnard Sept[r] 6 1781.
Voted by the Town to accept this

D A Road beginning at a Stake & Stones by the Road leading from the Meeting House to Deac[n] Footes and by said Road to the Line running between Nob Lungs & Joseph's Marsh
E 2 S 16 rods to a Beech Tree
E 4 S 34 rods to White Stones
S 15 E 30 rods to a Beech
S 3 W 12 rods to a Beech
S 6 E 14 rods to an oak tree
N 1 E 28 rods to a Stake & Stones
S 16 W 22 rods to Stake & Stones near Will[m] Cheeds Land said the left hand side of the marked Trees leaving the Deacons from the one stump hand three rods wide by us the Subscribers June 9: 1781.
Francis Markell Surveyor
Wm Cheeds
Wm Blackmore } Chairmen
approved by us
Benj[a] Cox
Bela Ashcom } Selectmen
Mason Barlow

BRC-208 known as "Jabez Wright Road" starts at a the terminus of LT-3 known as "Jabez Wright Trail" extends southeasterly 0.663 miles, intersecting the terminus of TH-55 and crossing TH-56 (North Perry Road), and ending at a point on TH-57 (Eastman Road) located 0.3 miles southerly of the intersection of Eastman Road and TH-1 (Stage Road).

Original Laying Out: Road Book Page 8, Entry C

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 8, Entry C

Octbr 16, 1779, Laid a Road beginning a little East of Joseph Fosters House on a former Road running North westerly through Said Fosters Land running the Course thro' Ebineser Call's, Jabez Wright's and Joseph Marsh's land by marked Trees so as to Strike the Road laid from Joseph Byams to the Center on Mr. Stebbings Line. Laid by Asa Cledle.
Accepted by the Town Jos. Byam ) Selectman
attest Thos. W. White Town Clerk

(8)

A. Survey of a Road beginning at a large Hemlock, Tree S. W. from Joseph Marshs house on the Road leading to the Meeting House Then W 22 D S 23 Rs to a Spruce S 1/4 W 18 Rs to Beech W 20 S 20 Rs to a Beech W 12 S 19 Rs to a Hemlock W 30 W 14 Rs to a Beech W 20 S 34 Rs to a Maple W 1/4 S 23 Rs to a Beech W 1/4 S 16 Rods to a Maple S. 10 W 28 rod to a Beech W. 1/4 S 10 rods to an Elm W 31 S 29 to Stakes & Stones S 32 W 1 rod to a Beech S 3 W 21 rods to Spruce S 16 W 31 rods to a Beech S 28 W 60 rods to a Beech S 29 W 24 rod to a Birch S 18 W 36 rods to a Beech Said Road Three Rods wide on the Southerly & Easterly side of the marked Trees Sept 19 A D 1785

Prince Haskell Surveyr

The Town voted to accept the Road as set Benj Cox Town Clerk

B. Survey of a Road beginning on Nathl Haskells land Then E 18 S 10 rod to a Hemlock E 21 N 12 Rods to a Beech E 14 N 15 rod to a maple E 33 N 12 rod to Stakes & Stones E 26 N 10 rod to a Hemlock E 37 N 62 rod to a maple E 28 N 11 rod to a Beech E 25 S 2 rod to a Beech E 24 S 18 rod to a Maple S 19 E 22 rod to a Maple S. 20 E 5 rod to a heap of Stones E. 9 S. 11 rod to heap of Stones S 18 E 25 rod to a Maple S 43 E 31 rod to a Beech S 2 W 15 rod to a maple S. 9 E, 8 rod to a Hemlock S 89 E 11 rod to a Spruce in the Road leading from Benj Stetsons to the meeting House said Road to be on the Northermoste Easterman Side of the marked Trees Three rods Wide Sept 26. 1785

Prince Haskell Surveyor

Voted by the Town to accept the Road Benj Cox Town Clerk

C. Oct 16 1789. Laid a Road beginning a little East of Joseph Fosters House on a former Road & running Northwesterly thro' said Fosters Land running the same Course thro' Ebenr Call's, Jabez Wright's and Joseph Marsh's Land by marked Trees so as to strike the Road laid from Joseph Bigsbee to the Center on the Stebbings Line Laid by Mr Clyde Jo Bigsbee } Selectmen

accepted May the Town

Attest Wm W. Wade Town Clerk

(8)

Road Book Page 8, Entry C

BRC-208 Jabez Wright Road

BRC-212 known as "Cootey Road" starts at a point on TH-39 (Lime Pond Road) located 0.3 miles north of the intersection of Lime Pond Road and TH-1 (Stage Road) and extends easterly 0.568 miles to former site of the Cootey farmhouse.

Original Laying Out: Road Book Page 66, Entry A

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 66, Entry A

Survey of a highway in Barnard June 14th 1841
Beginning on the East side of County highway about three rods South of the Second Bridge north of Dwelling house of Oliver Gibbs from thence North 64 D east 10 rods thence South 36 D east 6 rods thence South 12 D east 34 rods thence South 25 D east 8 rods thence 61 D east 12 rods thence South 34 D east 14 rods thence South 24 D east 7 rods thence [South] 14 D east 12 rods thence South 3 D east 10 rods thence South 48 east to the dwelling house of Lawrence Cooty 26 rods the above road is subject to two gates one where it leaves the road and the other where it crosses the line between Lawrence Cooty and Jos. Perkins.

| | | | |
|---|---|---|---|
| | Hiram Aikins | ) | Select |
| Barnard June 14th 1841 | Albert H. Danforth | ) | men |
| | John Cummings | ) | |

Recorded June 23, 1841
Attest Elijah Spear Town Clerk

(66)

Survey of a highway in Barnard June 14th 1841

Beginning on the East side of County highway about three rods South of the Second Bridge north of Dwelling house of Oliver Gibbs from thence North 64 D east 10 rods thence South 36 D east 6 rods thence South 12 D east 34 rods thence south 25 D East 4 rods thence South 61 D east 12 rods thence south 84 D east 14 rods thence South 24 D east 7 rods thence 14 D east 12 rods thence South 80 East 10 rods thence South 48 east to the dwelling house of Laurence Cooty 26 rods the above road is subject to two gates one where it leaves the road and the other where it crosses the line between Laurence Cooty and Jos Perkins

A

Barnard June 14th 1841 — Hiram Atkins, Albert H Danforth, John Cummings } Select men

Recorded June 29 1841

Attest Elijah Spears Town Clerk

B

Survey of highway in Barnard May 27 1842

Beginning at the south west corner of Philip Rowe house and running west 20 D south 36 rods thence west 25 D south 28 rods thence west 25 D south 12 Rods thence west 30 D South 8 rods thence west 22 D South 20 Rods thence west 25 D south 22 Rods thence west 22 D South 20 Rods thence west 20 D South 4 rods thence west 25 D South 9 Rods thence west 15 D South 7 rods thence west 7 D south 36 rods thence west 1 D South 24 rods terminating in the highway passing the dwelling house of Salmon Cox and leading to Luther Barkholomews sd Road is subject to three gates one twenty Rods from the dwelling house of Philip Rowe and one on the line between Salmon Cox heirs and Jos E Davis Mill yard and the other at the termination of sd Road at sd Cox house

Hiram Atkins } Selectmen
Albert H Danforth
Eben Alvord

Recorded June 5 1842

Attest Elijah Spears Town Clerk

Barnard Road Book pg 166, entry A
BRC-212 Cootey Road

BRC-213 known as "Buckman Road" starts at a point on TH-39 (Lime Pond Road) located 1.0 miles north of the intersection of Lime Pond Road and TH-1 (Stage Road) and extends easterly 0.742 miles to the former site of the Buckman farmhouse.

Original Laying Out: Road Book Page 40, Entry A and Page 48, Entry A

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 40, Entry A

A Survey of a road Beginning at a small Beach tree on the southerly side of the now road Between Alvin D. Wolfs & Isaac Esteys –
S 15° W 14 rods to Stake & Stones
S 10° E 35½ rods to small Beach tree
S 6° W 8 rods to a hemlock tree
S 3° W 5 rods to hemlock tree
S 13° W 22 rods to hemlock tree
S 17° W 13 rods to hemlock tree
S 11° W 10 rods to Stake
S 15° W 24 rods to ash tree
S 6° E 11½ to ash Bush
South 23 rods to a Burch tree near Mr. Buckmans house –
Said road three rods Wide on the right hand side of the sd. Bounds
June 12, 1818
Alvin D. Wolf ) Sworn
Abner Buckman ) Chairmen
attest Prince Haskell County Surveyor
Luther Fairbanks ) Select
Benja Briggs ) Men
Ebenzr Richmond )
Recorded June 13th 1818
attest Samuel Topliff Town Clerk

---

Book 48, Entry A

Whereas the Selectmen of Barnard called on me to Survey a Road, and by their order I began my Survey at a burch stump standing near Abner Butmans [sic] house in said Barnard and the sd. to be the east bounds of sd. Road and from thence running South 10° West 42 rods & 10 links thence South 35° W 32 rods & 11 links thence South 34° West 12 rods thence South 58° West 6 rods thence South 44° W-22 rods thence North 18° West 10 rods thence North 28° W-28 rods thence North 39° West 12 rods thence North 28° West 12 rods thence North 78° West 10 rods thence North 16° W-44 rods thence South 70° West 10 rods and thence Struck the Road Running from Alvin D. Wolfs to the Turnpike.
Barnard Sept 23rd 1826 Winslow Woods
Elijah Aikins )
Luther Fairbank ) Selectmen
John S. Buckwell )
Recorded the above Survey March 13th 1827
Attest George N. Winslow Town Clerk

(40)

A Survey of a road Beginning at a small Beach tree on the Southerly side of the now road Between Alvin D Wolfs & Isaac Estezs

S 15d W 14 rods to Stake & Stones
S 10d E 35½ rods to small Beach tree
S 6d W 8 rods to a hemlock tree
S 3d W 5 rods to hemlock tree
S 13d W 22 rods to hemlock tree
S 17d W 13 rods to hemlock tree
S 11d W 10 rods to Stake
S 15d W 24 rods to ash tree
S 6d E 11½ to ash Bush
South 23 rods to a Burch tree near mr Buckmans house

Said road three rods Wide on the right hand side of the sd Bounds

June 12th 1818

Alvin D Woolf } Sworn
Abner Buckman } Chainmen

attst Prince Haskell County surveyor

Luther Fairbanks
Benjr Briggs } Select
Ebenr Richmond } Men

Recorded June 13th 1818

attst Samuel Topliff Town Clerk

B

A alteration of a road Beginning at a Stake & Stones two rods South of Robert Browns house

E 10d South 25 rods to stake & Stones
E 5d North 52 rods to stake & Stones
E 15d N 38 rods to stake & stones on the North side of the now road the old road through sd Browns Land is set over for damages of the new one - three rods wide South of Bounds

Simeon Howard } Sworn
John Foiter Jr } Chainmen

June 13th 1818

attst Prince Haskell County surveyor

Luther Fairbank
Benjr Briggs } Select
Ebenr Richmond } men

Recorded June 13th 1818

attst Samuel Topliff Town Clerk

A survey of a pent road Subject to three gates - Beginning at a Stake & Stones on the South side of the Now road Between Benjamin Wilburs & Esqr Bakers where the first gate is to stand

S 31d E 38 rods to stake & stones
S 41d E 36 rods to stake & stones
E 35d S 28 rods to Chamberlins line where the second gate is to stand
E 35d S 36 rods to stake & stones
S 1d E 28 rods to the North Corner of Samuel J Chamberlin Barnyard the third gate to stand where sd Chamberlin Chases on his Land

Sd road three rods wide on the right hand side of the Bounds

Benjamin Briggs } Sworn
Samuel J Chamberlin } Chainmen

June 12th 1818

attst Prince Haskell County surveyor

Benjr Briggs
Ebenr Richmond } Select
Luther Fairbank } men

C

Recorded June 13 1818

attst Samuel Topliff Town Clerk

A alteration of the road on Ichabod Nyes Land Beginning at a hemlock Stump on the North side of the Now road at Meadow brook Bridge

E 2d S 49 rods near the S.E. corner of Ichabod Nyes house
E 2d N 36 rods the North side of the now road three rods wide South side of the Bounds

June 13th 1818

D

Benjamin Briggs } Sworn
Ichabod Nye } Chainmen

attst Prince Haskell County survr

Ebenezer Richmond
Luther Fairbank } Select
Benjr Briggs } men

Recorded June 13th 1818

attst Samuel Topliff Town Clerk

Barnard Road Book pg. 40, entry A
BRC-213 Buckman Road

Whereas the Selectmen of Barnard Called on me to Survey a Road and by their order I began my Survey at burch stump Standing near Abner Butmans house in said Barnard and the S to be the east bounds of S Road and from thence runing South 10° West 42 rods & 10 links thence South 35° W 32 rods & 11 links thence South 34° West 12 rods thence South 58° West 6 rods thence South 44° W - 22 rods thence North 18° West 10 rods thence North 28° W - 28 rods thence North 39° West 12 rods thence North 28° West 12 rods thence North 78 W 10 rods thence North 16° W - 44 rods thence South 70° West 10 rods and there Struck the Road Runing from Alvin D Woolfs to the Turnpike

Barnard Sept 23d 1826 Winslow Woods

A

Elijah Aikens
Luther Fairbank } Select men
John S Bicknell

Recorded the above Survey March 13th 1827

Attest George N. Winslow Town Clerk

---

Whereas the Select Men of Barnard Called on me to Survey a road and by their order I begun my Survey at Stake and Stones Standing on the westerly side of the turnpike North of Asa Chamberlains in S Barnard it being the Southerly side of S road and runing from thence North 76° West 6 rods and 17 links thence North 1° West 14 rods & 16 links thence North 69° West 16 rods & 20 links and there Struck the road leading from the turnpike to Wm Chamberlain Jr

Barnard Sept 21st 1826 Winslow Woods

B

Elijah Aikens
Luther Fairbank } Select men
John S Bicknell

Recorded March 13th 1826

Attest George N. Winslow Town Clerk

---

Whereas the Select men ~~Called~~ of Barnard Called on me to Survey a road and by their order I begun my Survey at a maple tree Standing on Stockbridge line it being the Center of the road and from thence runing South 64° East 15 rods thence South 84° East 71 rods thence S 75° East 4 rods thence South 72° East 10 rods thence South 12° East 18 rods thence South 39° West 16 rods and there Struck the road formerly laid from Gaius Perkins in S Barnard to the Center of S Town

Barnard Sept 22d 1826 Winslow Woods

Elijah Aikens
Luther Fairbank } Select men
John S Bicknell

C

Recorded the above March 13th 1827

Attest George N. Winslow Town Clerk

Barnard Road Book pg. 48, entry A
BRC-213 Buckman Road

BRC-215 known as "Aikens Road" starts at a point on TH-37 (Sayer Road) located 0.7 miles east of the intersection of Sayer Road and TH-2 (Royalton Turnpike) and extends easterly 1.253 miles, intersecting with the terminus of TH-38 (Ashley Road), and ending at a point on BRC-217 (Ruth Paige Road) located 0.3 miles north of the intersection of Ruth Paige Road and TH-38 (Ashley Road).

Original Laying Out: Road Book Page 12, Entry B

The eastern terminus of this road was altered by action of the Selectboard on February 9, 2009 (attached)

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 12, Entry B

A Road beginning at a maple Stump about 20 Rods S.E. of Mr. S. Aikens House.

E 11° S 10 Rods
E 22° N 20 Rods
E 26° N 18 Rods
N 47° E 22 Rods
E 15° N 45 Rods
E 10° S 42 Rods
E 25° S 40 Rods

Prince Haskel, Surv.
Aaron Barlow )
Silas Tupper ) Select
Beriah Green ) men
June 13, 1786 Town
voted to accept the above
Road. Att. Benj. Cox T.C.

E 25° S 110 Rods
E 28° N 7 R
E 3° N 14 R
E 23° N 10 R
E 17° N 36 R
E 8° S 9 R
E 8° N 43 R
E 18° N 42 R
E 32° N 18 R
E 9° N 28 R
S 42° E 19 R
E 19° S 13 R
S 32° E 28 R
E 25° S 70 R
E 21° S 46 R

(12)

A

A Road beginning at a Stake & Stones in Ward's Road N 40 W 20 Rods to a maple N 33 W 36 Rods to Stake & Stone N 3 E 186 Rods to a Birch N 24 E 10 Rods to a Birch a Line Tree of the old road Sept. 6. 1785 D. Haskell Surv.

Benj. Wilson
John Foster
Said Road on the East Side of the Line Three Rods wide. Lenoverted to accept the above Road and to Discontinue the old Road

Selectmen

attest. Benj. Cox Town Clerk

B

A Road beginning at a marked Elm tree about 20 Rods S. & E. of Mr. Thos. Hoggs

E 11 S 10 Rods
E 22 N 20 Rods
E 26 N 18 Rods
N 47 E 22 Rods
E 15 N 15 Rods
E 10 S 42 Rods
E 25 S 40 Rods

E 205/100 Pl
E 25 N 24 r
E 3 N 44 r
E 23 N 10 r
E 11 N 36
E 8 S 9 r
E 8 N 43 r

Prince Hartwell Surv
Aaron Barlow
Silas Foster
Benah Green
June 18 1786. Town voted to accept the above Road all but Benj. Cox Jr. Road

Selectmen

E 18 N 42 r
E 32. N 18 r
E 7 N 28 r
E 42 & 19
E 19 & 18
E 32. E 28 r
E 27 & 5 70
E 21 & 16

C

A Road leading from Ebenezer Richmond's House to Joseph Byam's House from Mr. Richmond's across Starks Land Rabbit Survey to Capt Lewis Davis's Bridge Land to his House the west Side of Land to his House the west Side of Jacobs Orchard

Sept. 12. 1782

Selectmen

Thos. Foreman
Ebenr. Richmond

accepted by the Town
Thos. W. White Town Clerk

D

A Road beginning at a Stake and Stones Standing on the Road leading from Josiah Newton's to Benj. Cox Jr.'s running

N 25 E 61 Rods
N 48 E 38 Rods
N 53 Rods
N 10 E 49 Rods
N 56 E 23 "
N 60 E 30 "
N 81 E 36 "
N 70 E 12 "
N 78 E 19 "
N 16 E 12 "
N 21 E 20 "
N 14 E 28 "
N 88 E 45 "
N 14 E 13 "
N 76 E 21 "

To Elijah Brand's S. W. Corner of his House

A Road beginning at a Stake & Stones standing on the Road leading from Benj. Cox Jr.'s to Mr. Barlows

N 35 E 3 Rods
N 22 E 15 Rods
N 35 E 20 Rods

which is George Cox's Land

Benj. Cox
Ben. Green
Mr. Barlow
Selectmen accepted

E

A Road beginning at a Stake & Stones standing on the Road leading from Josiah Newton's to Benj. Cox Jr.'s running

N 25 E 61 Rods
N 48 E 38 Rods
N 53 Rods
N 10 E 49 Rods
N 56 E 23 "
N 60 E 30 "
N 81 E 36 "
N 70 E 12 "
N 78 E 19 "
N 16 E 12 "
N 21 E 20 "
N 14 E 28 "
N 88 E 45 "
N 14 E 13 "
N 76 E 21 "

To Elijah Brand's S. W. Corner of his House

A Road beginning at a Stake & Stones standing on the Road leading from Josiah Newton's to Benj. Cox Jr.'s running

N 25 E 61 Rods
N 48 E 38 Rods
N 53 Rods
N 10 E 49 Rods
N 56 E 23 "
N 60 E 30 "
N 81 E 36 "
N 70 E 12 "
N 78 E 19 "
N 16 E 12 "
N 21 E 20 "
N 14 E 28 "
N 88 E 45 "
N 14 E 13 "
N 76 E 21 "

To Elijah Brand's S. W. Corner of his House

F

A Road beginning at a Beech Tree standing in the Road leading from Benj. Cox Jr.'s to Mr. Ballds

N 37 E 4 Rods
N 63 E 5 Rods
N 38 E 14 rods
N 28 E 47 rods

To the S. E. Corner of Jon. Stevens House

Voted by the Town to accept the above Road attest

Benj. Cox Jr. Clerk

G

A Road beginning at a Stake & Stones standing on the Road leading from Josiah Newton's to Benj. Cox Jr.'s running

N 25 E 61 Rods
N 48 E 38 Rods
N 53 Rods
N 10 E 49 Rods
N 56 E 23 "
N 60 E 30 "
N 81 E 36 "
N 70 E 12 "
N 78 E 19 "
N 16 E 12 "
N 21 E 20 "
N 14 E 28 "
N 88 E 45 "
N 14 E 13 "
N 76 E 21 "

To Elijah Brand's S. W. Corner of his House

H

A Road beginning at a Stake & Stones standing on the Road leading from Josiah Newton's to Benj. Cox Jr.'s running

N 25 E 61 Rods
N 48 E 38 Rods
N 53 Rods
N 10 E 49 Rods
N 56 E 23 "
N 60 E 30 "
N 81 E 36 "
N 70 E 12 "
N 78 E 19 "
N 16 E 12 "
N 21 E 20 "
N 14 E 28 "
N 88 E 45 "
N 14 E 13 "
N 76 E 21 "

To Elijah Brand's S. W. Corner of his House

Barnard Road Book Pg 12, Entry B

BRC - 215 Aikens Road

496 - Book 05

# Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

## Selectmen's Return
## Alteration of Town Highway

On December 15, 2004 the Town of Barnard Selectboard appointed the time for a public hearing for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Barnard shall alter a portion of Town Highway described in attached Public Notice attached, pursuant to 19 VSA $708 et seq. The time set for the public hearing on said Town Highway was January 26, 2004, at 7:00 pm at the Town Offices.

The Barnard 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 in attachment hereto.

All of the interested parties on attached list were given notice of the time and place of examination by certified mail. Notice was given to the Barnard Planning Commission on January 14, 2005. A copy of said Notice was posted in the Town Offices, on the Town Hall and at the Barnard General Store on January 14, 2005 and like Notice was published in the January Barnard Bulletin and in the Valley News on January 14, 2005.

At the time and place appointed, the Chairman of the Selectboard opened the Public Hearing to receive testimony. Eric Edelstein spoke in favor of the proposed Alteration of Town Highway on behalf of the affected landowner, Ankner Trust. There was no further testimony. The Chairman recessed the Hearing to travel to the site to hear any interested parties there present. There were none. The Hearing was reconvened at the Town Offices to hear any further testimony. There was none.

Upon due consideration, the Barnard Selectboard has determined that the public good, necessity and convenience requires that the subject Town Highway be altered as described in the Public Notice and as indicated on a map in Book 4, Page 50 of the Barnard Land Records.

Dated at Barnard, Vermont this 9th day of February, 2005.

Tim Johnson  Rock Webster  Tom Morse, Selectmen

ATTEST:
Diane Rainey, Barnard Town Clerk

RECEIVED AND RECORDED

Town of Barnard, Vermont
Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

# TOWN OF BARNARD

## NOTICE OF PUBLIC HEARING

ALTERATION OF THE LOCATION OF A PORTION OF A TOWN HIGHWAY THAT TRAVELS ACROSS PROPERTY IDENTIFIED AS PARCEL NUMBER 4-20 ON THE TOWN OF BARNARD TAX MAP.

In accordance with 19 VSA Chapter 7, notice is hereby given that the Barnard Selectboard will hold a public hearing on Wednesday, January 26, 2005, to consider altering the location of that portion of a Town Highway that travels from the Sayers Road, thence in a southeasterly direction across property owned by the Anne Ankner Trust and identified as parcel 4-20 on the Town of Barnard Tax Map to coincide with another nearby Town Highway running in an easterly direction from the Sayers Road, thence southerly along the easterly boundary of said property to the point it where is presently crosses the boundary onto the abutting property.

The public hearing will commence at the Barnard Town offices at 7pm at which time the Barnard Selectboard will travel to the site to conduct an examination of the premises and hear from interested parties regarding the possible alteration of the above referenced portion of the Town Highway.

The Barnard Selectboard will meet at the Barnard Town offices immediately following the site visit to receive any further public comment.

Dated at Barnard, Vermont this 15 day of December, 2004.

