

# SPECIAL MONKTON SELECTBOARD MEETING MINUTES

Monday, June 17, 2024

(Approved 6/25/24)

The meeting was called to order by Stephen Pilcher at 6:30 p.m.