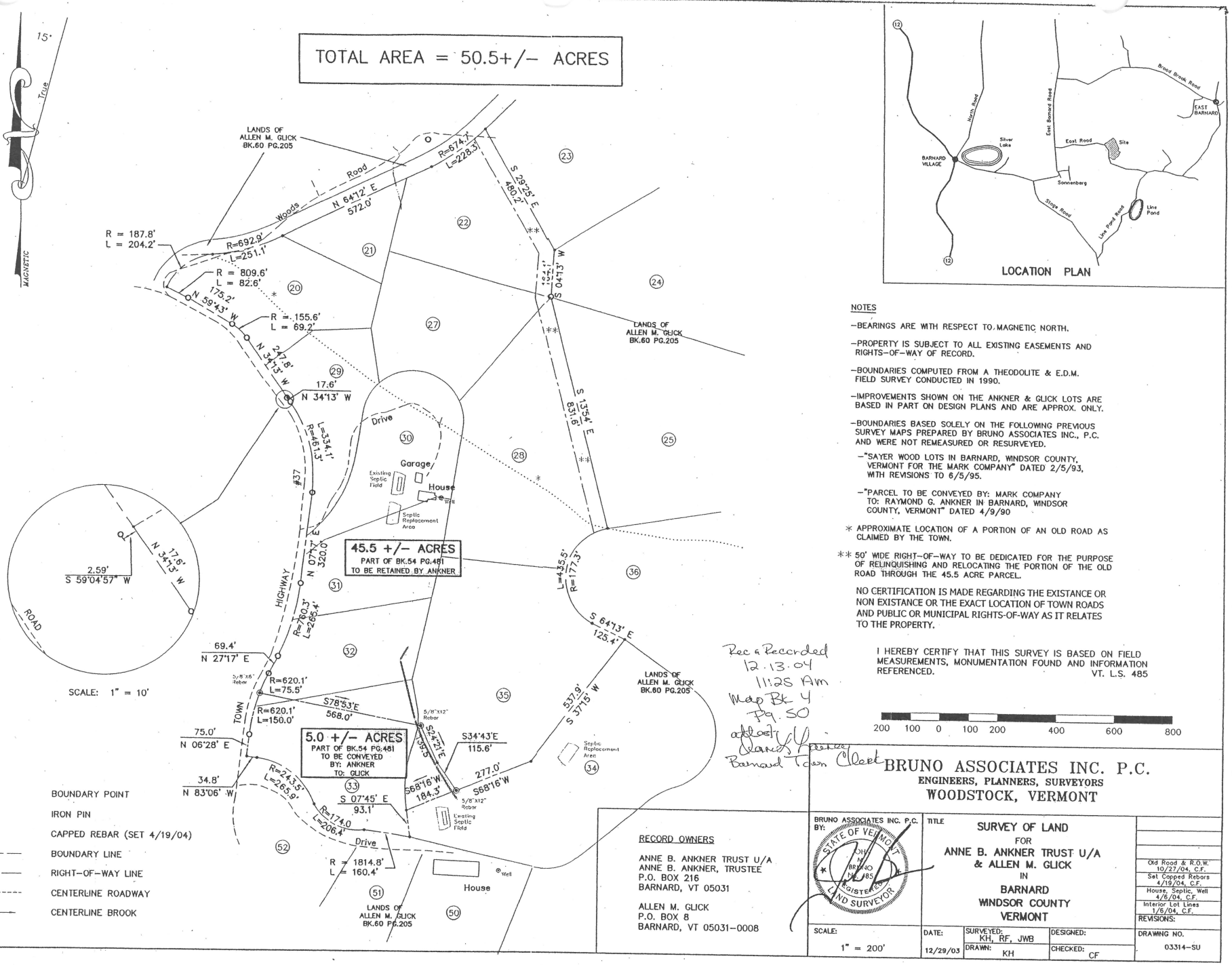
BARNARD SELECTBOARD

Tim Johnson

Rock Webster

Tom Morse

Map Bk 4 Pg 50




I HEREBY CERTIFY THAT THIS PLAT IS AN ORIGINAL PIGMENT-BASED INK ON MYLAR

NOTES

-BEARINGS ARE WITH RESPECT TO MAGNETIC NORTH.

-PROPERTY IS SUBJECT TO ALL EXISTING EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

-BOUNDARIES COMPUTED FROM A THEODOLITE & E.D.M. FIELD SURVEY CONDUCTED IN 1990.

-IMPROVEMENTS SHOWN ON THE ANKNER & GLICK LOTS ARE BASED IN PART ON DESIGN PLANS AND ARE APPROX. ONLY.

-BOUNDARIES BASED SOLELY ON THE FOLLOWING PREVIOUS SURVEY MAPS PREPARED BY BRUNO ASSOCIATES INC., P.C. AND WERE NOT REMEASURED OR RESURVEYED.

-"SAYER WOOD LOTS IN BARNARD, WINDSOR COUNTY, VERMONT FOR THE MARK COMPANY" DATED 2/5/93, WITH REVISIONS TO 6/5/95.

-"PARCEL TO BE CONVEYED BY: MARK COMPANY TO: RAYMOND G. ANKNER IN BARNARD, WINDSOR COUNTY, VERMONT" DATED 4/9/90

* APPROXIMATE LOCATION OF A PORTION OF AN OLD ROAD AS CLAIMED BY THE TOWN.

** 50' WIDE RIGHT-OF-WAY TO BE DEDICATED FOR THE PURPOSE OF RELINQUISHING AND RELOCATING THE PORTION OF THE OLD ROAD THROUGH THE 45.5 ACRE PARCEL.

NO CERTIFICATION IS MADE REGARDING THE EXISTANCE OR NON EXISTANCE OR THE EXACT LOCATION OF TOWN ROADS AND PUBLIC OR MUNICIPAL RIGHTS-OF-WAY AS IT RELATES TO THE PROPERTY.

I HEREBY CERTIFY THAT THIS SURVEY IS BASED ON FIELD MEASUREMENTS, MONUMENTATION FOUND AND INFORMATION REFERENCED.
VT. L.S. 485

200 100 0 100 200 400 600 800

Rec & Recorded
12.13.04
11:28 AM
Map Bk 4
Pg. 50
attest
Barnard Town Clerk

LEGEND

- BOUNDARY POINT
- IRON PIN
- CAPPED REBAR (SET 4/19/04)
- BOUNDARY LINE
- RIGHT-OF-WAY LINE
- CENTERLINE ROADWAY
- CENTERLINE BROOK

RECORD OWNERS

ANNE B. ANKNER TRUST U/A
ANNE B. ANKNER, TRUSTEE
P.O. BOX 216
BARNARD, VT 05031

ALLEN M. GLICK
P.O. BOX 8
BARNARD, VT 05031-0008

BRUNO ASSOCIATES INC. P.C.
ENGINEERS, PLANNERS, SURVEYORS
WOODSTOCK, VERMONT

BRUNO ASSOCIATES INC. P.C. BY:
STATE OF VERMONT
KEITH M. BRUNO
No. 485
REGISTERED
LAND SURVEYOR

TITLE
SURVEY OF LAND
FOR
ANNE B. ANKNER TRUST U/A
& ALLEN M. GLICK
IN
BARNARD
WINDSOR COUNTY
VERMONT

| | |
|---|---|
| SCALE: | 1" = 200' |
| DATE: | 12/29/03 |
| SURVEYED: | KH, RF, JWB |
| DRAWN: | KH |
| DESIGNED: | |
| CHECKED: | CF |
| DRAWING NO. | 03314-SU |

REVISIONS:
- Old Road & R.O.W. 10/27/04, C.F.
- Set Capped Rebars 4/19/04, C.F.
- House, Septic, Well 4/6/04, C.F.
- Interior Lot Lines 1/6/04, C.F.

BRC-217 known as "Ruth Paige Road" starts at a point on TH-38 (Ashley Road) located 0.6 miles north of the intersection of Ashley Road and TH-37 (Lime Pond Road) and extends northerly 0.545 miles, interesting with the terminus of BRC-215 (Aikens Road), and ending at a point on TH-23 (Walker Hill Road) located 0.9 miles south of the intersection of Walker Hill Road and TH-4 (East Barnard Road).

Original Laying Out: Road Book Page 19, Entry A

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 19, Entry A

A Road Beginning at a Stake & Stones About Six Rods South of Lemuel Ashley's House –
S 31° W 83 Rods to a Maple tree
S 36° W 29 Rods to a Beach tree
S 43° W 12 Rods to a Beach tree
S 34° W 24 Rods to a Maple tree
S 37° W 28 Rods to a Beach tree
<44 non-pertinent metes and bounds not transcribed>
... to a Stake & Stones in the Road about ten Rods South of John Perkins House. Said Road two Rods wide on the Right hand Side of the marked trees. Surveyed Aug. 24th 1796 –
Att. Prince Haskell, C. Surveyor

| | | |
|---|---|---|
| Aaron Blanchard | ) | Sworn Chairmen |
| Lem'l Ashley Jr | ) | |
| John Foster | ) | Selectmen |
| Thos. Swift | ) | |

Rec'd and Recorded Aug. 25th 1796
Att. Steward Southgate T. Clerk

A Road Beginning at a Stake & Stones About Six Rods South of Lem^l Ashlies House —

A

W. 33 Rods to a Maple tree
36^d W 29 Rods to a Beach tree
43^d W. 12 Rods to a Beach tree
34^d W 24 Rods to a Maple tree
37^d W 26 Rods to a Beach tree
43^d W. 25 Rods to a Beach tree
29^d S. 22 Rods to a Beach tree
32^d W. 6 Rods to a Beach tree
27^d W 42 Rods to Maple tree
37^d W. 21 Rods to Maple tree
31^d S. 6 Rods to Maple tree
18^d S. 8 Rods to Maple tree
5^d S 56 Rods to Maple tree
27^d S 24 Rods to Beach tree
21^d W. 15 Rods to Beach tree
14^d E. 27 Rods to Beach tree
2^d W. 20 Rods to Maple tree
20^d E. 19 Rods to Maple tree
15^d E 12 Rods to Maple tree
1^d W 21 Rods to Beach tree
10^d E 32 Rods to Beach tree
1^d W 6 Rods to a Bar post
23^d W. 11 Rods to Beach tree
29^d W. 8 Rods to a Stump
39^d W 32 Rods to Butternut tree
2^d W. 31 Rods to Stake & Stones
W 27 Rods to Burtch tree
W. 9 Rods to Burtch tree
42^d W 18 Rods to to Butternut tree
14^d S. 6 Rods to a Mooswood tree
1^d N. 8 Rods to Beach tree
33^d N. 6 Rods to a Beach tree
26^d S. 2 Rods to Burtch tree
35^d W 6 Rods to Hemlock tree
26^d W 16 Rods to Spruce Bush
42^d S 5 Rods to an Elm tree
43^d W. 12 Rods to Beach tree
28^d W. 13 Rods to Burtch tree
17^d W. 12 Rods to a Beach tree
11^d W. 18 Rods to an Ash tree
35^d W. 8 Rods to a Beach tree
42^d W. 24 Rods to a Beach tree
26^d S. 7 Rods to a Burtch tree
40^d S 33 Rods to a Beach tree
21^d W 14 Rods to a Hemlock tree
15^d W. 9 Rods to a Beach tree
4^d W. 31 Rods to a Small Maple tree
7^d W 24 Rods to an Ash tree
13^d W. 31 Rods to a Stake & Stones
in the Road about ten Rods South of John Perkins House. Said Road Ten Rods wide on the Right hand Side of the main trees Surveyed Aug^t 24^th 1796 —

19

Wm Prince Haskell C Surveyor

Aaron Blanchard } Sworn Chainmen
Lem^l Ashley Jr }

John Foster } Select men
Tho^s Swift }

the Road Between Lemuel Ashlies & Leg Swifts is hereby Rendered Useless for Publick use & Set over to Lemuel Ashley fo Damages Due to S^d Ashley —

John Foster } Select Men —
Tho^s Swift }

Rec^d and Recorded Aug^t 25^th 1796
Wm Steward Southgate T Clerk —

A Survey of a Road from Jonathan Ashlies to the Road Leading from Lem^l Ashlies to Aaron Blanchards —

B

Beginning at a Stake & Stones in the Road Leading from Jonathan Ashlies —
E 12^d S. 29 Rods to a Beach tree in the Road Leading from Lemuel Ashlies to Aaron Blanchards, S^d Road Laid ten Rods wide on the Northerly Side of the Marked trees — Laid June 10^th 1797 —

Wm Prince Haskel } County Surveyor

Amaziah Richmond } Chainmen
Joseph Bowman Jr } Sworn —

Joseph Bowman Jr } Select
Amaziah Richmond Jr } men

Rec^d & Recorded June 12^th 1797 —
Wm Steward Southgate T Clerk

A Survey of a Road —

C

Beginning at a Hemlock Stump in the Road Between Beriah Greens & Frederick Greens —
S. 6^d E. 16 Rods to a Spruce tree which is Peppers N.W. Corner —
S. 4^d E. 24 Rods to a Hemlock tree
S 1^d W. 12 Rods to a Spruce tree
S 12^d E 16 Rods to a Beach tree —
S. 2^d W. 44 Rods to Stake & Stones about 3 Rods S.W. of Wm Chedles house
S 27^d E. 18 Rods to Stake & Stones
S 40^d E 24 Rods to a Baswood tree

Bannard Road Book Pg 19, Entry A
BRC-217 Ruth Paige Road

BRC-218 known as "Hugon Road" starts at a point on TH-23 (Walker Hill Road) located 0.8 miles south of the intersection of Walker Hill Road and TH-4 (East Barnard Road) and extends easterly 0.379 miles to the Pomfret Town Line.

Original Laying Out: Road Book Page 39, Entry A

Shown on Windsor County (Doton) Map of 1856, Walling Map of 1860, Beers Atlas of 1869, and the Windsor County Gazette of 1880

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 39, Entry A

A Survey of a road from the now road on the land of Ebezr. Addams to Pomfret Line Near Benj. Ashleys south line –
Beginning at stake and stones –
N 39° E 34 rods to stake & stones
E 20° N 58 rods to hemlock tree
E 35° N 34 rods to beach tree on the land of Benj. Ashley supposed to be near Pomfret west line sd. road is three rods wide on the Easterly side of the line or Bounds
Thomas Freeman ) Sworn
Ebezr. Richmond Jr. ) Chairmen
Per me Prince Haskell County Sur.
Septr. 21st 1812
Ebezr. Richmond Jr. ) Select
Thomas Freeman ) men
Recorded September 21st 1812
Attest Samuel Topliff T. Clerk

(39)

A Survey of a road Beginning at a small maple tree on the North side of the Mill yard Belonging to Shadrack Nath's N 36d E 8 rods to Spruce N 29d E 7 rods to maple tree N 17d E 6 rods to a Birch tree N 9d E 8 rods to maple tree N 12d E 16 rods to Beach Stump N 38d E 18 rods to Stake & Stones N 23d E 32 rods to S.E. corner of house N 33d E 21 rods to Stake and Stone N 35d E 64½ rods to ash Bush N 2d E 18½ rods to Stake and Stones Thence N. Westerly as the line between Briggs & Nat now runs 35 rods N 20d E 8 rods to Beach tree N 29d E 9 rods to Beach tree E 31d N 10 rods to a maple Stadale E 37d N 7 rods to small maple E 36d N 7 rods to small Beach N 45d E 11 rods to small Birch tree N 40d E 6 rods Spruce stump E 32d S 16 rods to Bass wood stump E 13d N 13 rods to small maple tree on the southerly side of the new road from Mass Bruce barn to the meeting barn — sd road is three rods wide on the right hand side of the Bounds — said road Subject to gates & Bars

Shiverick Crowel } Sworn
Salaman Nath } Chainmen

attst Prince Haskell County Surv
Sept 7th 1816

Thamas Freeman } Select
Benjn Cox } men
Shiverick Crowel }

Recorded January 1st 1817
attst Samuel Paphff
Town Clerk

A Road to accommodate Henry Richmand Beginning at a Maple Stump in Townsends Pasture — S 61 3/4 d E to Mr Townsends wall thence on sd Townsend wall as it now runs the Course of the Wall 82 rods to the new road Leading from mr Townsends to Mr Lurreys sd road three rods wide on the left hand side of the Bound Benjn Cox — } Sworn
Shiverick Crowel } Chainmen

Septr 7th 1816
attst Prince Haskell County Surveyor
to be Bars an orchard line a gate at Mr Townsends road

Thamas Freeman } Select
Benjn Cox — } men
Shiverick Crowel }

Recorded February 24th 1817
attst Samuel Paphff Town Clerk

A Survey of a road on Jonathan Esteys Land Beginning at a small Beach tree on the west side of the Turnpike road — S 22d W 10 rods to Stake & Stones about three rods ~~out~~ N.E. of sd Esteys barn — S 22d W 18 rods to Stake & Stones S 44d E 8 rods to Stake on the west side of the turnpike road — said road three rods wide on the Easterly side of the line

Thamas Freeman } Sworn
Benjn Cox — } Chainmen

December 13th 1816
Prince Haskell County Surveyor

Thamas Freeman } Select
Benjn Cox — } men
Shiverick Crowel }

Recorded Febr 12th 1817
attst Samuel Paphff
Town Clerk

(39)

Road Book Page 39, Entry A
BRC-218 Hugon Road

BRC-219 known as "Old East Barnard Road" starts at the terminus of TH-32 and extends in an easterly direction 1.927 miles, intersecting with the terminus of TH-19, and ending at a point on TH-23 (Walker Hill Road) located 0.3 miles west of the intersection of Walker Hill Road and TH-4 (East Barnard Road).

Original Laying Out: Road Book Page 13, Entry A

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 13, Entry A

A Survey of a Road beginning at a Stake & Stones Near John Newtons House thence
N 62 D E 7 Rods
S 65° E 56 rods
S 62° E 33 rods
S 34° E 29 rods
S 58° E 50 rods
S 83° E 70 rods
N 85° E 18 rods
N 60° E 40 rods
N 43° E 42 rods
N 56° E 19 rods
S 85° E 7 rods
S 68° E 24 rods
S 64° E 39 rods
S 50° E 22 rods
S 51° E 42 rods
S 69° E 78 rods
S 61° E 49 rods
S 34° E 16 rods
S 10° E 36 rods
S 86° E 73 rods
S 70° E 99 rods to a small spruce tree in Pomfret Line near Gideon Billing's sawmill Said Road lying on the Northwardly Side of Said Line approved by

June 10th 1784

Benja. Cox )
Beriah Green ) Selectmen
Aaron Barlow )

(13)

A Survey of a Road Begining at a Stake & Stones near John Nortons House & thence

| | | |
|---|---|---|
| N 62 D E 7 Rods | N 13 D E 42 rods | S 61 D E 19 Rods |
| S 65 D E 56 rods | N 56 D E 19 rods | S 31 D E 16 rods |
| S 62 D E 33 rods | S 85 D E 7 rods | S 10 D E 36 Rod |
| S 84 D E 29 rods | S 68 D E 24 rods | S 64 D E 39 rods |
| S 59 D E 50 rods | S 64 D E 39 rods | S 86 D E 78 rods |
| S 83 D E 70 rods | S 10 D E 22 rods | S 70 D E 99 rods |
| S 88 D E 18 rods | S 61 D E 12 rods | to a small Spruce |
| N 60 D E 40 rods | S 69 D E 78 rods | Tree on Bamfret Line |

near Gideon Billing's Sawmill said Road Begining on the North Northeasterly side of said Line Approved by

Joseph Cox
Benj[a] Cox
Josiah Green
Aaron Barlow
} Selectmen

B Survey of a Road from North Athens to John Firths

Beginning at the Said out Road near B Athens's House at a Stake & Stones, then

S. 29 D E 48 rods to Bass Tree
S. 2 D E 20 rods to Stake & Stones
S. 4 D E. 24 rods to Birch Tree
S 18 W 54 rods to Beech Tree
S. 8 W 40 Rods to Mr John Firth's House, Said Road on the Westwardly Side of the Line three Rods wide, this 28th Day of Sept. 1790

Pr me Prince Haskell C. Surveyor

John Firth
Silas Tupper
} Chainmen

Silas Tupper
Steward Southgate
} Selectmen

Recorded Pr me Silas Tupper J. C.

Survey of a Road beginning at a white ash Tree Standing in the North Side of Mose Frays house thence

E 18 D South 32 rods
N 40 D E 14 rods
N 32 D E 21 rods
E 17 N 21 rods
N 29 D E 11 rods
N 44 D E 16 rods
N 24 D E 17 rods
N 32 D E 18 rods
E 82 D N 11 rods
E 23 D N 13 rods
E 13 D S 20 rods
N 34 D E 13 rods to the said out road between Prince Haskell & Nathan Bowmans said rods the said Two rods in width on the N & W Side of the marked Trees Said out 27 Aug[t] 1790 & Pr me Prince Haskell C. Surv[r] & Steward Southgate Mose Fray Sworn Chainmen

Approved by us
Silas Tupper
Ste Southgate
} Selectmen

Recorded Steward Tupper J. C.

Barnard Road Book pg 13, entry A
BRC-219 Old East Barnard Road

BRC-223 known as "Oliver's Cave Road" starts at a point on TH-20 (Ellis Farm Road) located 0.3 miles west of the intersection of Ellis Farm Road and TH-56 (Broad Brook Road) and extends in a northerly and westerly direction 1.247 miles to the Royalton Town Line.

| | |
|---|---|
| Original Laying Out: | Road Book Page 18, Entry D<br>Page 43a, Entry A<br>Page 43a, Entry B |

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 18, Entry D

Beginning at a Stake & Stones in the Road between Capt. Thomas Swifts and Wm. Wallcots house –
N 30 D. E 34 Rods to a hemlock tree
N 10 D. E 52 Rods to a stake & stones
N 29 E 48 Rods to a stake & stones
N 37 E 16 Rods to a Maple tree
N 30 E 8 Rods to a Maple tree
N 22 E 42 Rods to a Hemlock tree
N 36 E 106 Rods by the East Corner of Thos. Fullers house to the Town Line of Royalton Said Road three Rods wide on the Right hand Side of the Marked trees –
Surveyed pr. Me –

Prince Haskel ) County Surveyor

Augt. 24th 1796 –

Thos. Fuller ) Sworn
Wm. Walcut ) Chair Men

Thos. Swift )
John Foster ) Select Men

Recorded augt. 25th 1796 –
W. Steward Southgate T. Clerk –

(18) (18)

A The Survey of a Road from the Creek Road to Robert Deans Beginning in the Road Between Thos. M Wright & Timothy Newlons

E 35d S 10 Rods to Stake & Stones
S 8d E 16 Rods to Stake & Stones
S 16 Rods to Stake & Stones —
E 37d S 10 Rods to Maple tree
E 25d S 15 Rods to Burch tree
E 15d S 10 Rods to Maple tree
E 19d S 11 Rods to Beach tree
E 41d S 18½ Rods to Maple tree
East 8 Rods to Hemlock tree
E 19d S 4½ Rods to Hemlock tree
E 34d S 12½ Rods to Ditto
E 23d S 11½ Rods to Burch tree
E 38d S 9½ Rods to Maple tree
S 40d E 20 Rods to Maple tree
S 44d E 13 Rods to Hemlock tree
S 41d E 28 Rods to Stake & Stones
S 6d N 14 Rods to Beach Staddle —
E 19 N 34 Rods to the N. E. Corner of Robert Deans Garden — Sd Road Laid on the Left hand of the Marked trees 2 Rods wide — Granting to Mr Wright the Priveledge of two gates a Cross Sd Road, Laid out July 7th 1794 —

Wm Prince Haskell C Surveyor

Robert Dean } Sworn
Joseph Chamberlain } Chainmen

Nathl Page } Select
Joseph Fosler Jr } Men —
Asa Emerson

Recd & Recorded
Wm Steward Southgate T Clerk

B In Alteration of a Road Between George Clapp's house and the Creek Road, Beginning at a small Beach tree in the Road
E 30 S 48 Rods to a Stake & Stones
E 24 S 16 Rods to a Stake & Stones in the Creek Road the old Road North of this alteration is hereby made Void of Use —
Surveyd Wm Prince Haskell C Surveyor

Ichabod Harthaway } Sworn
Thaddeus Nott } Chain men

John Fosler } Select
John Gambel } men

Recorded 23d June 1796
Wm Steward Southgate T Clerk

Beginning at a Hemlock Stump North of Mr Lewises house
W 36d S 43 Rods to a Burch tree
W 2d N 18 Rods to Stake & Stones
W 23d S 45 Rods to the Road Leading From Asa Pages to John Stewards —
Sd Road Laid to the Left hand of the marked trees two Rods wide —
Laid out Augt 1st 1795 —

Wm Prince Haskell } County Surveyor

Ebenr Lewis } Sworn
Wm Chamberlain } Chainmen —

Beriah Green } Select
Nathl Page } Men —
Wm Freeman

C We the Select men of Bernard Set over one Acre & half of Mr Lewis Land to Sd Lewis Ct Roads for Mr Lewis Paying five Dollars to John Steward Bay having the Road threw Sd Steward Land Bernard Augt 1st 1795 —

William Freeman } Select
Beriah Green } Men
Nathl Page —

Beginning at a Stake & Stones in the Road between Capt Thos Swifts & Wm Walleots house —
N 30 D E 34 Rods to a hemlock tree
N 10 D E 52 Rods to a Stake & Stones
N 29d E 48 Rods to a Stake & Stones
N 37d E 16 Rods to a Maple tree
N 30d E 18 Rod to a Maple tree
N 22d E 42 Rods to a Hemlock tree
N 36d E 106 Rods to the East Corner of Thos Fullers house to the Town Line of Royalton Said Road three Rods wide on the Right hand Side of the Marked trees —
Surveyed Wm Me —

D Prince Haskel } County Surveyor

Augt 24th 1796 —

Thos Fuller } Sworn
Wm Walcut } Chain Men

Thos Swift } Select Men
John Fosler }

Recorded augt 25th 1796 —
Wm Steward Southgate T Clerk —

Road Book Page 18, Entry D
BRC-223
Olivers Cave Road

(18)

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 43a, Entry A

A survey of a road beginning on the west side of the now road on Mr. Joseph Ellis land at the corner of the stone wall –
W 25° N 19½ rods to a Post of the barrs South of sd. Ellis Barn
N 44° W 121 rods to Stake & Stones
W 13° S 14 rods to Stake & Stones
W 6° N 18 rods to Stump
W 14° N 16 rods to Stake & Stones
W 8° S 19 rods to Burch tree
W 17° S 10½ rods to Stake & Stones
W 3° N 6 rods the N. W. corner of Clark Ellis house said road laid three rods wide on the right hand Side of the sd. Bounds –

Thomas Freeman ) Select men
Luther Charney )

Surveyed December 8th 1821

Clark Ellis ) Sworn
Samuel Culver ) Chairmen

attest Prince Haskell County Surveyor
Recorded February 18th 1822
attest Samuel Topliff Town Clerk

---

Page 43a, Entry B

A survey of a road Beginning at the north W. corner of Clark Ellis house –
W 3° N 27 rods to stake & stones
W 15° N 9 rods to the end of the wall
W 20° N 31 rods to stump & stones
W 25° N 34 rods to stake & stones Near Ichabod Davis East line
W 20° N 15 rods to stake & stones
W 7° N 24 rods to stake & stones about 4 rods S. E. of Ichabod Davis House –
Said road three rods Wide on the right hand side of the bounds sd. road is considered to be a pent road a privilege of one gate on said Davis East line two gates on Moses Ellis land

Willard Caryl ) Sworn
Alpheus Howe ) Chairmen

Surveyed Septr. 6th 1822
attest Prince Haskell County Surveyor

Thos. Freeman )
Willard Caryl ) Select
Alpheus Howe ) men

Recorded March 5th 1823
Attest Samuel Topliff Town Clerk

A survey of a road beginning on the west side of the new road on Mr Joseph Ellis land at the corner of the stone wall — — — — — — — —

W22d N19½ rods to a Part of the Carrs South of Sd Ellis Barn
N44d W21 rods to Stake & Stones
W13d S14 rods to Stake & Stones
W6d N18 rods to Stump
W14d N16 rods to Stake & Stones
W8d S19 rods to Birch tree
W17d S10½ rods to Stake & Stones
W3d N6 rods the N. W. corner of Clark Ellis house said road land three rods wide as the right hand side of the Sd Bounds — — — — —

Thomas Freeman } Select men
Luther Chaney }

Surveyed December 8th 1821

Clark Ellis — } Sworn
Samuel Culver } Chainmen

Attst Prince Haskell County surveyor

Recorded February 18th 1822

Attst Samuel Tashiff Town Clerk

B

A survey of a road Beginning at the north W. corner of Clark Ellis house — — — — —

W3d N27 rods to Stake & Stones
W12d N9 rods to the end of the wall
W20d N31 rods to Stump & Stones
W24d N34 rods to Stake & Stones
Near Ichabod Davis East line
W29d N15 rods to Stake & Stones
W7d N24 rods to Stake & Stones
a Cant 4 rods S.E. of Ichabod Davis House — — — — —
said road three rods Wide on the right hand side of the Bounds
Sd road is considered to be a part

(43A)

road a privilege of one gate on said Davis East line two gates on Maus Ellis land

Willard Caryl } Sworn
Ithiens Howe } Chainmen

Surveyed Septr 6th 1822

Attst Prince Haskell County surveyor

Thos Freeman } Select
Willard Caryl } men
Ithiens Howe }

Recorded March 4th 1823

Attst Samuel Tashiff Town Clerk

(43A)

A survey of a road from James Hasleys to the road on Isaac Dotys Land Beginning at a stake & Stones on Sd Hasleys North line thence

E31d N7 rods to Beach tree
E26d N9 rods to Spruce tree
E36d N6 rods to hemlock tree
N43d E10 rods to Spruce tree
N35d E11 rods to Beach tree
N29d E8 rods to Beach tree
N33d E9 rods to maple tree
N34d E13 rods to spruce tree
N41d E11 rods to ash tree
N31d E10 rods to Spruce tree
N33d E7 rods to Spruce tree
E10d N8 rods to Spruce tree
E21d N12 rods to Beach tree
E29d N10 rods to Beach tree
E4d N31 rods to Beach tree
E8d S7 rods to hemlock tree
E25d N8 rods to maple tree
E28d N10 rods to beach tree
E27d N9 rods to maple tree
E30d N23 rods to maple tree
E11d N15 rods to maple tree
E4d N15 rods to Beach tree
E40d N7 rods to Spruce tree
N24d E8 rods to Beach tree
N8d E7 rods to beach tree
N15d E7 rods to maple tree

C

Road Book Page 43a, Entries A & B
BRC-223 Olivers Cave Road

BRC-224 known as "Wilbur Road" starts at a point on TH-18 (Levasseur Road) located 0.1 miles north of the intersection of Levasseur Road and TH-4 (East Barnard Road) and extends in a northwesterly direction 0.882 miles to a point on BRC-225 (Elijah Barns Road) located 0.7 miles east of the intersection of BRC-225 and TH-4 (Royalton Turnpike).

Original Laying Out: Road Book Page 5, Entry D and Page 40, Entry C

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 5, Entry D

A Road beginning at the Southeast Corner of John Wilbur's House then running
S 14° W 28 rods then S 14° E 18 rods
S 59° E 7 rods S 19° W 20 rods to
S 4° E 21 rods a Stake & Stones
Said Road three rods wide on the East Side

Ephraim Miles Surveyor of the above Roads
March 11, 1788 the Town Voted to accept [all] of the above Roads
Attest Benja' Cox Town Clerk

---

Page 40, Entry C

A survey of a pent road Subject to three gates Beginning at a Stake & Stones on the South side of the Now road Between Benjamin Wilburs & Esqr. Bakers where the first gate is to stand –
S 31° E 38 rods to a stake & stones
S 41° E 36 rods to a stake & stones
E 35° S 28 rods to Chamberlins line where the second gate is to stand
E 35° S 36 rods to a stake & stones
S 1° E 28 rods to the North Corner of Samuel J. Chamberlins Barnyard the third gate to Stand where sd. Chamberlin Chooses on his Land.
Sd. road three rods wide on the right hand side of the Bounds.
Benjamin Briggs ) Sworn
Samuel J. Chamberlin ) Chairmen
Attest Prince Haskell County Surveyor
Benja. Briggs ) Select
Ebnezr. Richmond ) men
Luther Fairbank )
Recorded June 13—1818
Attest Samuel Topliff Town Clerk

(5)

A Road beginning at an elm tree by the Bank of Locust Creek, in Mr. John Walkers Land & Runs [illegible] & Rods [illegible] E 27 N° 16 Rods E 27 N° 11 Rods E 21 N° 12 Rods E 21 N° 6 Rods E 32 N° 6 Rods E 32 N° 7 Rods E 40 S 9 Rods E 35 S 10 Rods E 31 S 12 Rods N 83 E 31 Rods E 32 S 78 Rods E 35 S 22 Rods E 19 S 44 Rods E 50 S 38 Rods E 20 S 19 Rods E 19 S 44 Rods E 11 N 88 Rods E 10 S 8 Rods E 19 S 5 Rods to a birch bush in the road leading from the meeting House to Wallbridges Blacksmiths shop Said Road then Northwardly to Wallbridges Survey & Said Road on the Southerly side of the Line

Surveyed 17th Sept. 1788

Moses King } Surveyors
Thos White }

Approved by

S. Sherwood } Selectmen
D. Smith }

A Survey of said Road beginning at a Birch tree Standing in the Town Line of Barnard & Pomfret running

N 10° W 26 Rods
N 4° E 37 Rods
N 25° E 21 Rods
N 8° E 16 Rods
N 13° W 20 Rods
N 4° E 10 Rods
N 15° W 16 Rods
N 38° W 7 Rods
N 16° W 66 Rods
N 44° W 20 Rods
N 53° W 40 Rods

N 27° W 67 Rods
N 34° W 10 Rods
N 50° W 30 Rods
N 37° W 8 Rods
N 51° W 31 Rods
N 18° W 20 Rods
N 15° W 14 Rods
N 5° E 40 Rods
N 13° E 12 Rods
N 12° W 40 Rods to a Maple Tree on Mr Carvers Land Said Road 4 Rods wide on the South side of this Line

A Survey of said Road beginning at an elm South of John Newtons House then running

S 18° E 9 Rods then S 20° E 26 Rods then S 13° E 26 Rods to a Stake and Stones then Said Road on the West side of the Line

A Road beginning at the Southeast Corner of John Wallbridges House then running

S 19° W 28 Rods then S 11° E 15 Rods S 69° E 7 Rods S 4° E 21 Rods S 19° W 20 Rods to a Stake & Stones Said Road then Eastward on the East side

A Road beginning at the North Easterly Corner of Moses Perkins House then

N 64° W 4 Rods N 20° W 21 Rods N 24° W 11 Rods N 49° W 29 Rods N 28° W 6 Rods N 68° W 11 Rods N 41° W 11 Rods to a Stake & Stones on the East side of Mr Barnes House

Ephraim Miles Surveyor

of the above Roads

March 11. 1788 Mr. Howard Voted to accept of the above Roads

Attest Benj. Cox Town Clerk

Barnard Road Book Pg 5, Entry D

BRC-224 Wilbur Road

(40)

A Survey of a road Beginning at a small Beach tree on the Southerly side of the now road Between Alvin D Wolfs & Isaac Estegs

S 15d W 14 rods to Stake & Stones
S 10d E 35½ rods to small Beach tree
S 6d W 8 rods to a hemlock tree
S 3d W 5 rods to hemlock tree
S 13d W 22 rods to hemlock tree
S 17d W 13 rods to hemlock tree
S 11d W 10 rods to Stake
S 15d W 24 rods to ash tree
S 6d E 11½ to ash Bush
South 23 rods to a Burch tree near mr Buckmans house
Said road three rods Wide on the right hand side of the sd Bounds

June 12th 1818

Alvin D Woolf } Sworn
Abner Buckman } Chainmen

attest Prince Haskell County surveyor

Luther Fairbanks } Select
Benjr Briggs } Men
Ebenr Richmond }

Recorded June 13th 1818

attest Samuel Topliff Town Clerk

A alteration of a road Beginning at a Stake & Stones two rods South of Robert Browns house

E 10d South 25 rods to stake & Stones
E 5d North 52 rods to stake & Stones
E 15d N 38 rods to stake & stones on the North side of the now road the old road through sd Browns Land is set over for damages of the new one - three rods wide South of Bounds

Simeon Howard } Sworn
John Foiter Jr } Chainmen

June 13th 1818

attest Prince Haskell County surveyor

Luther Fairbank } Select
Benjr Briggs } men
Ebenr Richmond }

Recorded June 13th 1818

attest Samuel Topliff Town Clerk

A survey of a pent road subject to three gates - Beginning at a Stake & Stones on the South side of the Now road Between Benjamin Wilburs & Esqr Bakers where the first gate is to stand

S 31d E 38 rods to stake & stones
S 41d E 36 rods to stake & stones
E 35d S 28 rods to Chamberlins line where the second gate is to stand
E 35d S 36 rods to stake & stones
S 1d E 28 rods to the North Corner of Samuel J Chamberlin Barnyard the third gate to stand where sd Chamberlin Chases on his Land sd road three rods wide on the right hand side of the Bounds

Benjamin Briggs } Sworn
Samuel J Chamberlin } Chainmen

June 12th 1818

attest Prince Haskell County surveyor

Benjr Briggs } Select
Ebenr Richmond } men
Luther Fairbank }

C

Recorded June 13 - 1818

attest Samuel Topliff Town Clerk

A alteration of the road on Ichabod Nyes Land Beginning at a hemlock Stump on the North side of the Now road at Meadow brook Bridge

E 2d S 49 rods near the S.E. corner of Ichabod Nyes house
E 2d N 36 rods the North side of the now road three rods wide South side of the Bounds

June 13th 1818

D

Benjamin Briggs } Sworn
Ichabod Nye } Chainmen

attest Prince Haskell County surv

Ebenezer Richmond } Select
Luther Fairbank } men
Benjr Briggs }

Recorded June 13th 1818

attest Samuel Topliff Town Clerk

Barnard Road Book Pg. 40, Entry C
BRC-224 Wilbur Road

BRC-225 known as "Elijah Barns Road" starts at the terminus of TH-17 and extends easterly and northerly 0.774 miles, intersecting with the terminus of BRC-225 (Wilbur Road) and the terminus of BRC-227 (Levasseur Road) and ends at a point on the Royalton Town Line.

Original Laying Out: Road Book Page 12, Entry D and Page 26, Entry A

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

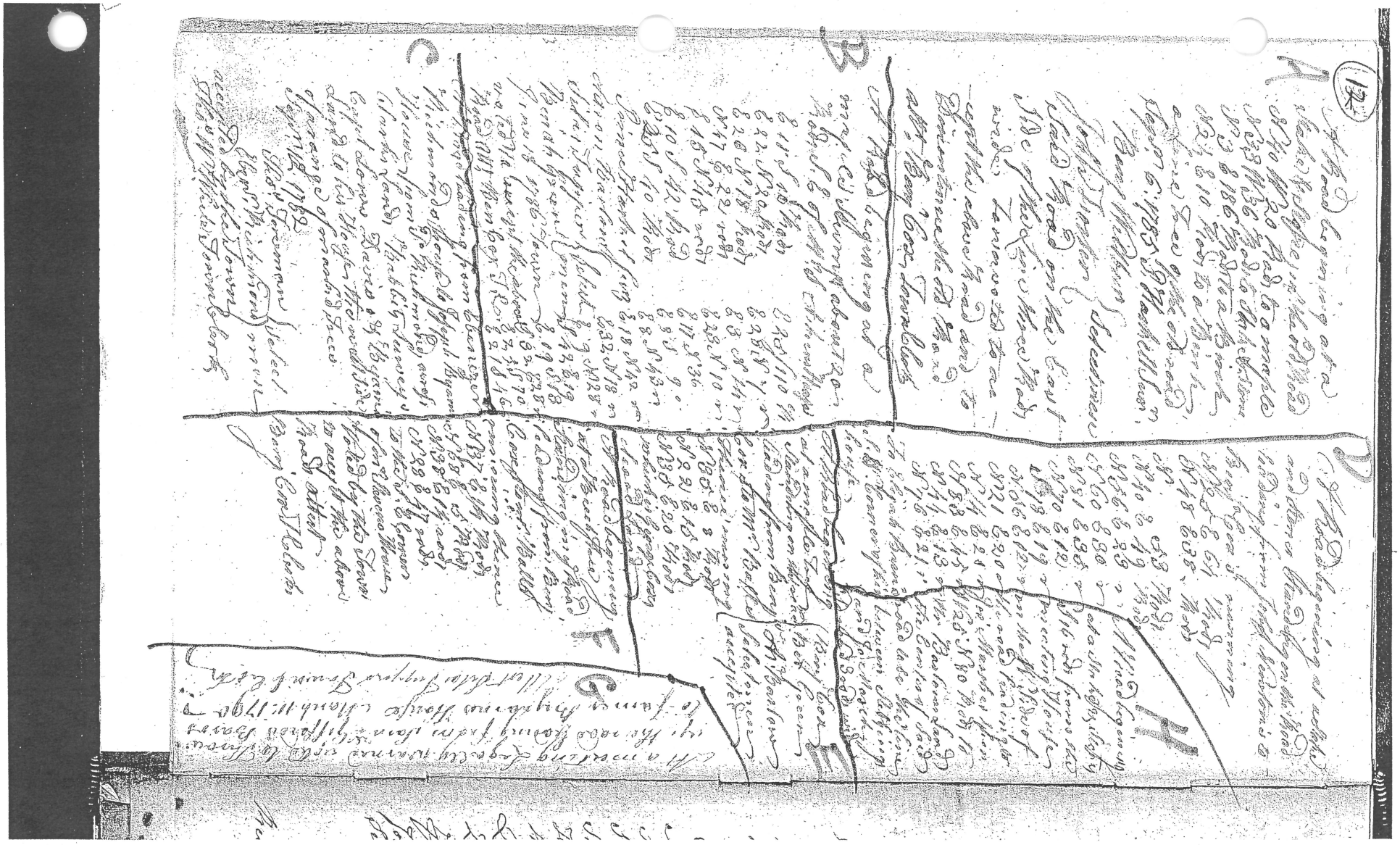
Page 12, Entry D

A Road beginning at a Stake and Stones Standing on the Road leading from John Newton's to Benja' Cox's running
N 25° E 64 Rods
N 48° E 38 Rods
N 53 Rods
N 40° E 49 Rods
N 56° E 23 R
N 60° E 30 R
N 81° E 35 R
N 70° E 12 R
S 78° E 19 R
N 56° E 12 R
N 21° E 20 R
N 14° E 20 R
N 83° E 45 R
N 44° E 13 R
N 76°E 21 R
To Elijah Barn's S.W. Corner of his house.

)Benj. Cox
)Ber. Green
)A. Barlow
Selectmen
Accepted

Voted by the Town to accept the above Roads attest
Benj. Cox T. Clerk

[undated; other road layouts on Page 12 dated 1782, 1785, 1786, and 1790]



Barnard Road Book Pg. 12, Entry D

Elijah Banns Road BRC-225

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 26, Entry A

A Survey of a roade from Royalton line to Mr. Ebenezer Lewis Beginning at a Stake & Stones on royalton line
W 15° S 18 rods to Stake & Stones
W 41° S 32 rods to Stake & Stones
W 19° S 22 rods to Stake & Stones
S 2° E 14 rods to Stake & Stones
W 18° S 7 rods to the road from Mr. Lewis towards John Stewards sd. road two rods wide on the right hand side of the marks or Bounds.
Surveyed Pr. me Prince Haskell C.S.

| | | |
|---|---|---|
| Thomas Freeman Jr. | ) | Chair |
| David Lewis | ) | men |

May 7th 1803

| | | |
|---|---|---|
| Thomas Gambel | ) | Select |
| Thos. Freeman | ) | men |

Recorded May 31st AD 1803
Pr. Samuel Topliff Town Clerk

(26)

A Survey of a road from Royalton line to Mr Ebenezar Lewis Beginning at a stake & Stones on royalton line
W 12 d S 18 rods to Stake & Stones
W 21 d S 32 rods to Stake & Stones
W 19 d S 22 rods to Stake & Stones
W 12 d E 14 rods to Stake & Stones
W 18 d S 7 rods to the road from Mr Lewis to wards John Stewards sd road two rods wide on the right hand side of the marks & Bounds Surveyd Pr me Prince Haskell C.S.

Thomas Freeman Jr. } Chain men
David Lewis }
May 7th 1803
John Gambel } Select men
Thos Freeman Jr }

Recorded May 7th 1803
Pr Samuel Joslin Town Clerk

A

A Survey of a road from David Lewis to Mr Jesse Henneys road — Beginning at Stake and Stones near David Lewis House
S 18 d W 36 rods to Stake & Stones
S 22 E 17 rods to Stake & Stones on the road from Mr Henneys to Elisha Freemans sd road two rods Wide on the Left hand side of the sd Bounds surveyd pr me Prince Haskell County S
May 7th 1803

Thomas Freeman Jr } Chainmen
David Lewis }
John Gambel } Select men
Thos Freeman Jr }

Recorded May 31st 1803
pr Samuel Joslin Town Clerk

B

An alteration of a road Between Mr Hathaways & Bexter Wards Beginning at a Hemlock Stake in the New road E 26 N 38 rods to Beach tree in the old road sd alteration to be three rods Wide on the right hand side of the sd Bounds pr me Prince Haskell County Surveyor
June 11th 1803

Timothy Newton 2d } Sworn
Wm Hathaway } Chainmen
John Gambel } Select men
Thos Freeman Jr }

Recorded Sept 6th 1803
Pr Samuel Joslin Town Clerk

C

(26)

Beginning at a Stake & Stones near the new Bridge near Benjn Hubbings house
S 23 d W 12 rods to a Stake & Stones
S 19 d W 150 rods to a Stake & Stones in the road Between Mr Adams & the rev Mr Borroman's form rods wide on the right hand side of the marks Laid pr me
Prince Haskell C. Surv

August 16th 1796

Benjn Burk } Sworn Chainmen
Joseph Borroman Jr }
John Gambell } Select men

Recorded May 31st 1803
Pr Samuel Joslin Town Clerk

D

An alteration of a road Between Lieut Amaziah Richmond & Peter Lurvey Beginning at a stake & Stones Near Mr Amaziah Richmonds House
W 37 d N 8 rods to Stake & Stones
W 24 d N 66 rods to Stake & Stones
W 12 d S 50 rods to Stake & Stones
W d N 24 rods to Stake & Stones near Peter Lurveys House sd to be three rods wide on the Left hand side of the sd Bounds Surveyd pr me Prince Haskell
County Surveyor
Barnard May 31 — 1803

Amaziah Richmond } Sworn Chainmen
Alexander Borroman }

Thomas Freeman Jr } Select men
John Gambell }

Recorded May 31 — 1803
Pr Samuel Joslin Town Clerk

E

Road Book Page 26, Entry A
BRC-225 Elijah Bans Road

BRC-227 known as "Levasseur Road" starts at the current terminus of TH-18 (Levasseur Road) and extends northeasterly 0.470 miles to a point on BRC-225 (Elijah Barns Road) located 0.9 miles east of the intersection of BRC-225 and TH-4 (Royalton Turnpike).

Original Laying Out: Road Book Page 5, Entry E

Shown on the 1926 Randolph Quad

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

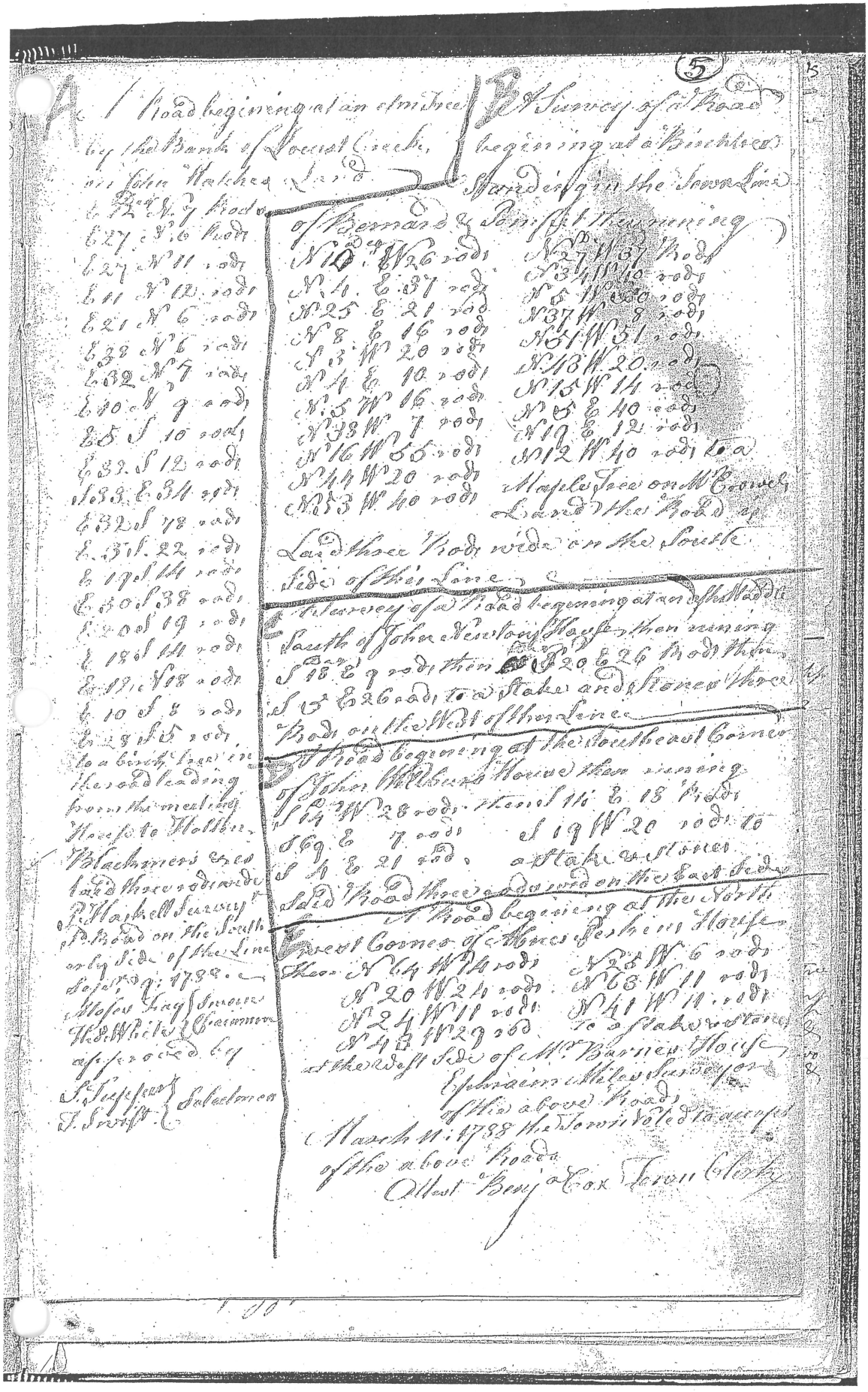
Page 5, Entry E

A Road beginning at the North West Corner of Abner Perkins House

| | | |
|---|---|---|
| Then | N 64° W 14 rods | N 25° W 6 rods |
| | N 20° W 24 rods | N 63° W 11 rods |
| | N 24° W 11 rods | N 41° W 11rods |
| | N 43° W 29 rods | to a Stake & Stones |

at the West Side of Mr. Barnes House.

Ephraim Miles Surveyor of the above Roads
March 11, 1788 the Town Voted to accept [all] of the above Roads
Attest Benja' Cox Town Clerk



Barnard Road Book Pg 5, Entry E

BRC-227 Levasseur Road

BRC-228 known as "Old Stagecoach Road" starts at a point on TH-4 (Royalton Turnpike) located 0.5 miles north of the intersection of Royalton Turnpike and TH-17 and extends westerly 0.856 miles to the current terminus of TH-13 (Old Hill Road).

Original Laying Out: Road Book Page 3, Entry C and Page 7, Entry B

This road is mentioned in an Environmental Court Stipulation and Order dated August 9, 2003 (Docket No. 188-11-01 Vtec)(copy attached)

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 3, Entry C

A Road beginning at a maple tree in the Road leading from Mr. Tho. Freeman's to Joseph Bowman's,
W 30° N 53 Rods,
W 25° N 64 Rods,
W 35° N 60 Rods,
W 2° N 72 Rods,
to Esq. Jm. Benjamin's house and to the Road leading from the Meeting House to Bethel.

Aaron Barlow )
Silas Tupper ) Selectmen
Beriah Green )

June 13, 1786 The Town voted to accept the above Road.
attest Benj. Cox, Town Clerk

---

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 7, Entry B

A Survey of a Road beginning Three Rods east of the meeting House at a Stake and Stones
thence
<23 non-pertinent metes and bounds not transcribed>
N 29 E 34 R
N 47 E 40 R
N 43 Deg E 36 Rods
N 32 E 34 Rods
N 67 E 50 Rods
<4 non-pertinent metes and bounds not transcribed>
... to a Stake & Stones Three Rods East of Nathan Carpenters Southeast Corner on Royaltons South Line
Said Road lying westerly of Said Bounds being Three Rods wide Laid out and approved by us this 10 Day of June 1784,
Accepted by the Town Aaron Barlow )
Benja Cox ) Selectmen
Beriah Green )
Recorded per me S. Tupper Town Clerk

(3)

A

A Road beginning at a birch Tree E 63 S 152 rods from Meeting House
S 26 E 52 rods to a beech Tree
E 25 S 91 rods to a Beech Tree
S 39 E 20 rods to a Spruce Tree
S 11 E 80 rods to a Bass Tree
S 20 E 20 rods to a Bass Tree
S 38 E 14 rods to a Maple Tree
S 19 E 20 rods to a Settlement
S 10 E 50 rods to an Elm Stump
S 5 W 36 rods to a beech Tree
S 25 W 56 Rods to a Beech Tree
S 38 E 18 Rods to a Beech Tree
S 20 E 30 Rods to a Bass Tree
S 7 E 62 Rods to a Beech Tree
S 29 E 40 Rods to a Spruce Stump
S 27 W 28 Rods to a Maple Tree
S 87 W 12 Rods to a Beech Stump
S 26 W 30 Rods to a Maple Tree
S 12 W 20 Rods to a Beech Tree
S 3 E 84 Rods to a Beech
S 05 W 33 Rods to a Maple Tree
S 86 E 16 Rods to a Chimney
S 10 E 20 Rods to a Beech
S 66 W 28 Rods to a Maple in the Road leading from Deacon Cheeds to Forbs Eastmans

B

Then beginning at a beech Stump in the old Road leading from Deac. Cheeds to Eastmans
East 28 S 86 Rods to a Maple Tree
N 32 E 12 Rods to a Beech Tree in the Road leading from Deacon Emersons to Wm Wilsons
attest Prince Haskell C.S.

Ja Emerson } Sworn
Wm Cheed } Chairmen

approved by us
Silas Jesper } Selectmen
Ebenz Hutchinson
Barnard Nov. 07. 1788.

C

A Road beginning at the S. E. Corner of Wm Boags House
S 8 E 76 Rods to a small Tree
S 12 E 10 Rods to a small Beech
S 37 E 8 Rods to a beech Tree
S 48 E 16 Rods to a Spruce Tree
S 4 E 14 Rods to an Hemlock
S 3 E 16 Rods to a Beech Tree
S 6 E 18 Rod to a Hemlock Tree
E 45 S 15 Rods to a Hemlock
S 37 E 5 Rods to a Beech Tree
S 29 E 8 Rods to a Beech Tree
S 21 E 48 Rods to an Hemlock in the Road leading from the Meeting House to Asa Bostwicks
Laid the said Rods in the Easterly side of said Lane Sept. 9. 1788

David White } Sworn Chairmen
Tho. White }
Prince Haskell Coswy Surv.

Approved by
Silas Jesper } Selectmen
Thomas Swift }

D

A Road beginning at a maple Tree in the Road leading from Wm Tho. Freemans to Joseph Bowmans
N 30 E N 53 Rods
W 25 N 64 Rods
W 30 N 60 Rods
W 2 N 72 Rods to Esqr. Jno Benjamins house and the Road leading from the meeting House to Bethel Aaron Bartlow

Silas Jesper } Selectmen
Benjah Cox }

June 13. 1786 The Town voted to accept the above Road
attest Benj Cox Town Clerk

Barnard Road Book Pg 3, Entry C

(7)

A

A Road beginning on the Road leading by mr Haynes to mr Hasens on the Line between Id Haynes & Hasens W 25 N 194 Rods thro' Wm Blackmers & Jun. Blackmers Land one Rod and a Quarter Id Haynes & Blackmers Land & one Rod on said Hasens & Blackmers Land to a Stake & Stones

S 4 W 6 rods to a Spruce Tree
W 11 S 17 rods to Stake & Stones
W 34 S 35½ rods to Stake & Stones
W 13 S 12 rods to Spruce Stub.
S 27 W 22 rods to a Hemlock

S 17 W 17 rods to a Hemlock
S 25 W 9½ rods to a Stake
S 31 W 6 rods to a Spruce Tree in the Road leading from Holland Blackmers to Nathan Bowmans

the said Road is laid on both sides of the first Point of the Line as the rest of said Road is on the West side of said Line

June 13: 1788. Surveyed by Prince Hazlett Coroner & Surveyor
approved by Silas Jeppes
E. Richmond
Tho.s Swift
Selectmen

Tho.s Swift
Wm. Blackmer
Jol.n Blackmer
Chairmen

Nov.r 2: 1788. The Town voted to accept of the above Road
attest Silas Jeppes Town Clerk P. Town

B

A Survey of a Road beginning Three Rods east of the meeting House at a Stake & Stones thence

| | | | |
|---|---|---|---|
| N. 26 E 44 rods | N 18 E 20 Rods | Rods | N 48 E 36 Rods |
| N 45 E 56 rods | N 31 E 58 R. | | N 82 E 84 Rods |
| N. 25 E 26 rods | N 26 E 38 R. | | N 67 E 50 Rods |
| N. 24. E. 20 rods | N. 50 E 48 R. | | N 27 E 15 Rods |
| N 17 E 16 rods | N 25 E 38 R. | | N 31 E 40 Rods |
| N 34 E 18 rods | N 21 E 22 R. | | N 34 E 30 Rods |
| N 76 E 64 rods | N 3 E 11½ R. | | N 25 E 16 Rods to |
| N 86. E. 20 rods | N 14 W 38 R. | | a Stake & Stones Three |
| N 70 E 64 rods | N 2 W 12 R. | | Rods East of Nathan |
| N 79 E 40 rods | N 10 E 11 rods | | Carpenters Southeast |
| N 85 E 20 rods | N 29 E 34 R. | | Corner on Prospect South Line said Road lying west |
| N 20 E 18 rods | N 17 E 10 R. | | early of said Bounds being Three Rods wide Laid out |
| N 38 E 78 rods | | | and approved by us this 30 Day of June 1784. |

Recorded by the Town

Aaron Barlow
Benj.a Cox
Selectmen
Beriah Green

Recorded Pr me Peggy Town Clerk

Bannard Road Book Pg 7, Entry B
BRC-228 Old Stagecoach Road

Barnard Book 84, Pages 1-6 BRC-228 -1-

STATE OF VERMONT
ENVIRONMENTAL COURT

IN RE: APPEAL OF FERGUSON ) DOCKET NO. 188-11-01 Vtec

## STIPULATION AND ORDER

NOW COME Alexander and Betty Ferguson, by and through their attorneys, Reiber, Kenlan, Schwiebert & Facey, P.C. and the Town of Barnard, by and through their attorneys, Stitzel, Page & Fletcher, P.C. and stipulate that the Court may enter the following order:

1. The property of Alexander and Betty Ferguson (hereinafter the "Fergusons") in Barnard, Vermont (hereinafter the "Property") is encumbered by a Class 4 Town Highway, laid out and established by a survey of the Town of Barnard (hereinafter the "Town") Selectboard in the Town Road Book on page 7, and described as:

> [a] survey of a Road beginning Three Rods east of the meeting House at a stake & stones thence . . . . at a stake & stones Three Rods East of Nathan Carpenter Southeast Corner on Royaltons South Line Said Road lying westerly of Said Bounds being Three Rods wide Laid out and approved by us this 3rd Day of June 1784.

A true and correct copy of the relevant portion of the Town Highway Map, adopted April 16, 2003, with revisions for the purposes of this Stipulation and Order, marked as Exhibit A, is attached hereto and incorporated herein by reference. The Town Highway, referenced above, is marked as "A".

2. In addition, a portion of another town highway that is three (3) rods wide currently exists along the northerly boundary of the Property (hereinafter the "Boundary Highway"), laid out and established by a survey of the Town Selectboard in the Town Road Book on page 3. The southern edge of the traveled way of the Boundary Highway is located eight (8) feet, more or less, northerly of the northerly boundary of the Property. The traveled way of the Boundary Highway is approximately eight (8) feet wide and runs approximately parallel to the northerly

BRC-229 BRC-228



FILED
AUG 18 2003
Windsor County Clerk

boundary for approximately 600 feet. The traveled way of the Boundary Highway is not located on the Property. The Boundary Highway is marked as "B" on Exhibit A.

3. The Town shall alter the location of the Town Highway, described in paragraph 1, above, pursuant to 19 V.S.A. section 708, et. seq., to another location generally described as follows:

> Beginning at a point situated in the centerline of the subject Town Highway, described in paragraph 1, above, where the east/west portion of Bowman Road diverges westerly from said Town Highway; then northerly, northwesterly, and westerly along the centerline of said east\west portion of Bowman Road to a point in line with the centerline of the Fergusons' driveway, where it currently enters the Property from Bowman Road; then continuing in a northeasterly direction, generally along the centerline of said driveway, a sufficient distance to arrive at a point from where a line projected westerly is located northerly of the very wet southwesterly portion of the Property; then continuing westerly, departing said driveway, and northerly, to a point located twenty-five (25) feet from the westerly boundary of the Property; then northeasterly, parallel to and twenty-five (25) feet from, the said westerly boundary of the Property across the northerly boundary of the Property, to the centerline of the Boundary Highway; then southeasterly, along the centerline of the Boundary Highway, to a point in the centerline of the subject Town Highway, described in paragraph 1, above (hereinafter the "Subject Highway").

The Subject Highway shall be a width of fifty (50) feet and be classified as a Class 4 Town Highway. The Subject Highway is marked as "C" on Exhibit A.

4. Within the Subject Highway, the Fergusons shall clear a nine-foot wide trail (hereinafter the "Trail") of all trees and excess vegetation such that members of the public easily may use the Trail for recreational activities including but not limited to walking, running, biking or riding all terrain vehicles, snow mobiles and horses. To the extent that large trees in the Trail do not interfere with the public's ability to use the Trail as described above, the Fergusons are not required to remove them. The Fergusons shall cut tree stumps flush with the ground. The Trail may wind through the fifty (50)-foot right of way of the Subject Highway.



FILED
AUG 13 2003
Windsor County Clerk

5. No later than August 27, 2003, the Fergusons and the Town Selectboard members shall meet with a surveyor chosen by the Town on the Property at a mutually agreed upon date and time and:

a. Agree on and mark with flagging the specific location of the Subject Highway described in paragraph 3, above, and

b. Agree on and mark with flagging the specific location of the Trail described in paragraph 4, above.

6. As soon as the Fergusons and the Selectboard have complied with paragraph 5, the Selectboard shall initiate proceedings in accordance with 19 V.S.A Chapter 7, Subchapter 2 to alter the Subject Highway to the location flagged in accordance with paragraph 5.a., above, and as set forth in paragraph 3.

7. The alteration shall be deemed "complete" when the appeal period set forth in 19 V.S.A. section 740 has expired, or if an appeal is taken, when the Town obtains final judgment upholding said alteration, including any appeals thereto. By executing this stipulation, the Fergusons hereby waive any claim as to damages for, or the necessity of, said alteration.

8. No later than forty-five (45) days after the alteration is complete, the Fergusons shall remove or cause to be removed from the Trail flagged in accordance with paragraph 5.b., above, trees and excess vegetation as described in paragraph 4, above, so that the Trail may be used as described in paragraph 4. The Fergusons shall provide the Town Selectboard with written notice when they have completed the requirements of this paragraph.

9. The Town shall choose the surveyor to complete the survey required by 19 V.S.A. section 710. No later than fifteen (15) days after the alteration is complete, the Fergusons shall pay the surveyor chosen by the Town any and all costs for the survey and monuments required by 19 V.S.A. section 710 up to $3,000.00 (Three Thousand Dollars).



FILED
AUG 13 2003
Windsor County Clerk

4

10. The Selectboard shall notify the Town Administrative Officer as soon as the alteration is complete. No later than ten (10) days after receipt of said notice from the Selectboard, the Administrative Officer shall grant the Fergusons' application for a municipal land use permit, received by the Town on July 18, 2001, strictly for the use and development described therein. A true and correct copy of said application, marked as Exhibit B, is attached hereto and incorporated herein by reference. The Fergusons shall construct any and all structures on the Property in locations fifty (50) feet or more from the centerline of the Subject Highway and the Boundary Highway. In accordance with Section 5.0.2 of the Town Zoning Regulations with amendments through March 7, 2000, the Fergusons' municipal land use permit shall be valid for two (2) years from the date that the Administrative Officer grants it.

11. The Selectboard shall grant the Fergusons an access permit pursuant to 19 V.S.A. section 1111 so that the Fergusons may access the Property from the Subject Highway. As soon as the alteration is complete, the Fergusons shall submit the required application for an access permit showing the specific location where they propose to access the Property, for the Selectboard to approve.

12. That portion of the Boundary Highway that currently exists along the northerly boundary of the Property, referenced and described in paragraph 2, above, shall continue to exist in its present location. The Town Highway Map adopted by the Selectboard on April 16, 2003, indicates that no other town highways or trails, other than the Boundary Highway and the Subject Highway, are located on the Property. If, after the date the Court enters this Stipulation and Order as an order, another town highway or trail, or a portion of another town highway or trail, are identified on the Property, the Town shall initiate proceedings in accordance with the provisions of Title 19, Chapter 7, Subchapter 2 then in effect to:

a. Discontinue that portion of the town highway or trail that exists on the Property; or



FILED
AUG 13 2003
Windsor County Clerk

b. Alter the location of that portion of the town highway or trail that exists on the Property to a location other than the Property.

13. The Town Selectboard shall record this Stipulation and Order within fourteen (14) days of the date the Court enters it as an Order. Thereafter, this Stipulation and Order shall run with the Fergusons' land and the Town and the Fergusons bind their successors and assigns in respect to all covenants, agreements and obligations contained in this Stipulation and Order.

**DATED** at Rutland, Vermont this 9th day of August 2003.

ALEXANDER AND BETTY FERGUSON

By: REIBER, KENLAN, SCHWIEBERT & FACEY, P.C.
Their Attorneys

John E McPhee

Rodney E. McPhee

**DATED** at Burlington, Vermont this 18th day of August 2003.

TOWN OF BARNARD

By: STITZEL, PAGE & FLETCHER, P.C.
Its Attorneys

Amanda S. E. Lafferty

Amanda S. E. Lafferty

SO ORDERED:

Presiding Judge

8/18/03

Date

final settlement.wpd



FILED
AUG 18 2003
Windsor County Clerk

Exhibit A

# Town of Barnard

## East Barnard - Zone 4

March 2003

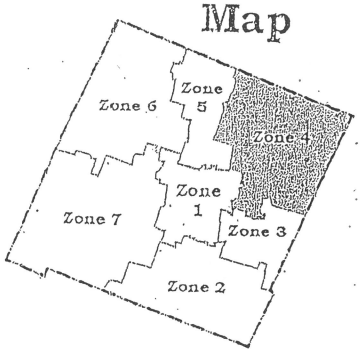
ODOPTED APRIL 16, 2003
(Items in red added as revisions for Stipulation and Order)

*DISCLAIMER:*

*This map is a work in progress. It is not to be used for description, for conveyance, or for determination of legal title.*

*The information on this map is derived in part from recorded surveys, in part from deed descriptions, and in part from approximations. Therefore, property boundaries as shown here are only approximations and may differ significantly from actual boundaries. Furthermore, not all internal property lines are shown. While the map shows many public rights-of-way, it does not show them all; similarly, it does not show all bodies of water.*

## Location Map



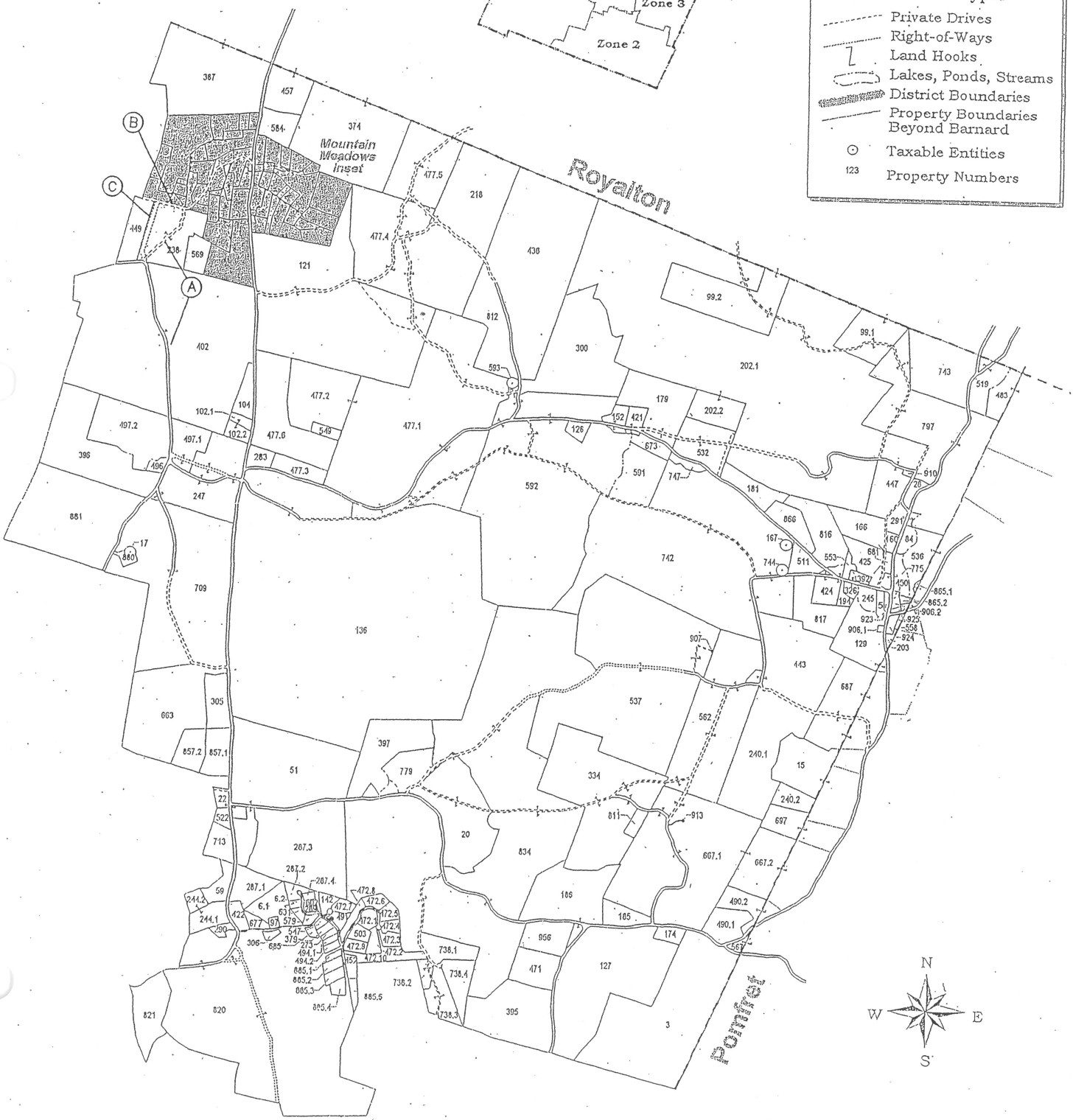

## Map Symbols

**Property Line Types**

- Property Lines
- State Roads
- Maintained Roads
- Unmaintained Roads
- Discontinued Roads
- Rivers & Streams
- Town Lines

**Other Line Types**

- Private Drives
- Right-of-Ways
- Land Hooks
- Lakes, Ponds, Streams
- District Boundaries
- Property Boundaries Beyond Barnard
- Taxable Entities
- 123 Property Numbers



BRC-229 known as "Ferguson Road" starts at a point on TH-14 (Bowman Road) located 0.7 miles east if the intersection of Bowman Road and TH-3 (North Road) and extends northerly 0.236 miles to a point on BRC-228 (Old Stagecoach Road) located 0.5 miles east of the intersection of BRC-229 and the terminus of TH-13 (Old Hill Road).

Original Laying Out: Road Book Page 7, Entry B

The location of this road was altered through an Environmental Court Stipulation and Order dated August 9, 2003 (Docket No. 188-11-01 Vtec)(copy attached)

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 7, Entry B

A Survey of a Road beginning Three Rods east of the meeting House at a Stake and Stones thence
<23 non-pertinent metes and bounds not transcribed>
N 29 E 34 R
N 47 E 40 R
N 43 Deg E 36 Rods
N 32 E 34 Rods
N 67 E 50 Rods
<4 non-pertinent metes and bounds not transcribed>
... to a Stake & Stones Three Rods East of Nathan Carpenters Southeast Corner on Royaltons South Line Said Road lying westerly of Said Bounds being Three Rods wide Laid out and approved by us this 10 Day of June 1784,

Accepted by the Town Aaron Barlow )
Benja Cox ) Selectmen
Beriah Green )

Recorded per me S. Tupper Town Clerk

(7)

A

A Road beginning in the Road leading by mr Maynars to mr Masons on the Line between Sd Maynars & Masons W 25 N 194 Rods thro' Wm Blackmers & Tim. Blackmers Land One Rod on Sd Manards & Tim. Blackmers Land & one Rod on Said Masons & Wm Blackmers Land to a Stake & Stones

S 4 W 6 rods to a Spruce Tree
W 11 S 17 rods to Stake & Stones
W 34 S 35½ rods to Stake & Stones
W 48 S 12 rods to Spruce Stub
S 27 W 22 rods to a Hemlock
S 17 W 17 rods to a Hemlock
S 25 W 9½ rods to a Stake
S 34 W 6 rods to Spruce Tree in the Road leading from Holland Blackmers to Nathan Bowmans

the Said Road is laid on both sides of the first Point of the Line and the rest of Said Road is on the West side of Said Line

June 13: 1788. Surveyed by Prince Haskell County Surveyor

Thos Swift } Sworn
Tim. Blackmer } Chainmen
Solm Blackmer }

approved by Silas Tupper } Selectmen
E. Richmond }
Thos Swift }

Sepr 2: 1788. The Town voted to accept of the above Road

attest Silas Tupper Town Clerk S. Tem

B

A Survey of a Road beginning Three Rods east of the meeting House at a Stake & Stones thence

| | | |
|---|---|---|
| N 26 E 44 rods | N 18 E 20 Rod | N 43 E 36 Rods |
| N 45 E 56 rods | N 31 E 58 Rd | N 32 E 34 Rods |
| N 25 E 26 rods | N 26 E 38 Rd | N 67 E 50 Rods |
| N 24 E 20 rods | N 50 E 48 Rd | N 27 E 15 Rods |
| N 5 E 16 rods | N 25 E 38 Rd | N 31 E 40 Rods |
| N 34 E 13 rod | N 21 E 22 Rd | N 34 E 30 Rods |
| N 76 E 64 rod | N 3 E 114 Rd | N 25 E 16 Rods to |
| N 86 E 20 rod | N 14 W 38 Rd | a Stake & Stones Three |
| N 70 E 64 rod | N 2 W 42 Rd | Rods East of Nathan |
| N 79 E 40 rods | N 10 E 11 rod | Carpenters Southeast |
| S 85 E 20 rods | N 29 E 34 Rd | Corner on Royalton South Line Said Road lying west |
| N 25 E 18 rods | N 47 E 40 Rd | erly of Said Bounds being Three Rods wide Laid out |
| N 38 E 78 rods | | and approved by us this 10 Day of June 1784. |

Accepted by the Town

Aaron Barlow }
Benjn Cox } Selectmen
Beriah Green }

Recorded Pme S Tupper Town Clerk

Barnard Road Book Pg 7, Entry B
BRC-229 Sullivan Road

Barnard Book 84, Pages 1-6 BRC-229 -1-

STATE OF VERMONT
ENVIRONMENTAL COURT

IN RE: APPEAL OF FERGUSON ) DOCKET NO. 188-11-01 Vtec

## STIPULATION AND ORDER

**NOW COME** Alexander and Betty Ferguson, by and through their attorneys, Reiber, Kenlan, Schwiebert & Facey, P.C. and the Town of Barnard, by and through their attorneys, Stitzel, Page & Fletcher, P.C. and stipulate that the Court may enter the following order:

1. The property of Alexander and Betty Ferguson (hereinafter the "Fergusons") in Barnard, Vermont (hereinafter the "Property") is encumbered by a Class 4 Town Highway, laid out and established by a survey of the Town of Barnard (hereinafter the "Town") Selectboard in the Town Road Book on page 7, and described as:

> [a] survey of a Road beginning Three Rods east of the meeting House at a stake & stones thence . . . . at a stake & stones Three Rods East of Nathan Carpenter Southeast Corner on Royaltons South Line Said Road lying westerly of Said Bounds being Three Rods wide Laid out and approved by us this 3rd Day of June 1784.

A true and correct copy of the relevant portion of the Town Highway Map, adopted April 16, 2003, with revisions for the purposes of this Stipulation and Order, marked as Exhibit A, is attached hereto and incorporated herein by reference. The Town Highway, referenced above, is marked as "A".

2. In addition, a portion of another town highway that is three (3) rods wide currently exists along the northerly boundary of the Property (hereinafter the "Boundary Highway"), laid out and established by a survey of the Town Selectboard in the Town Road Book on page 3. The southern edge of the traveled way of the Boundary Highway is located eight (8) feet, more or less, northerly of the northerly boundary of the Property. The traveled way of the Boundary Highway is approximately eight (8) feet wide and runs approximately parallel to the northerly

BRC-229 BRC-228



FILED
AUG 18 2003
Windsor County Clerk

boundary for approximately 600 feet. The traveled way of the Boundary Highway is not located on the Property. The Boundary Highway is marked as "B" on Exhibit A.

3. The Town shall alter the location of the Town Highway, described in paragraph 1, above, pursuant to 19 V.S.A. section 708, et. seq., to another location generally described as follows:

> Beginning at a point situated in the centerline of the subject Town Highway, described in paragraph 1, above, where the east/west portion of Bowman Road diverges westerly from said Town Highway; then northerly, northwesterly, and westerly along the centerline of said east\west portion of Bowman Road to a point in line with the centerline of the Fergusons' driveway, where it currently enters the Property from Bowman Road; then continuing in a northeasterly direction, generally along the centerline of said driveway, a sufficient distance to arrive at a point from where a line projected westerly is located northerly of the very wet southwesterly portion of the Property; then continuing westerly, departing said driveway, and northerly, to a point located twenty-five (25) feet from the westerly boundary of the Property; then northeasterly, parallel to and twenty-five (25) feet from, the said westerly boundary of the Property across the northerly boundary of the Property, to the centerline of the Boundary Highway; then southeasterly, along the centerline of the Boundary Highway, to a point in the centerline of the subject Town Highway, described in paragraph 1, above (hereinafter the "Subject Highway").

The Subject Highway shall be a width of fifty (50) feet and be classified as a Class 4 Town Highway. The Subject Highway is marked as "C" on Exhibit A.

4. Within the Subject Highway, the Fergusons shall clear a nine-foot wide trail (hereinafter the "Trail") of all trees and excess vegetation such that members of the public easily may use the Trail for recreational activities including but not limited to walking, running, biking or riding all terrain vehicles, snow mobiles and horses. To the extent that large trees in the Trail do not interfere with the public's ability to use the Trail as described above, the Fergusons are not required to remove them. The Fergusons shall cut tree stumps flush with the ground. The Trail may wind through the fifty (50)-foot right of way of the Subject Highway.



FILED
AUG 13 2003
Windsor County Clerk

5. No later than August 27, 2003, the Fergusons and the Town Selectboard members shall meet with a surveyor chosen by the Town on the Property at a mutually agreed upon date and time and:

a. Agree on and mark with flagging the specific location of the Subject Highway described in paragraph 3, above, and

b. Agree on and mark with flagging the specific location of the Trail described in paragraph 4, above.

6. As soon as the Fergusons and the Selectboard have complied with paragraph 5, the Selectboard shall initiate proceedings in accordance with 19 V.S.A Chapter 7, Subchapter 2 to alter the Subject Highway to the location flagged in accordance with paragraph 5.a., above, and as set forth in paragraph 3.

7. The alteration shall be deemed "complete" when the appeal period set forth in 19 V.S.A. section 740 has expired, or if an appeal is taken, when the Town obtains final judgment upholding said alteration, including any appeals thereto. By executing this stipulation, the Fergusons hereby waive any claim as to damages for, or the necessity of, said alteration.

8. No later than forty-five (45) days after the alteration is complete, the Fergusons shall remove or cause to be removed from the Trail flagged in accordance with paragraph 5.b., above, trees and excess vegetation as described in paragraph 4, above, so that the Trail may be used as described in paragraph 4. The Fergusons shall provide the Town Selectboard with written notice when they have completed the requirements of this paragraph.

9. The Town shall choose the surveyor to complete the survey required by 19 V.S.A. section 710. No later than fifteen (15) days after the alteration is complete, the Fergusons shall pay the surveyor chosen by the Town any and all costs for the survey and monuments required by 19 V.S.A. section 710 up to $3,000.00 (Three Thousand Dollars).



FILED
AUG 13 2003
Windsor County Clerk

10. The Selectboard shall notify the Town Administrative Officer as soon as the alteration is complete. No later than ten (10) days after receipt of said notice from the Selectboard, the Administrative Officer shall grant the Fergusons' application for a municipal land use permit, received by the Town on July 18, 2001, strictly for the use and development described therein. A true and correct copy of said application, marked as Exhibit B, is attached hereto and incorporated herein by reference. The Fergusons shall construct any and all structures on the Property in locations fifty (50) feet or more from the centerline of the Subject Highway and the Boundary Highway. In accordance with Section 5.0.2 of the Town Zoning Regulations with amendments through March 7, 2000, the Fergusons' municipal land use permit shall be valid for two (2) years from the date that the Administrative Officer grants it.

11. The Selectboard shall grant the Fergusons an access permit pursuant to 19 V.S.A. section 1111 so that the Fergusons may access the Property from the Subject Highway. As soon as the alteration is complete, the Fergusons shall submit the required application for an access permit showing the specific location where they propose to access the Property, for the Selectboard to approve.

12. That portion of the Boundary Highway that currently exists along the northerly boundary of the Property, referenced and described in paragraph 2, above, shall continue to exist in its present location. The Town Highway Map adopted by the Selectboard on April 16, 2003, indicates that no other town highways or trails, other than the Boundary Highway and the Subject Highway, are located on the Property. If, after the date the Court enters this Stipulation and Order as an order, another town highway or trail, or a portion of another town highway or trail, are identified on the Property, the Town shall initiate proceedings in accordance with the provisions of Title 19, Chapter 7, Subchapter 2 then in effect to:

a. Discontinue that portion of the town highway or trail that exists on the Property; or



FILED
AUG 13 2003
Windsor County Clerk

b. Alter the location of that portion of the town highway or trail that exists on the Property to a location other than the Property.

13. The Town Selectboard shall record this Stipulation and Order within fourteen (14) days of the date the Court enters it as an Order. Thereafter, this Stipulation and Order shall run with the Fergusons' land and the Town and the Fergusons bind their successors and assigns in respect to all covenants, agreements and obligations contained in this Stipulation and Order.

**DATED** at Rutland, Vermont this 9th day of August 2003.

ALEXANDER AND BETTY FERGUSON

By: REIBER, KENLAN, SCHWIEBERT & FACEY, P.C.
Their Attorneys

Rodney E. McPhee

**DATED** at Burlington, Vermont this 18th day of August 2003.

TOWN OF BARNARD

By: STITZEL, PAGE & FLETCHER, P.C.
Its Attorneys

Amanda S. E. Lafferty

**SO ORDERED:**

Presiding Judge

8/18/03
Date

final settlement.wpd



FILED
AUG 18 2003
Windsor County Clerk

Exhibit A

# Town of Barnard

## East Barnard - Zone 4

March 2003

ODOPTED APRIL 16, 2003

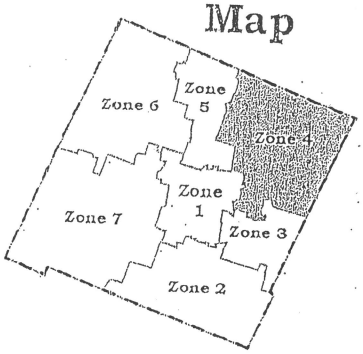
(Items in red added as revisions for Stipulation and Order)

*DISCLAIMER:*

*This map is a work in progress. It is not to be used for description, for conveyance, or for determination of legal title.*

*The information on this map is derived in part from recorded surveys, in part from deed descriptions, and in part from approximations. Therefore, property boundaries as shown here are only approximations and may differ significantly from actual boundaries. Furthermore, not all internal property lines are shown. While the map shows many public rights-of-way, it does not show them all; similarly, it does not show all bodies of water.*

### Location Map



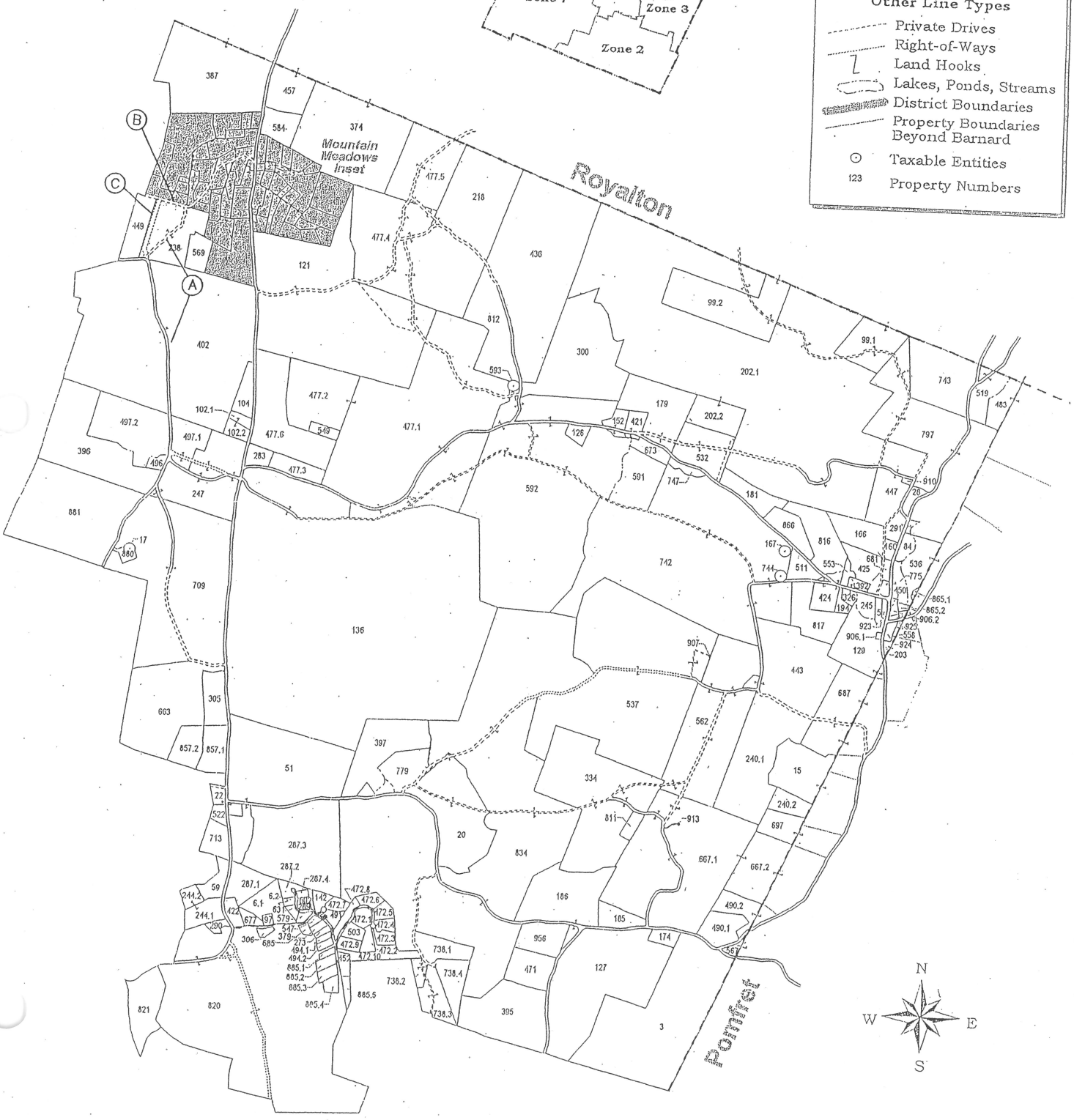

### Map Symbols

**Property Line Types**

- Property Lines
- State Roads
- Maintained Roads
- Unmaintained Roads
- Discontinued Roads
- Rivers & Streams
- Town Lines

**Other Line Types**

- Private Drives
- Right-of-Ways
- Land Hooks
- Lakes, Ponds, Streams
- District Boundaries
- Property Boundaries Beyond Barnard
- Taxable Entities
- 123 Property Numbers




Map Scale 1:24,000

BRC-230 known as "Blackmer Road" starts at a point on TH-30 (Blackmer Road) located 0.4 miles east of the intersection of Blackmer Road and VT Route 12 and extends 0.614 miles east to a point on TH-3 (North Road) located 0.5 miles north of the intersection of North Road and TH-33 (Tower Road).

Original Laying Out: Road Book Page 7, Entry A

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 7, Entry A

A Road beginning in the Road leading by mr. Maynors
to mr. Masons on the Line between Sd. Maynars & Masons
W 25 N 194 Rods thro' Wm. Blackmers & Timo. Blackmers Land
One Rod on Sd. Manards & Timo. Blackmers Land & one Rod on
Said Masons & Wm. Blackmers Land to a Stake & Stones
S 4 W 6 rods to a Spruce Tree
W 11 S 17 rods to Stake & Stones
W 34 S 35½ rods to Stake & Stones
W 43 S 12 rods to Spruce Stub
S 27 W 22 rods to a Hemlock
S 17 W 17 rods to a Hemlock
S 25 W 9½ rods to a Stake
S 34 W 6 rods to a Spruce Tree in
the Road leading from Holland
Blackmers to Nathan Bowmans
The Said Road is Laid on both sides of the first Point of this Line
and the rest of Said Road is on the West Side of Said Line
June 13, 1788 Surveyed by Prince Haskell County Surveyor
Thom. Swift )
Timo. Blackmer )
Solm. Blackmer )
Sworn Chairmen
approved by
Silas Tupper )
E. Richmond )
Thom. Swift )
Selectmen
Sepmr. 2: 1788, The Town voted to accept of the above Road
attest Silas Tupper Town Clerk P. Tem

A A Road begining in the Road leading by mr Maynors to mr Masons on the Line between Sd Maynors & Masons W 25 N 194 Rods thro' Wm Blackmers & Tim. Blackmers Land One Rod on Sd Maynards & Blackmers Land & one Rod on Said Masons & Wm Blackmers Land to a Stake & Stones

S 4 W 6 rods to a Spruce Tree
W 11 S 17 rods to Stake & Stones
W 34 S 35½ rods to Stake & Stones
W 43 S 12 rods to Spruce Stub
S 27 W 22 rods to a Hemlock

S 17 W 17 rods to a Hemlock
S 25 W 9½ rods to a Stake
S 34 W 6 rods to Spruce Tree in the Road leading from Holland Blackmers to Nathan Bowmans

the Said Road is laid on both sides of the first Point of this Line and the rest of Said Road is on the West Side of Said Line

June 13: 1788. Surveyed by Prince Haskell County Surveyor

Thos Swift } Sworn
Tim. Blackmer } Chairmen
Solm Blackmer }

approved by Silas Tupper } Selectmen
E. Richmond }
Thos Swift }

Sepr 2: 1788. The Town voted to accept of the above Road
attest Silas Tupper Town Clerk T. Tem

B A Survey of a Road begining Three Rods east of the meeting House at a Stake & Stones thence

| | | |
|---|---|---|
| N 26 E 44 rods | N 18 E 20 Rod | N 43 E 36 Rods |
| N 45 E 56 rods | N 31 E 58 Rd | N 32 E 34 Rods |
| N 25 E 26 rods | N 26 E 38 Rd | N 67 E 50 Rods |
| N 24 E 20 rods | N 50 E 48 Rd | N 27 E 15 Rods |
| N 5 E 16 rods | N 25 E 38 Rd | N 31 E 40 Rods |
| N 34 E 13 rod | N 21 E 22 Rd | N 34 E 30 Rods |
| N 76 E 64 rod | N 3 E 114 Rd | N 25 E 16 Rods to |
| N 86 E 20 rod | N 14 W 38 Rd | a Stake & Stones Three |
| N 70 E 64 rod | N 2 W 42 Rd | Rods East of Nathan |
| N 79 E 40 rods | N 10 E 11 rod | Carpenters Southeast |
| S 85 E 20 rods | N 29 E 34 Rd | Corner on Royalton South Line Said Road lying west |
| N 25 E 18 rods | N 47 E 40 Rd | erly of Said Bounds being Three Rods wide Laid out |
| N 38 E 78 rods | | and approved by us this 10 Day of June 1784. |

Accepted by the Town

Aaron Barlow }
Benjn Cox } Selectmen
Benah Green }

Recorded Pme S Tupper Town Clerk

Barnard Road Book Pg. 7, Entry A
BRC-230 Blackmer Road

BRC-232 known as "Robert Dean Road" starts at a point on TH-3 (North Road) located 0.1 miles south of the intersection of North Road and TH-13 (Old Hill Road) and extends approximately 0.370 miles west to the property now or formerly owned by McAdams.

Original Laying Out: Road Book Page 4, Entry D

The portion of this road on the then lands of Herbert Hall McAdams, III and Letty McAdams was discontinued by action of the Selectboard on February 2, 2005 (copy attached).

Shown on Windsor County (Doton) Map of 1856, Walling Map of 1860, Beers Atlas of 1869, and the Windsor County Gazette of 1880

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 4, Entry D

A Survey of a Road beginning at Luther Fairbanks Shop thence
N 35° W 128 Rods
N 34° W 18 rods
N 77° W 24 rods
N 71° W 54 rods
to a large maple stump near Robert Deans House Said Road lying the north wardly Side of sd. Line.

The above Said Roads approved of by
Benja Cox )
Bariah Green ) Selectmen
Aaron Barlow )
Recorded per S.T. T.C.

[undated; other road layouts on Page 4 dated 1785]

(14)

A Road beginning at a Stake & Stones near Joseph Hastings House thence N 21 & 20 Rods N 68 W 17 Rods N 21 & 24 Rods N 11 & 32 Rods to a Birch thence N 21 W 26 Rods thence N 11 W 20 Rods to the Street as laid Januarys 20: 1785

Benj Wilbur Selectmen

Said Road lies on the N. E. side Boards &c. Fence to the Street said Road

attest Benj Cox Town Clerk

A Survey of a Road leading from Hollow Woods near Land of Benj Wood by Coal Houses & so to Chace's Bridge beginning at a white ash tree about four rods N. of Hollow's Road on the said out Road leading from the meeting house to Stockbridge

N 28 W 18 Rods
N 27 W 24 Rods
N 40 W 10 rods
N 21 W 15 rods
N 26 W 22 rods
N 8 W 10 rods
N 16 W 26 rods
N 33 W 20 rods
N 06 W 37 rods
N 10 W 37 rods
N 11 W 13½ rods
N 18 W 66 rods to a Stone by a Hollow near a Coal House
N 20 W 105 rods
N 13 W 32 rods
N 13 W 41 rods
N 11 W 28 rods
N 11 W 36 rods to a Stone by the Street

Surveyed July 12: 1785 & laid out 3 rods wide

Test Benj Wilbur Selectmen

Town voted to accept said Road Benj Cox Town Clerk

A Survey of a Road beginning at a Large Beech tree by Luther Hubbard's House thence

N 33 W 12 Rods
N 34 W 18 rods
N 27 W 24 rods
N 71 W 24 rods

to a large maple tree near Robert Thompsons Road leading to Housatonic River

N 79 E 80 Rods
N 81 E 40 rods
N 78 E 17 rods to a Stone by the Street

A Survey of a Road beginning at a Large Beech tree by Thos Hodges standing on the Road leading by Thos Hodges House by the Housatonic Turnpike Line

N 80 W 10 Rods
S 3° E 77 Rods
N 21° E 60 Rods
N 29° E 82 rods
N 80° E 28 rods
N 32° E 12 rods
N 32° E 18 rods
N 19° W 31½ rods
N 6° E 61 rods
N 11° W 32 rods
N 10° E 280 rods
N 9° W 11 rods
N 9° W 12 rods
N 10° W 28 rods
N 18° W 58 rods
N 11° W 96 rods to a stake and Stones on the Town Line between Royalston & Barnard said Road lying on the Westerly side of said Line

A Survey of a Road beginning at a stake by Thos Hodges Fence thence

S 85° E 12 Rods
S 84° E 18 rods
S 77° E 24 rods
S 71° E 24 rods

to a large maple tree near Robert Thompsons Road leading to the North Road lying on the Westerly side of said Line

A Survey of a Road beginning at a stake by Thos Hodges aforesaid & runs to the Northward to Solo. Atherton's House

Spruce 11 in. 69 & 66
Spruce 11 in. 53 & 25 rods
rods 53 & 25 rods
N 38 E 20 rods
N 86 E 26 rods

to a Stone by Wm Wimman's Fence thence Atherton's House on the South side of said Line

Also a Survey of said Road as appears by the above said Road

Benj Cox
Benah Green
Aaron Barlow
} Selectmen

Recorded Sept. 1: A. D. 1785

Barnard Road Book Pg. 4, Entry 5

BRC-232 Robert Dean Road

438 Bk95

# SELECTBOARD'S RETURN
# TOWN OF BARNARD, VERMONT

On November 3, 2004, the Town of Barnard Selectboard appointed the time for a public hearing for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Barnard shall discontinue a portion of certain Town Highways, pursuant to 19 V.S.A. § 708 et seq. The time set for the public hearing on said Town Highways was January 12, 2005, at 7:00 p.m.

The Barnard Selectboard gave thirty days notice of the time and place of the hearing to the property owners involved and other interested parties, which are listed on Exhibit A attached hereto. A copy of said Notice of Public Hearing is attached hereto as Exhibit B.

All of the interested parties on attached list were given notice of the time and place of examination by certified mail. Notice was given to the Municipal Planning Commission of the Town of Barnard on November 23, 2004. A copy of said Notice was posted in the office of the Town Clerk, on the Town Hall and at the Barnard General Store on November 23, 2004 and the like Notice was published in the Barnard Bulletin in the December, 2004 issue, and in the Valley News on December 31, 2004.

At the time and place appointed, the Selectboard made a site visit to the affected properties and heard all interested parties who attended. The Selectboard continued its hearing after the site visit at the Barnard Town offices, at which time the Selectboard provided opportunity for further testimony.

Upon due consideration, the Barnard Selectboard has determined that the public good, necessity and convenience requires that the following sections of certain Town Highways are hereby DISCONTINUED:

1. The remainder of the so-called "Dean Road", from the "Robert Dean House" site east to the North Road. Dean Road was originally laid out as a town highway by survey dated July 7, 1794, recorded at Page 16 and re-recorded at Page 18 of the Barnard Road Survey Book. Said road was partially discontinued by the Barnard Selectboard on December 1, 1892, as evidenced by the entry of discontinuance recorded at Volume 23, Page 357 of the Barnard Land Records.

2. A town highway laid out in or about 1785, of record in the Barnard Road Survey Book on Page 4, which highway commences at "Luther Fairbanks' Shop" and terminates near "Robert Dean's House," to the extent that it crosses lands of Herbert Hall McAdams, III and Letty McAdams.

DATED at Barnard, Vermont this 2nd day of February, 2005.

BARNARD SELECTBOARD

Tim Johnson, Chair

Tom Morse

Rock Webster

BRC-233 known as "Plimy Ward Road" starts at the terminus of TH-11 (Gills Road) and extends 0.476 miles westerly to the terminus of TH-75 (Rhoades Hill Road).

Original Laying Out: Road Book Page 23, Entry A

Shown on Windsor County (Doton) Map of 1856, Walling Map of 1860, Beers Atlas of 1869, and the Windsor County Gazette of 1880

Town of Barnard, Vermont
Transcribed from "Road Surveys, 1779-1865, Barnard"

Page 23, Entry A

A Survey of a roade from John Stewards by Wm. Chamberlins to the Creek Road
Beginning at a Stake and Stones the East Side of the grate Roade East of Stewards House
<3 non-pertinent metes and bounds not transcribed>
W 37° N 60 Rods to Maple Stump
W 26° N 19 Rods to Beach tree
W 30° N 73 Rods to Hemlock tree
N 41° W 40 Rods to Stake and Stones
N 33° W 24 Rods to Basswood tree
N 7° W 26 Rods to Hemlock tree
North 62 Rods to Maple tree
N 6° W 27 Rods to Beach tree
N 10° W 32 Rods to Beach tree
N 34° W 11 Rods to Hemlock tree
N 38° W 17 Rods to Hemlock tree
<17 non-pertinent metes and bounds not transcribed>
to stump in the Creek Road sd. Road Two Rods wide on the Left hand side of the marked trees
Barnard Oct. 5th 1799
pr. me Prince Haskell C. Surv.
David Pierce ) Sworn
John Steward ) Chairmen
David Pierce ) Select
Seth Dean ) Men
Jacob Landon )
Recorded January 3th 1800
pr. Samuel Topliff T. Clerk

A Survey of a roade from John Stewards By Wm Chamberlins to the Creek Road Beginning at a Stake and Stones the East Side of the grate Roade East of Stewards House
W19d N39 Rods to Stake & Stones
W41d N17 Rods to Stake & Stones
N44d W20 Rods to Stake & Stones
W37d N60 Rods to Maple Stump
W26d N19 Rods to Beach tree
W30d N73 Rods to Hemlock tree
N41d W40 Rods to Stake and Stones
N33d W24 Rods to Basswood tree
N7d W26 Rods to Hemlock tree
North 62 Rods to Maple tree
N6d W27 Rods to Beach tree
N10d W32 Rods to Beach tree
N34d W11 Rods to Hemlock tree
N38d W17 Rods to Hemlock tree
W13d N10 Rods to ~~Beach Stump~~ Hemlock tree
W43d N18 Rods to Beach Stump
N26d W18 Rods to Stake & Stones
W7d N18 Rods to Stake & Stones
W16d S9 Rods to Stake & Stones
W37d S19 Rods to Stake & Stones
W23d N19 Rods to Stake & Stones
W42d S10 Rods to Stake and Stones
S20d W13 Rods to Hemlock Stump
W4d S 8 Rods to Hmlock tree
W12d S9 Rods to Maple tree
W7d N7 Rods to Beach tree
W21d N4 Rods to Stake & Stones
W31d N13 Rods to Stump
W17d N11 Rods to Stake & Stones
W37d N6 Rods to Stake & Stones
N34d W6 Rods to Stump in the Creek Road Sd Road two Rods wide on the Left hand side of the marked trees
Barnard Octr 4th 1799
Pr me Prince Haskell C. Surv
David Pierce } Sworn
John Steward } Chainmen
David Pierce } Select
Seth Dean } Men
Jacob Lawlon
Recorded January 3d 1800
Pr Samuel Topliff T. Clerk

231 A Survey of a Road Beginning at a small Ash bush in the line between Barnard & Royalton Near John Shipmans House
S24d W16 Rods to Stake & Stones
S36d W4 Rods to Stake & Stones in the Road between Calvin Fairbanks & Wm Chamberlins Sd Road 2 Rods wide on the Left hand side of the marks
Octr 4th 1799
Pr me Prince Haskell C. S.
David Pierce } Sworn
John Steward } Chain men
David Pierce } Select
Seth Dean } men
Jacob Lawlon
Recorded Octr 4th 1799
Pr Samuel Topliff Town Clerk

B

A Record of a Road from Lieut Richmonds New House to Mr Hezekiah Johnson Beginning at Stake & Stones Near A Bridge Afew Rods West of Sd House
W27d N12 Rods to Birch Stump
W3d North 30 Rods to Stake & Stones
W10d N34 Rods to Birch tree
W33d N32 Rods to Stak & Stones
W16d N44 Rods Beach tree
W8d N16 Rods to Beach tree
W32d N 9½ Rods to Spruce tree
W49d N16 Rods to Stake and Stones
W8 South 6 Rods to Spruce Stump
S30 W44 Rods to Stake & Stones on Bridge water Line
Sd Roade to Be 2 Rods wide on the Left Hand side of the Marked trees
Barnard May 6th 1800
Pr me Prince Haskell C. Surv
Peter Lurvey } Swon
John Richmond } Chainmen
Benjr Clapp } Select
Roger French } men
Recorded October 21th 1800
Attest Samuel Topliff
Town Clerk

C

Barnard Road Book Pg 23, Entry A
BRC-233 Plimy Ward Road

## Selectmen's Return

## Alteration of a Town Highway

## Town of Barnard, Vermont

On November 10, 2005, the Town of Barnard Selectboard appointed the time for a hearing to examine that portion of a Town Highway on the property of Gary L. And Janet N. Robison, as shown on the Town of Barnard Tax Map, Zone 1, parcel 178, pursuant to 19 VSA $708 et seq. The time set for the public hearing on alteration of said Town Highway was December 22, 2005 at 7pm.

The Barnard Selectboard gave thirty days notice of the time and place of the hearing to the property owners involved and other interested parties, list of which is attached hereto.

All of the interested parties on attached list were given notice of the time and place of examination by certified mail. Notice was given to the Municipal Planning Commission of the Town of Barnard on November 15, 2004. A copy of said Notice was posted in the Town Clerk's Office, on the Town Hall and at the Barnard General Store on November 15, 2004 and like Notice was published in the November issue of the Barnard Bulletin and in the Valley News on December 10, 2004.

At the time and place appointed the Barnard Selectboard opened the Public Hearing to hear testimony on the proposed Alteration of a Town Highway on property of Gary and Janet Robison. Only Gary Robison was present and spoke in favor of the proposed alteration. The Hearing was recessed while Selectmen traveled to the property to inspect the site and to hear any interested parties there present. There were none. The Hearing was resumed at the Town Offices to take any additional public comment. There was none and the Hearing was closed at 7:30pm.

On December 29, 2004, upon due consideration, the Barnard Selectboard determined that the public good, convenience and necessity requires that the following action be taken with respect to that portion of Town Highway on the property of Gary and Janet Robison:

Said portion of the Town Highway shall be altered to a location on the property as depicted on the survey entitled "Gary and Janet Robison" dated October 22, 1992, and recorded in the Barnard Land Records, Map Book 4, Page 49. The relocated Town Highway shall run along the eastern boundary of the Robison property as indicated on the Map, shall have a width of 1 ½ rods, shall be classified as a Public Trail, and shall be open to all legal non-motorized public use and open to snowmobile use during the appropriate season.

Dated at Barnard, Vermont this ____ day of February, 2005.

Tim Johnson  Rock Webster  Tom Morse, Barnard Selectboard

RECEIVED AND RECORDED
ON 03-10-05
AT 8:00 A.M.
BOOK 86 PAGE 88
ATTEST:
TOWN CLERK BARNARD, VT
ASS'T.

Survey: Bk 4 pg. 49
See also BE 85 pg. 246-248

-246-

Robison

mailed Posted 11/15/04

Town of Barnard, Vermont
Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

# NOTICE OF PUBLIC HEARING

ALTERATION OF THE LOCATION OF A TOWN HIGHWAY THAT TRAVELS ACROSS PROPERTY IDENTIFIED AS PARCEL NUMBER #1-178 ON THE TOWN OF BARNARD TAX MAP.

In accordance with 19VSA Chapter 7, notice is hereby given that the Barnard Selectboard will hold a public hearing on Wednesday, Dec 22 2004, to consider altering that portion of a Town Highway that travels from Vt Rt 12 in an easterly direction, thence in a southeasterly direction across property identified as parcel 178 on the Town of Barnard Tax Map and owned by Gary L. & Janet N. Robison, to run along the northerly boundary of the property to the northeast corner, thence along the easterly boundary to the southeasterly corner.

The public hearing will commence at the Barnard Town offices at 7pm at which time the Barnard Selectboard will travel to the property to conduct an examination of the premises and hear from interested parties regarding the possible alteration of the above referenced portion of the Town Highway.

The Barnard Selectboard will meet at the Barnard Town offices immediately following the site visit to receive any further public comment.

Dated at Barnard, Vermont this 12 day of Nov, 2004.

BARNARD SELECTBOARD

Tim Johnson

Rock Webster

Tom Morse

Survey recorded Map Bk 4 pg 49

Town of Barnard, Vermont
Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selex Min 122204

**Selectmen's Minutes** **December 22, 2004**

Called to order 7:10pm.

Present: Morse, C. Aikens, G. Robison, M. Clarke, Johnson & Webster on excused absence.

Public Hearing: Public Hearing on Alteration of Town Highway (see Notice attached) opened at 7:15. No testimony offered. Morse recesses hearing and travels to site to inspect. No one present at site. Return at 7:25 and reconvene hearing. G. Robison testifies in favor of relocation of Town Highway as described in Notice and on mylar to be part of trail system on lands of Stone and Vaughn. Relocated Town Highway to be classified Trail with width of 1 ½ rods and open to all legal non-motorized public use including snowmobiles during the appropriate season. Hearing closed 7:30. Matter will be taken up 12/29 before full Selectboard.

Cliff Aikens:1. Barnard Silver Lake Assoc has filed valid petition before Water Resources Board for public hearing on banning motors from Silver Lake to protect lake from invasion of Eurasian milfoil. Hearing to be held in spring.
2. Historical Society has Vtrans approval for transfer of 3 acres to Historical Society (with Town as owner of record) for trail.
3.Discusses RC&D grand for work on upper part of Grove Rd for erosion control. Informed that Town needs specific details of any work to be done affecting Town Highway and specific scope of work requested from Road Crew, if any. Selectmen generally approve such work done with grant money if satisfactory to Road Foreman.

Access Permit 03 A8, French: Amend from logging access to permanent access. Installation specified by Road Foreman done correctly.

Reviewed mail and FY06 budget requests.

Approved Town & Highway orders for payment and minutes of previous meeting.

Adjourned 9p. Recorded by Morse

Tim Johnson Rock Webster Tom Morse, Selectmen

-248 -

# Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

## SELECTMEN MINUTES

**Date:** 12/29/04
**Meeting Called to Order:** 7:05 PM
**Selectmen Present:** Rock Webster, Tim Johnson
**Guest:** Gary Robison

**Minutes:** Previous weeks Reviewed: _XX_ Approved ____Revised ____ Signed
**Orders:** Town & Highway Orders Reviewed and: _XX_ Approved ___ Revised and Signed
**Mail:** Reviewed

Road Alteration//
Parcel# 1-178//
Robison: Webster made motion to ~~except~~ ACCEPT TM alteration of Robison ROW to be relocated and classified to trail with width of 1-½ rods and open to all legal non-motorized public use including snowmobiles during appropriate season as stated in hearing
Johnson seconds motion
Approved

Meeting Adjourned: 7:30 PM
Recording Selectman: Johnson

Selectmen Signatures:

Tom Morse

Rock Webster

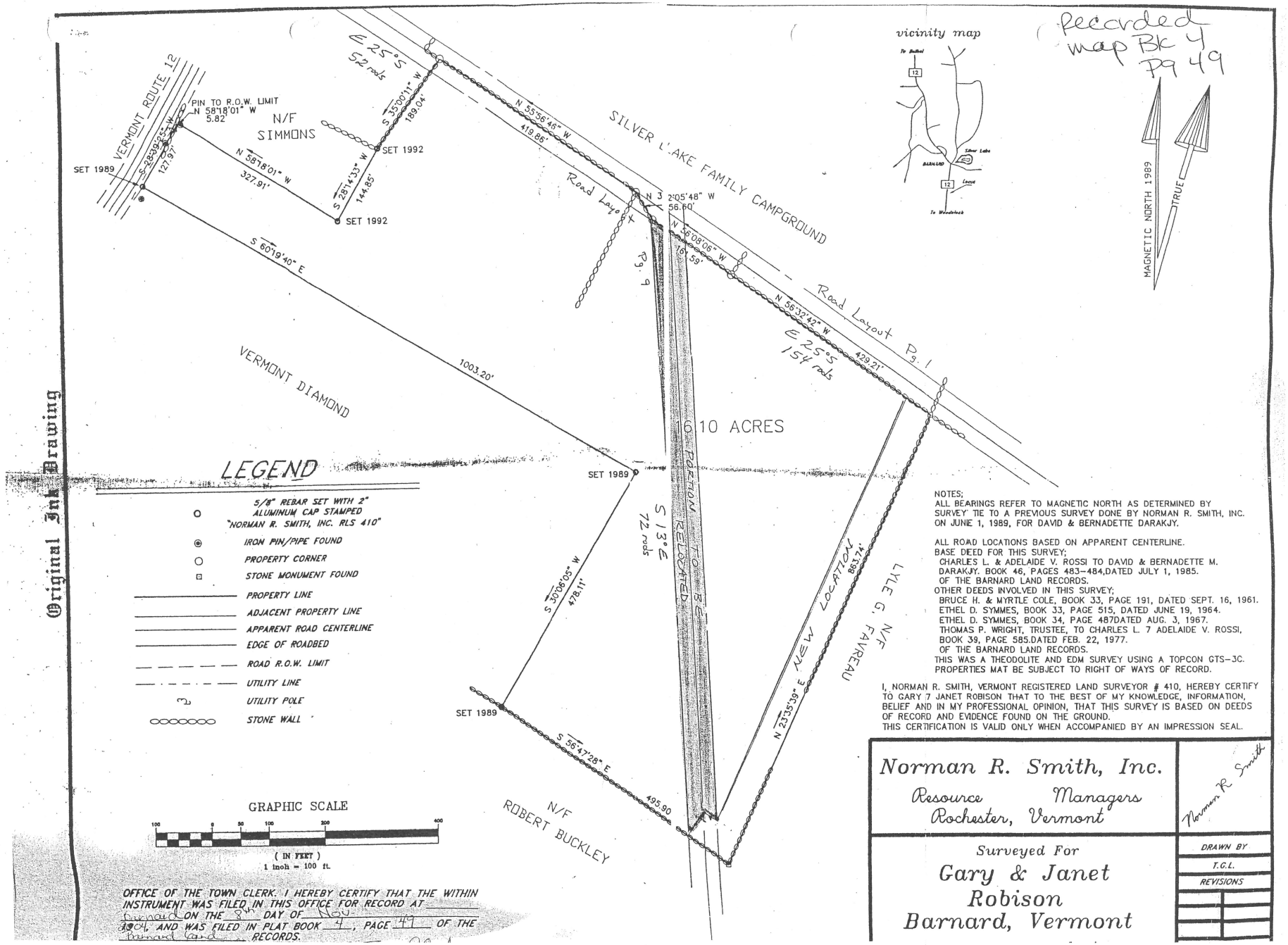
Tim Johnson

mylar recorded
Map Bk 4
Pg 49

RECEIVED AND RECORDED
ON 1/10/05
AT 7:10 AM
BOOK 85 PAGE 246-248
attest
[signature]
TOWN CLERK BARNARD, VT

L7 - 2

Original Ink Drawing




## LEGEND

- 5/8" REBAR SET WITH 2" ALUMINUM CAP STAMPED "NORMAN R. SMITH, INC. RLS 410"
- IRON PIN/PIPE FOUND
- PROPERTY CORNER
- STONE MONUMENT FOUND
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- APPARENT ROAD CENTERLINE
- EDGE OF ROADBED
- ROAD R.O.W. LIMIT
- UTILITY LINE
- UTILITY POLE
- STONE WALL

GRAPHIC SCALE

100 0 50 100 200 400

( IN FEET )
1 inch = 100 ft.

OFFICE OF THE TOWN CLERK. I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED IN THIS OFFICE FOR RECORD AT Barnard ON THE 8th DAY OF Nov 1994, AND WAS FILED IN PLAT BOOK 4, PAGE 47 OF THE Barnard Land RECORDS.

NOTES;
ALL BEARINGS REFER TO MAGNETIC NORTH AS DETERMINED BY SURVEY TIE TO A PREVIOUS SURVEY DONE BY NORMAN R. SMITH, INC. ON JUNE 1, 1989, FOR DAVID & BERNADETTE DARAKJY.

ALL ROAD LOCATIONS BASED ON APPARENT CENTERLINE.
BASE DEED FOR THIS SURVEY;
CHARLES L. & ADELAIDE V. ROSSI TO DAVID & BERNADETTE M. DARAKJY. BOOK 46, PAGES 483-484, DATED JULY 1, 1985. OF THE BARNARD LAND RECORDS.
OTHER DEEDS INVOLVED IN THIS SURVEY;
BRUCE H. & MYRTLE COLE, BOOK 33, PAGE 191, DATED SEPT. 16, 1961.
ETHEL D. SYMMES, BOOK 33, PAGE 515, DATED JUNE 19, 1964.
ETHEL D. SYMMES, BOOK 34, PAGE 487 DATED AUG. 3, 1967.
THOMAS P. WRIGHT, TRUSTEE, TO CHARLES L. 7 ADELAIDE V. ROSSI, BOOK 39, PAGE 585. DATED FEB. 22, 1977. OF THE BARNARD LAND RECORDS.
THIS WAS A THEODOLITE AND EDM SURVEY USING A TOPCON GTS-3C.
PROPERTIES MAT BE SUBJECT TO RIGHT OF WAYS OF RECORD.

I, NORMAN R. SMITH, VERMONT REGISTERED LAND SURVEYOR # 410, HEREBY CERTIFY TO GARY 7 JANET ROBISON THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF AND IN MY PROFESSIONAL OPINION, THAT THIS SURVEY IS BASED ON DEEDS OF RECORD AND EVIDENCE FOUND ON THE GROUND.
THIS CERTIFICATION IS VALID ONLY WHEN ACCOMPANIED BY AN IMPRESSION SEAL.

Norman R. Smith, Inc.
Resource Managers
Rochester, Vermont

Norman R. Smith

Surveyed For
Gary & Janet Robison
Barnard, Vermont

DRAWN BY
T.G.L.
REVISIONS

RIGHT-OF-WAY DEED
David & Sophia Stone to the Town of Barnard

KNOW ALL PERSONS by these presents that David Stone and Sophia Stone, husband and wife, residents of New Orleans, Louisiana, in consideration of Ten Dollars and other consideration described below, by these presents do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the Town of Barnard, its successors and assigns forever, a right of way across the following piece of land ("the Property") in the Town of Barnard, County of Windsor, State of Vermont, described as follows:

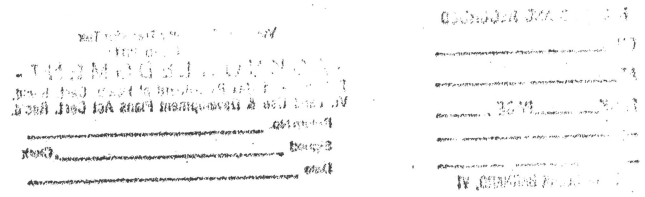
> Being a portion of all and the same land and premises as conveyed to David Stone and Sophia Stone by Warranty Deed of Lili-Charlotte Sarnoff and Daniela Martha Sarnoff Bergezi, dated February 4, 2002 and of record in Book 74, Pages 13-14 of the Town of Barnard Land Records, consisting of 54.65 acres, more or less.

The right-of-way established by this deed is a public recreational trail, of one and one-half rods in width, measured as three-quarters of a rod on either side of the center line of the right-of-way, as shown on a survey plat entitled, "Land Survey for David & Sophia Stone, Stage Road, Barnard, Vermont," by Robert W. Farnsworth, dated November 24, 2003, revised December 1, 2003, May 24, 2004 and August 21, 2004, which is to be or has been recorded in the land records of the Town of Barnard, at Book 4, Page 52 of the Barnard land records.

Said right-of-way shall include the right to establish and maintain within the right of way a traveled and cleared path of a width not to exceed ten (10) feet, which may be used by the public for non-motorized travel in all seasons, except that Grantors expressly authorize the use of the path for snowmobiles during the winter season. Except as expressly provided in this deed, the right of way shall not be accessible to motorized vehicles other than as may be required from time to time for maintenance of the right of way and the path. Grantors, at their sole expense, shall perform the initial clearing of the path, subject to approval of the Barnard Selectboard, with due regard for preservation of trees within the right-of-way. Thereafter the Town shall be responsible for the maintenance of the right of way and the path, and shall hold the owners of the Property harmless from liability, costs and attorney's fees resulting from the use of the right-of-way by the public, where such liability, costs and attorney's fees are not attributable to acts of the Grantors.

This deed and conveyance are conditioned on the discontinuance and continued absence of any and all known town highways over lands of Grantors. The deed is a product of a negotiation between Grantors and Grantee, in which this right-of-way was offered to the Town of Barnard, in exchange for a formal, legal procedure discontinuing all known highways over Grantors' land, an action which was completed during the fall of 2004. If a public road is subsequently discovered to run on the Property and if the legislative body of the Town of Barnard does not discontinue such road within 180 days,





or if the legislative body of the Town of Barnard acts to lay out a new road on the Property, the right of way granted by this deed shall thereupon become null and void.

Reference may be had to the above-mentioned deeds and their records and to all prior deeds and their records for a more full and complete description of the lands and premises herein conveyed.

TO HAVE AND TO HOLD the said granted premises, with all the privileges and appurtenances thereof, to the said Grantee Town of Barnard and its successors and assigns, for its own use and behoof forever.

IN WITNESS whereof, we hereunto set our hands this 8th day of September, 2004.

WITNESS

WITNESS

DAVID STONE

SOPHIA STONE

STATE OF LOUISIANA
PARISH OF ORLEANS, SS

At New Orleans, Louisiana, this 8th day of September 2004, personally appeared DAVID STONE AND SOPHIA STONE and they acknowledged this instrument by them subscribed to be their free act and deed.

Before me _____
Notary Public

The Town of Barnard, by and through its Selectboard, signs below, recognizing and accepting the obligations of the Town under this deed.

STATE OF VERMONT
COUNTY OF WINDSOR, ss.

At Barnard, Vermont, this 15 day of Sept 2004, personally appeared Tim Johnson, Tom Morse and Rock Webster and they acknowledged this instrument by them subscribed to be their free act and deed and the free act and deed of the Town of Barnard.

Before me _____
Notary Public

See map Bk 4 Pg 52

Right of Way.v6.DS.90053

RECEIVED AND RECORDED
ON 1/18/05
AT 7:20 AM
BOOK 85 PAGE 305-306
attest:
TOWN CLERK BARNARD, VT

Vermont Property Transfer Tax
32 V.S.A. Chap. 231
-ACKNOWLEDGMENT-
Return Rec'd -Tax Paid-Board of Health Cert. Rec'd.
Vt. Land Use & Development Plans Act Cert. Rec'd.
Return No. 05-05
Signed _____, Clerk
Date 1/18/05

# QUIT CLAIM DEED
The Town of Barnard to David Stone and Sophia Stone

KNOW ALL PERSONS BY THESE PRESENTS that the Town of Barnard, Transferor, in consideration of ten dollars and other valuable considerations paid to our full satisfaction by David Stone and Sophia Stone, of New Orleans, Louisiana, Transferees, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said David Stone and Sophia Stone, husband and wife, as tenants by the entirety, Transferees, their successors, heirs and assigns forever, a certain piece of land in the Town of Barnard, County of Windsor, State of Vermont, described as follows:

> Being all known roads or highways, or other public rights-of-way, crossing any portion of the land and premises conveyed to David Stone and Sophia Stone by Warranty Deed of Lili-Charlotte Sarnoff and Daniela Martha Sarnoff Bergezi, dated February 4, 2002 and of record in Book 74, Pages 13-14 of the Town of Barnard Land Records, consisting of 54.65 acres, more or less, to include the roads and highways discontinued by formal action of the Selectboard of Barnard following their hearing on September 8, 2004.

Reference is directed to the deeds, permits and survey maps relating to said property, and to the Barnard Town Land Records in aid of this description.

To have and to hold all its right and title in and to said quitclaimed premises, with the appurtenances thereof, to the said David Stone and Sophia Stone, and their successors, heirs and assigns forever.

And furthermore, the said Town of Barnard does for itself, its successors and assigns, covenant with the said David Stone and Sophia Stone, their successors, heirs and assigns, that from and after the unsealing of these presents, the Town of Barnard will have and claim no right in or to the said quitclaimed premises.

In witness whereof, we hereunto set our hands and seals this 15 day of September, 2004.

In presence of:

TOWN OF BARNARD

_____ L.S.
Tom Morse

_____ L.S.
Tim Johnson

_____ L.S.
Rock Webster

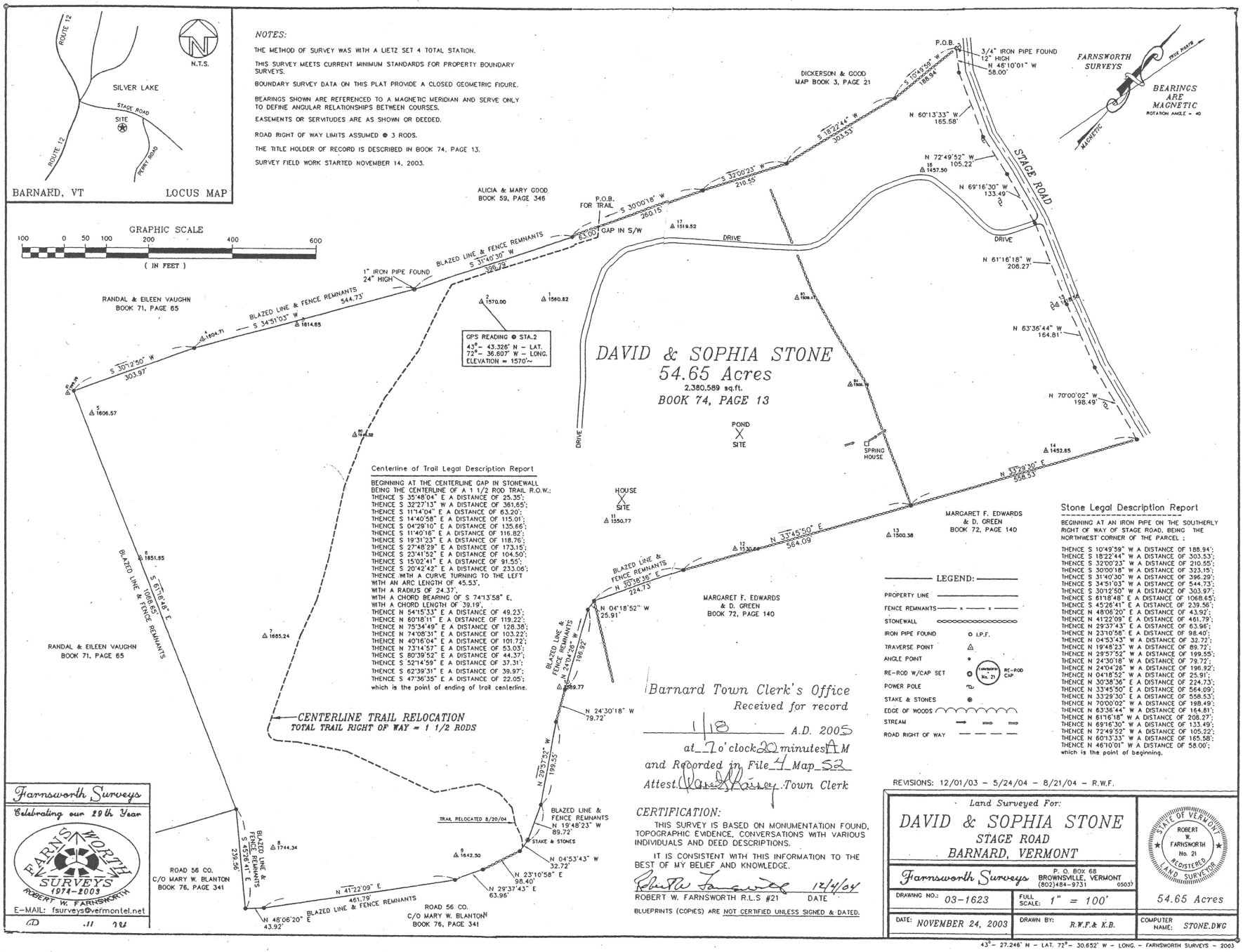
STATE OF VERMONT
WINDSOR COUNTY, SS.

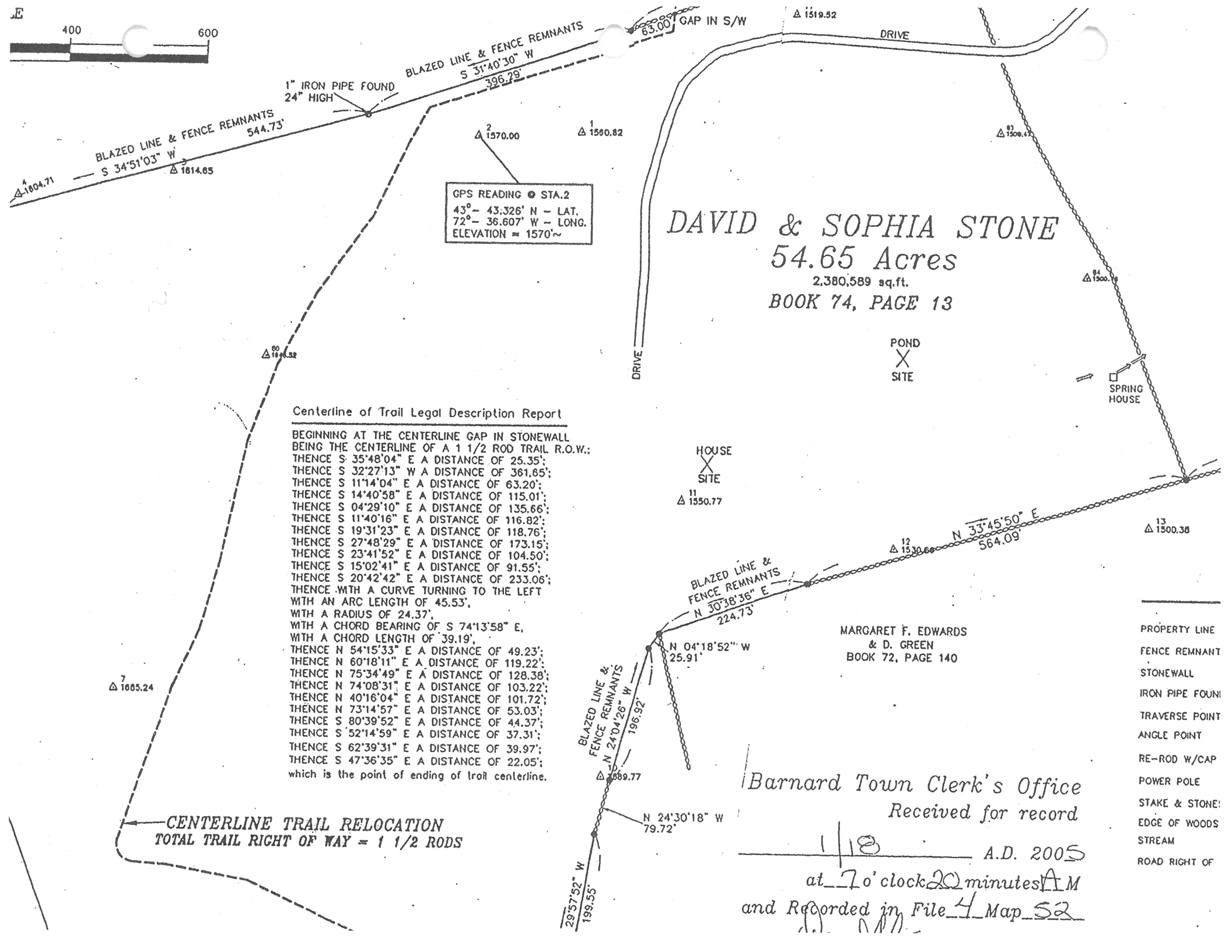
At Barnard, Vermont, this 15 th day of September, 2004, Tom Morse, Tim Johnson, and Rock Webster, members of the Selectboard of the Town of Barnard personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed and the free act and deed of the Town of Barnard.

Before Me: _____
Notary Public

Vermont Property Transfer Tax
32 V.S.A. Chap. 231
-ACKNOWLEDGMENT-
Return Rec'd -Tax Paid-Board of Health Cert. Rec'd.
Vt. Land Use & Development Plans Act Cert. Rec'd.
Return No 05-08
Signed _____, Clerk
Date 1/18/05

RECEIVED AND RECORDED
ON 1/18/05
AT 7:20 AM
BOOK 85 PAGE 307
attest: _____
TOWN CLERK BARNARD, VT


LOCUS MAP
BARNARD, VT
ROUTE 12
SILVER LAKE
STAGE ROAD
SITE
PERRY ROAD
N.T.S.
NOTES:
THE METHOD OF SURVEY WAS WITH A LIETZ SET 4 TOTAL STATION.
THIS SURVEY MEETS CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.
BOUNDARY SURVEY DATA ON THIS PLAT PROVIDE A CLOSED GEOMETRIC FIGURE.
BEARINGS SHOWN ARE REFERENCED TO A MAGNETIC MERIDIAN AND SERVE ONLY TO DEFINE ANGULAR RELATIONSHIPS BETWEEN COURSES.
EASEMENTS OR SERVITUDES ARE AS SHOWN OR DEEDED.
ROAD RIGHT OF WAY LIMITS ASSUMED @ 3 RODS.
THE TITLE HOLDER OF RECORD IS DESCRIBED IN BOOK 74, PAGE 13.
SURVEY FIELD WORK STARTED NOVEMBER 14, 2003.
GRAPHIC SCALE
100 0 50 100 200 400 600
( IN FEET )
P.O.B.
3/4" IRON PIPE FOUND 12" HIGH N 46°10'01" W 58.00'
FARNSWORTH SURVEYS
TRUE NORTH
BEARINGS ARE MAGNETIC
ROTATION ANGLE = 40
MAGNETIC
DICKERSON & GOOD MAP BOOK 3, PAGE 21
S 10°49'59" W 188.94'
S 18°22'44" W 303.53'
S 32°00'23" W 210.55'
N 60°13'33" W 165.58'
N 72°49'52" W 105.22'
N 69°16'30" W 133.49'
N 61°16'18" W 208.27'
N 63°36'44" W 164.81'
N 70°00'02" W 198.49'
STAGE ROAD
DRIVE
ALICIA & MARY GOOD BOOK 59, PAGE 346
P.O.B. FOR TRAIL
S 30°00'18" W 260.75'
63.00' GAP IN S/W
S 31°40'30" W 396.29'
BLAZED LINE & FENCE REMNANTS
1" IRON PIPE FOUND 24" HIGH
RANDAL & EILEEN VAUGHN BOOK 71, PAGE 65
S 34°51'03" W 544.73'
S 30°12'50" W 303.97'
S 45°26'41" E 239.56'
S 61°16'48" E 1088.85'
N 48°06'20" E 43.92'
N 41°22'09" E 461.79'
N 29°37'43" E 63.96'
N 23°10'58" E 98.40'
N 04°53'43" W 32.72'
N 19°48'23" W 89.72'
N 29°57'52" W 199.55'
N 24°30'18" W 79.72'
N 04°18'52" W 25.91'
N 30°38'36" E 224.73'
N 33°45'50" E 564.09'
N 33°29'30" E 558.53'
GPS READING @ STA.2
43°- 43.326' N - LAT.
72°- 36.807' W - LONG.
ELEVATION = 1570'~
DAVID & SOPHIA STONE
54.65 Acres
2,380,589 sq.ft.
BOOK 74, PAGE 13
POND
SITE
SPRING HOUSE
HOUSE SITE
MARGARET F. EDWARDS & D. GREEN BOOK 72, PAGE 140
MARGARET F. EDWARDS BOOK 72, PAGE 140
ROAD 56 CO. C/O MARY W. BLANTON BOOK 76, PAGE 341
TRAIL RELOCATED 8/20/04
STAKE & STONES
CENTERLINE TRAIL RELOCATION
TOTAL TRAIL RIGHT OF WAY = 1 1/2 RODS
Centerline of Trail Legal Description Report
BEGINNING AT THE CENTERLINE GAP IN STONEWALL BEING THE CENTERLINE OF A 1 1/2 ROD TRAIL R.O.W.;
THENCE S 35°48'04" E A DISTANCE OF 25.35';
THENCE S 32°27'13" W A DISTANCE OF 361.65';
THENCE S 11°14'04" E A DISTANCE OF 63.20';
THENCE S 14°40'58" E A DISTANCE OF 115.01';
THENCE S 04°29'10" E A DISTANCE OF 135.66';
THENCE S 11°40'16" E A DISTANCE OF 116.82';
THENCE S 19°31'23" E A DISTANCE OF 118.76';
THENCE S 27°48'29" E A DISTANCE OF 173.15';
THENCE S 23°41'52" E A DISTANCE OF 104.50';
THENCE S 15°02'41" E A DISTANCE OF 91.55';
THENCE S 20°42'42" E A DISTANCE OF 233.06';
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 45.53', WITH A RADIUS OF 24.37', WITH A CHORD BEARING OF S 74°13'58" E, WITH A CHORD LENGTH OF 39.19',
THENCE N 54°15'33" E A DISTANCE OF 49.23';
THENCE N 60°18'11" E A DISTANCE OF 119.22';
THENCE N 75°34'49" E A DISTANCE OF 128.38';
THENCE N 74°08'31" E A DISTANCE OF 103.22';
THENCE N 40°16'04" E A DISTANCE OF 101.72';
THENCE N 73°14'57" E A DISTANCE OF 53.03';
THENCE S 80°39'52" E A DISTANCE OF 44.37';
THENCE S 52°14'59" E A DISTANCE OF 37.31';
THENCE S 62°39'31" E A DISTANCE OF 39.97';
THENCE S 47°36'35" E A DISTANCE OF 22.05';
which is the point of ending of trail centerline.
Stone Legal Description Report
BEGINNING AT AN IRON PIPE ON THE SOUTHERLY RIGHT OF WAY OF STAGE ROAD, BEING THE NORTHWEST CORNER OF THE PARCEL ;
THENCE S 10°49'59" W A DISTANCE OF 188.94';
THENCE S 18°22'44" W A DISTANCE OF 303.53';
THENCE S 32°00'23" W A DISTANCE OF 210.55';
THENCE S 30°00'18" W A DISTANCE OF 323.15';
THENCE S 31°40'30" W A DISTANCE OF 396.29';
THENCE S 34°51'03" W A DISTANCE OF 544.73';
THENCE S 30°12'50" W A DISTANCE OF 303.97';
THENCE S 61°16'48" E A DISTANCE OF 1088.85';
THENCE S 45°26'41" E A DISTANCE OF 239.56';
THENCE N 48°06'20" E A DISTANCE OF 43.92';
THENCE N 41°22'09" E A DISTANCE OF 461.79';
THENCE N 29°37'43" E A DISTANCE OF 63.96';
THENCE N 23°10'58" E A DISTANCE OF 98.40';
THENCE N 04°53'43" W A DISTANCE OF 32.72';
THENCE N 19°48'23" W A DISTANCE OF 89.72';
THENCE N 29°57'52" W A DISTANCE OF 199.55';
THENCE N 24°30'18" W A DISTANCE OF 79.72';
THENCE N 24°04'26" W A DISTANCE OF 196.92';
THENCE N 04°18'52" W A DISTANCE OF 25.91';
THENCE N 30°38'36" E A DISTANCE OF 224.73';
THENCE N 33°45'50" E A DISTANCE OF 564.09';
THENCE N 33°29'30" E A DISTANCE OF 558.53';
THENCE N 70°00'02" W A DISTANCE OF 198.49';
THENCE N 63°36'44" W A DISTANCE OF 164.81';
THENCE N 61°16'18" W A DISTANCE OF 208.27';
THENCE N 69°16'30" W A DISTANCE OF 133.49';
THENCE N 72°49'52" W A DISTANCE OF 105.22';
THENCE N 60°13'33" W A DISTANCE OF 165.58';
THENCE N 46°10'01" W A DISTANCE OF 58.00';
which is the point of beginning.
LEGEND:
PROPERTY LINE
FENCE REMNANTS
STONEWALL
IRON PIPE FOUND I.P.F.
TRAVERSE POINT
ANGLE POINT
RE-ROD W/CAP SET RE-ROD No. 21 CAP
POWER POLE
STAKE & STONES
EDGE OF WOODS
STREAM
ROAD RIGHT OF WAY
Barnard Town Clerk's Office
Received for record
1/18 A.D. 2005
at 7 o'clock 20 minutes A M
and Recorded in File 4 Map 52
Attest: Town Clerk
CERTIFICATION:
THIS SURVEY IS BASED ON MONUMENTATION FOUND, TOPOGRAPHIC EVIDENCE, CONVERSATIONS WITH VARIOUS INDIVIDUALS AND DEED DESCRIPTIONS.
IT IS CONSISTENT WITH THIS INFORMATION TO THE BEST OF MY BELIEF AND KNOWLEDGE.
ROBERT W. FARNSWORTH R.L.S #21 DATE 12/4/04
BLUEPRINTS (COPIES) ARE NOT CERTIFIED UNLESS SIGNED & DATED.
REVISIONS: 12/01/03 - 5/24/04 - 8/21/04 - R.W.F.
Land Surveyed For:
DAVID & SOPHIA STONE
STAGE ROAD
BARNARD, VERMONT
Farnsworth Surveys
P. O. BOX 68
BROWNSVILLE, VERMONT
(802)484-9731
05037
DRAWING NO.: 03-1623
FULL SCALE: 1" = 100'
DATE: NOVEMBER 24, 2003
DRAWN BY: R.W.F.& K.B.
COMPUTER NAME: STONE.DWG
STATE OF VERMONT ROBERT W. FARNSWORTH No. 21 REGISTERED LAND SURVEYOR
54.65 Acres
43°- 27.246' N - LAT. 72°- 30.652' W - LONG. - FARNSWORTH SURVEYS - 2003
REDUCED COPY
Farnsworth Surveys
Celebrating our 29th Year
FARNSWORTH SURVEYS 1974-2003
ROBERT W. FARNSWORTH
E-MAIL: fsurveys@vermontel.net
David L. & Sophia H. Stone
THIS PLAT MEETS THE REQUIREMENTS OF 27 VSA § 1403 ORIGINAL INKED PLAT PRODUCED BY: FARNSWORTH SURVEYS - P.O. BOX 68, BROWNSVILLE, VERMONT 05037
E-MAIL: fsurveys@vermontel.net
LT-3




## Centerline of Trail Legal Description Report

BEGINNING AT THE CENTERLINE GAP IN STONEWALL
BEING THE CENTERLINE OF A 1 1/2 ROD TRAIL R.O.W.:
THENCE S 35°48'04" E A DISTANCE OF 25.35';
THENCE S 32°27'13" W A DISTANCE OF 361.65';
THENCE S 11°14'04" E A DISTANCE OF 63.20';
THENCE S 14°40'58" E A DISTANCE OF 115.01';
THENCE S 04°29'10" E A DISTANCE OF 135.66';
THENCE S 11°40'16" E A DISTANCE OF 116.82';
THENCE S 19°31'23" E A DISTANCE OF 118.76';
THENCE S 27°48'29" E A DISTANCE OF 173.15';
THENCE S 23°41'52" E A DISTANCE OF 104.50';
THENCE S 15°02'41" E A DISTANCE OF 91.55';
THENCE S 20°42'42" E A DISTANCE OF 233.06';
THENCE WITH A CURVE TURNING TO THE LEFT
WITH AN ARC LENGTH OF 45.53',
WITH A RADIUS OF 24.37',
WITH A CHORD BEARING OF S 74°13'58" E,
WITH A CHORD LENGTH OF 39.19',
THENCE N 54°15'33" E A DISTANCE OF 49.23';
THENCE N 60°18'11" E A DISTANCE OF 119.22';
THENCE N 75°34'49" E A DISTANCE OF 128.38';
THENCE N 74°08'31" E A DISTANCE OF 103.22';
THENCE N 40°16'04" E A DISTANCE OF 101.72';
THENCE N 73°14'57" E A DISTANCE OF 53.03';
THENCE S 80°39'52" E A DISTANCE OF 44.37';
THENCE S 52°14'59" E A DISTANCE OF 37.31';
THENCE S 62°39'31" E A DISTANCE OF 39.97';
THENCE S 47°36'35" E A DISTANCE OF 22.05';
which is the point of ending of trail centerline.

PROPERTY LINE
FENCE REMNANT
STONEWALL
IRON PIPE FOUNI
TRAVERSE POINT
ANGLE POINT
RE-ROD W/CAP
POWER POLE
STAKE & STONE
EDGE OF WOODS
STREAM
ROAD RIGHT OF

Barnard Town Clerk's Office
Received for record
1/18 A.D. 2005
at 7 o'clock 20 minutes AM
and Recorded in File 4 Map 52

# RIGHT OF WAY DEED

## KNOW ALL MEN BY THESE PRESENTS

**THAT** we, W. Randal Vaughn and Eileen Vaughn, in consideration of Ten Dollars and Other Valuable Consideration paid to our full satisfaction by the Town of Barnard by these presents, do freely GIVE GRANT, SELL, CONVEY AND CONFIRM, unto the said Town of Barnard, and its successors and assigns forever, a right of way across the following piece of land ("the Property") in the Town of Barnard, in the County of Windsor and State of Vermont, described as follows, viz:

Being an easement and right of way hereinafter described, on and over a portion of lands conveyed to W. Randal Vaughn and Eileen Vaughn by deed of Jeffrey B. Levy and Joan Levy dated January 18, 2001, recorded in the Barnard Town Clerk's Office in Book 71 at Page 65.

The right of way established by this deed is a public pedestrian trail and snowmobile trail ("Trail"), one and one half rods wide (24.75'), for walking, hiking, cross country skiing, other similar non-motorized recreational purposes and snowmobiling (as indicated herein) along the north, east and south boundary line(s) of the lands of Grantor herein as located on Schedule A attached. That portion of the Trail depicted in blue on Schedule A ("Snowmobile Trail") shall be used only by snowmobiles and only when snow and weather conditions permit use without injury or damage to the land; no other use shall be permitted without the advance written permission of Grantor herein. The location of the public pedestrian trail ("Trail #1"), which also may be used by snowmobiles when weather and snow conditions permit, is described and depicted on Schedule A in red.

Said right-of-way shall include the right to establish and maintain within the right of way a traveled and cleared path of a width not to exceed ten (10) feet along and as near the boundary as reasonably practicable (hereinafter "path" or "Marked Trail"). Except as expressly provided in this deed, the Trail shall not be accessible to motorized vehicles other than as may be required from time to time for maintenance of the Trail and the path. Use and maintenance of the Trail shall be subject to the terms and conditions of an Agreement between Grantors and Grantee dated February 9, 2005, which terms and conditions are incorporated by reference as if set forth herein.

The Town shall indemnify and hold harmless Vaughn from and against any loss or damage, liability, cost or expense, including reasonable attorney's fees arising from use by the public of the easement granted by Vaughn,

except where such liability, costs and attorney's fees are attributable to the acts of Vaughn. It is the intent Vaughn shall have no liability for use of the easement by the public, whether for property damage or personal injury sustained by a person, unless the damage or injury is the result of a willful or wanton misconduct of the owner, and that Vaughn shall be afforded the limitations on landowner liability and protection of owner's rights provided under Sections 5793 and Section 5794 of Title 12 V.S.A.

This deed and conveyance are conditioned on the discontinuance and continued absence of any and all known town highways over lands of Grantors without grantors consent, and the Covenants, conditions and restrictions attached as Schedule B. The deed is a product of negotiation between Grantors and Grantee, in which this right of way was offered to the Town of Barnard, in exchange for a formal, legal procedure discontinuing all known roads, highways and public easements over Grantor's land, an action which was completed during July and August of 2006. If a public road is subsequently discovered to run on the Property and if the legislative body of the Town of Barnard does not discontinue such road within 180 days, or if the legislative body of the Town of Barnard acts to lay out a new road on the Property, then and in that event, the right of way granted by this deed shall, at the sole option of Grantors, thereupon become null and void.

**TO HAVE AND TO HOLD** all our right and title in and to said quitclaimed premises, with the appurtenances thereof, to the said Town of Barnard, and its successors and assigns forever.

**AND FURTHERMORE** the said W. Randal Vaughn and Eileen Vaughn, Grantors herein, do for themselves, their heirs, assigns, executors and administrators, covenant with the said Town of Barnard, its successors and assigns, that from and after the ensealing of these presents they will have and claim no right, in, or to the said quit-claimed premises.

**IN WITNESS WHEREOF,** we hereunto set our hands and seals this 21st day of August A.D. 2006.

**IN PRESENCE OF:**

as to Both

W. Randal Vaughn L.S.

Eileen Vaughn L.S.

**SCHEDULE B**
**TO**
**RIGHT OF WAY DEED**
**VAUGHN TO TOWN OF BARNARD**

Said Right of Way is conveyed **subject to** the following covenants, restrictions and conditions:

1) The location of Trails shall be marked & staked by the parties so there can be no confusion as to the location and limits of the Trails; the 10' traveled portion, to the fullest extent reasonably practicable, shall be located along the outside perimeter/boundary of the Vaughn property. Where the location of the boundary line(s) is not clear, such line(s) shall be determined by survey/a surveyor retained and paid by the Town. To afford adequate passage of persons and/or snowmobiles in both directions, the traveled and cleared portion of the Trails ("Marked Trail") shall be ten (10) feet in width; the Right of Way shall be 1 and ½ (1-1/2) rods (24.75') wide.

2) At least once each year the Trails shall be inspected and the trail markers, signs and stakes replaced or repaired or restored as necessary. In those areas where users of the Trails have traveled outside of the Trails, there shall be installed suitable fencing to encourage traffic to stay on the trails. For use of the Trail along the south line across the Vaughn meadow, the snowmobile club shall be required to contribute to the cost to construct a suitable trail-marker (initially) and boundary fence which will keep traffic out of the meadow, of the type and style in keeping with the character of the area, acceptable to Vaughn. Temporary fencing shall be erected prior to use in the 2004-2005 season and permanent fence erected prior to the 2005-2006 season.

3) At its option and to insure the proper establishment and marking of the Trails, the Town may collect from the snowmobile clubs who have the right to use the snowmobile trails sufficient funds to erect suitable trail markers, and fencing/trail boundary marker(s) required under Paragraph 2 above.

4) The Trails shall be maintained to the extent the Town deems necessary by the Town or its designee, provided the designee procures insurance to cover any loss or damage, in such amount(s) as the Town and Vaughn shall reasonably agree naming the Town and Vaughn as insured, and upon providing to the Town of Certificate of Insurance prior to commencement of any work or activity.

5) The Town shall indemnify and hold harmless Vaughn from and against any loss or damage, liability, cost or expense, including reasonable attorney's fees arising from use by the public of the easement granted by Vaughn, except where such liability, costs and attorney's fees are attributable to the acts of Vaughn. It is the intent Vaughn shall have no liability for use of the easement by the public, whether for property damage or personal injury sustained by a person, unless the damage or injury is the result of a willful or wanton misconduct of the owner, and that Vaughn shall be afforded the limitations on landowner liability and protection of owner's rights provided under Sections 5793 and Section 5794 of Title 12 V.S.A.

6) If snowmobile traffic becomes excessive, Vaughn agrees first to take any complaint(s) to the Selectboard, and if a satisfactory resolution is not worked out within a reasonable time, to the Vermont Association of Snow Travelers (VAST). If no satisfactory resolution is worked out within a reasonable time with either the Selectboard or VAST, Vaughn reserves the right to commence a nuisance or other appropriate action in the court of competent jurisdiction or seek any other available remedy. There shall be no snowmobile traffic allowed before 7:00 a.m. or after 9:00 p.m.

7) There shall be no pollution , contamination or dumping or discharge of gasoline, petroleum products or containers, trash, garbage or hazardous materials/substances on the Trails or the Vaughn property. Use of the Trails shall be conditioned upon keeping the Trails free of trash and hazardous substances, and payment of the cost of cleanup required to do so.

8) Except for clearing the Trail or routine maintenance, there shall be no excavation or alteration of the land.

9) Except for the Town when conducting routine maintenance or clearing the Trail, no other motorized vehicles of any type, included but not limited to, four wheelers, range rovers or motorcycles shall be allowed over the Trails, except only for seasonal maintenance, without the advance written permission of the Town and Grantor. The Snowmobile Trail along the south line is to be used only for seasonal snowmobiling, and for no other purpose.

**SCHEDULE B**
**TO**
**RIGHT OF WAY DEED**
**VAUGHN TO TOWN OF BARNARD**

6696-13/324146v2

RECEIVED AND RECORDED
ON 11-1-06
AT 8:02 A.M.
BOOK 90 PAGE 329 B+C
ATTEST
Alice Rydzecki
ASSIST TOWN CLERK BARNARD, VT

See document recorded
Bk 90 pp. 328-330
A.S. Rydzecki
Assist. Town Clerk

**STATE OF VERMONT**
**COUNTY OF WINDSOR, SS**

At Barnard this 21st day of August, 2006 personally appeared W. Randal Vaughn and Eileen Vaughn, personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed and the free act and deed.

Before me,

Notary Public
My Commission Expires: 2.10.07.

6696-15/322406vE (revised EPB 8/21/06)

RECEIVED AND RECORDED
ON 9-13-06
AT 12:02 P.M.
BOOK 90 PAGE 328-330
Attest: Alice Rydleski
Assist. TOWN CLERK BARNARD, VT

Vermont Property Transfer Tax
32 V.S.A. Chap. 231
-ACKNOWLEDGMENT-
Return Rec'd -Tax Paid-Board of Health Cert. Rec'd.
Vt. Land Use & Development Plans Act Cert. Rec'd.
Return No. 06-450 455187.
Signed Alice Rydleski Clerk
Date 9-13-06



See documents recorded
Bk 90, pp. 329 A, B & C
A.S. Rydleski
Assist. Town Clerk

# QUIT CLAIM DEED

## KNOW ALL MEN BY THESE PRESENTS

**THAT** the Town of Barnard, Transferor, in consideration of Ten Dollars and Other Valuable Consideration paid to its full satisfaction by W. Randal Vaughn and Eileen Vaughn, husband and wife, as tenants by the entirety, Transferees, by these presents, do freely GIVE GRANT, SELL, CONVEY AND CONFIRM, unto the said W. Randal Vaughn and Eileen Vaughn, husband and wife, as tenants by the entirety, and their heirs and assigns forever, a certain piece of land in the Town of Barnard, in the County of Windsor and State of Vermont, described as follows, viz:

- ACKNOWLEDGMENT -
Vermont Property Transfer Tax
CHAD 231
Return Record To: Land Rec. Bd. Trust Dept. Bd.
Vt. Land Use & Development Plans Act Cert. Bd.
Return No.
Signature
Date
Clerk

Being all known roads or highways, or other public rights-of-way, crossing any portion of the lands and premises conveyed to W. Randal Vaughn and Eileen Vaughn by deed of Jeffrey B. Levy and Joan Levy dated January 18, 2001, recorded in the Barnard Town Clerk's Office in Book 71 at Page 65, consisting of 163 acres, more or less, to include the roads and highways discontinued by formal action of the Selectboard of Barnard following their hearing on July 12, 2006.

Reference is directed to the deeds, permits and survey maps relating to said property and to the Barnard Town Land Records in Aid of this description.

**TO HAVE AND TO HOLD** all its right and title in and to said quitclaimed premises, with the appurtenances thereof, to the said W. Randal Vaughn and Eileen Vaughn, husband and wife, as tenants by the entirety, and their heirs, successors and assigns forever.

**AND FURTHERMORE** the said Town of Barnard does for itself, its successors, assigns, executors and administrators, covenant with the said W. Randal Vaughn and Eileen Vaughn, husband and wife, their, heirs, successors and assigns, that from and after the ensealing of these presents the Town of Barnard will have and claim no right, in, or to the said quit-claimed premises.

**IN WITNESS WHEREOF,** we hereunto set our hands and seals this 30 day of August A.D. 2006.

**IN PRESENCE OF:**

Witness

Thomas Morse, Selectman L.S.

Timothy Johnson, Selectman L.S.

Rock Webster, Selectman L.S.

RECEIVED AND RECORDED
AT 2:22 P.M.
BOOK 80 PAGE 329-329
ATTEST: TOWN CLERK BARNARD, VT

STATE OF VERMONT
COUNTY OF WINDSOR, SS

At Barnard this 30th day of Aug., 2006, personally appeared Thomas Morse, Timothy Johnson, and Rock Webster, members of the Selectboard of the Town of Barnard, personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed and the free act and deed of the Town of Barnard.

Before me,

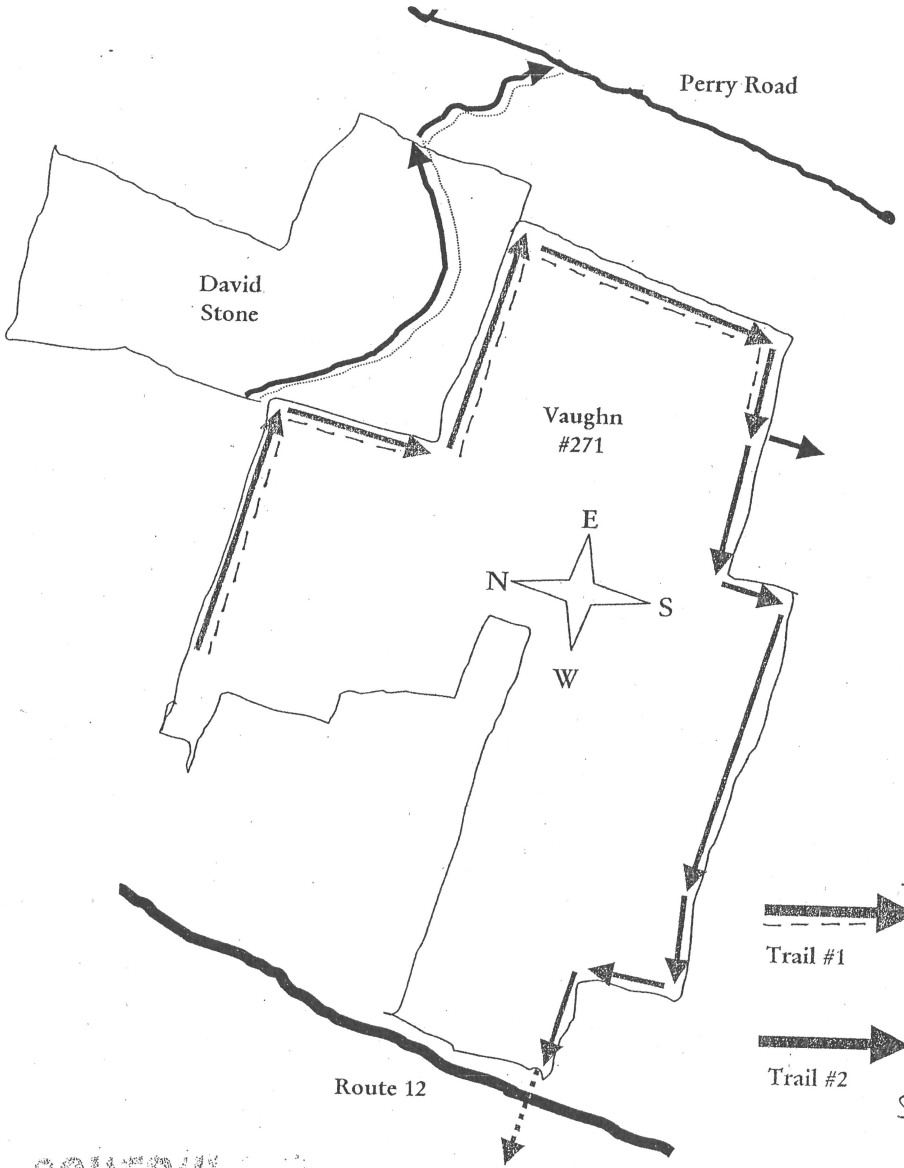
Notary Public / Barnard VT Town Clerk
My Commission Expires: 2.10.07

6696-15/322402v4(revised EPB 8/22/06)

RECEIVED AND RECORDED
ON 9-13-06
AT 12:02 P.M.
BOOK 90 PAGE 331-332
ATTEST:
Alice Clydale
ASSIST TOWN CLERK BARNARD, VT

Vermont Property Transfer Tax
32 V.S.A. Chap. 231
-ACKNOWLEDGMENT-
Return Rec'd -Tax Paid-Board of Health Cert. Rec'd.
Vt. Land Use & Development Plans Act Cert. Rec'd.
Return No. 06-46
Signed Alice Clydale, Clerk ASSIST.
Date 9-13-06

LT-4




SCHEDULE A

RECEIVED AND RECORDED
ON 11-1-06
AT 8:02 A.M.
BOOK 90 PAGE 329A
ATTEST:
ASSIST TOWN CLERK BARNARD, VT

See document recorded
Bk 90 pp 328-330
A.S. Rydzeski
Assist. Town Clerk

See Trail Construction Agreement Bk 93 Pg 369

**Croft, Johnathan**

**From:** darylthedog@aol.com
**Sent:** Monday, March 08, 2010 1:24 PM
**To:** Croft, Johnathan
**Subject:** Town of Barnard 2010 Cert Hwy Mileage

Hi Mr. Croft. Tom Morse, Barnard Selectboard, here.

We received your letter of 2/25/10 regarding an apparent transposition error on a partial discontinuance of TH 20 submitted as part of our 2010 Cert. of Hwy. Mileage.

We concur that the Class 3 mileage discontinued was 0.3 miles, not 0.4 miles,

Sorry for the error.

still transposed
Moulton 5/6/10

Tom Morse, Chair, Barnard Selectboard.

# Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

**Selectboard's Return**

**Discontinuance of a Portion of TH 20**

**Discontinuance of an Unnamed Class 4 Road**

On April 22, 2009, the Town of Barnard Selectboard appointed the time and place for a Public Hearing for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Barnard, pursuant to 19 VSA, chapter 7 et seq. shall Discontinue a portion of Town Highway 20 and an unnamed class 4 Town highway, viz:

1. To discontinue a portion of TH 20, Ellis Farm Road, commencing approximately 0.4 miles from its intersection with TH 2 at the property line of Linglebach (parcel 447) and Clarke (parcel 202.1), westerly approximately 0.3 miles to its terminus.

2. To discontinue an unnamed Class 4 road shown on the Town of Barnard Parcel Map running from the terminus of TH 20 westerly approximately 0.5 miles to its intersection with TH 2.

The Barnard Selectboard gave thirty days notice of the time and place of the Public Hearing to the property owners involved, to the Barnard Planning Commission and to other interested parties which are listed in attachment hereto. Notice was posted in the Town Office, the Barnard Post Office and at the Barnard General Store. Like Notice was published in the Valley News on May 14, 2009.

At the time and place appointed, the Barnard Selectboard opened the Public Hearing and received testimony as indicated in attached minutes. The Public Hearing was recessed and the Selectboard traveled to the site to inspect the road(s) in question and to hear any persons there present. Following the site visit, the Public Hearing was reconvened at the Town office and further testimony was received as indicated in attached minutes.

Upon due consideration, the Barnard Selectboard determined that the public good, convenience and necessity requires that a portion of Town Highway 20, as indicated in (1) above, and an unnamed Class 4 Town highway, as indicated in (2) abovve, be discontinued and so unanimously voted.

Dated at Barnard, Vermont this 15TH day of June, 2009.

Tim Johnson  Rock Webster  Tom Morse, Selectmen

RECEIVED AND RECORDED
ON 7-20-2009
AT 8:00 A.M.
BOOK 98 PAGE 184
Attest: Alice Peterson
TOWN CLERK BARNARD VT

Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

RECEIVED AND RECORDED
ON 3.2.09
AT 7:45 AM
BOOK 97 PAGE 103-106
attest
[signature]
TOWN CLERK BARNARD, VT

**Selectboard's Return**

**Alteration and Discontinuance of a Portion of TH 14**

On December 30, 2008, the Town of Barnard Selectboard appointed the time for a Public Hearing for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Barnard pursuant to 19 VSA, chapter 7 et seq, shall Alter and Discontinue a portion of Town Highway 14, viz:

1. To alter TH14 from its interesection with TH33 southerly approximately 320 feet to the property boundary of Joseph Morel and David Firestone from Class 3 to C lass 4.

2. To discontinue TH14 from the property boundary of Joseph Morel and David Firestone southerly approximately .5 miles to its recognized terminus at the farm buildings of Joseph Morel.

3. To discontinue an alleged and previously litigated ancient Town Highway running from the farm buildings of Joseph Morel southerly, then easterly approximately .5 miles to TH 2, the Royalton Turnpike.

The Barnard Selectboard gave thirty days notice of the time and place of the Public Hearing to the property owners involved, to the Barnard Planning Commission and to other interested parties which are listed in attachment hereto. Notice was posted in the Town Office, the Barnard Post Office and at the Barnard General Store. Like Notice was published in the Valley News on January 20, 2009.

At the time and place appointed, the Selectboard Chair opened the Public Hearing and received testimony from all interested parties. The Public Hearing was recessed and the Selectboard made a site visit to the portion of TH14 delineated above to inspect the Town Highway under consideration for Alteration and Discontinuance and to hear any persons there present. There was no one present. Following the site visit, the Public Hearing was reconvened at the Town Office, to receive any further testimony. There was none. Copy of the minutes of the Public Hearing are attached hereto.

Upon due consideration, the Barnard Selectboard determined that the public good, convenience and necessity requires that Town Highway 14 be Altered and Discontinued exactly as prescribed in (1), (2), and (3) above and so unanimously voted.

Dated at Barnard, Vermont this 25th day of February, 2009.

Tim Johnson | Rock Webster | Tom Morse, Selectmen

0.06 0.34

Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

RECEIVED AND RECORDED
ON 3-2-09
AT 7:45 AM
BOOK 97 PAGE 103-106
attest
TOWN CLERK BARNARD, VT

**Selectboard's Return**

**Alteration and Discontinuance of a Portion of TH 14**

On December 30, 2008, the Town of Barnard Selectboard appointed the time for a Public Hearing for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Barnard pursuant to 19 VSA, chapter 7 et seq, shall Alter and Discontinue a portion of Town Highway 14, viz:

1. To alter TH14 from its interesection with TH33 southerly approximately 320 feet to the property boundary of Joseph Morel and David Firestone from Class 3 to C lass 4.

2. To discontinue TH14 from the property boundary of Joseph Morel and David Firestone southerly approximately .5 miles to its recognized terminus at the farm buildings of Joseph Morel.

3. To discontinue an alleged and previously litigated ancient Town Highway running from the farm buildings of Joseph Morel southerly, then easterly approximately .5 miles to TH 2, the Royalton Turnpike.

The Barnard Selectboard gave thirty days notice of the time and place of the Public Hearing to the property owners involved, to the Barnard Planning Commission and to other interested parties which are listed in attachment hereto. Notice was posted in the Town Office, the Barnard Post Office and at the Barnard General Store. Like Notice was published in the Valley News on January 20, 2009.

At the time and place appointed, the Selectboard Chair opened the Public Hearing and received testimony from all interested parties. The Public Hearing was recessed and the Selectboard made a site visit to the portion of TH14 delineated above to inspect the Town Highway under consideration for Alteration and Discontinuance and to hear any persons there present. There was no one present. Following the site visit, the Public Hearing was reconvened at the Town Office, to receive any further testimony. There was none. Copy of the minutes of the Public Hearing are attached hereto.

Upon due consideration, the Barnard Selectboard determined that the public good, convenience and necessity requires that Town Highway 14 be Altered and Discontinued exactly as prescribed in (1), (2), and (3) above and so unanimously voted.

Dated at Barnard, Vermont this 25th day of February, 2009.

Tim Johnson | Rock Webster | Tom Morse, Selectmen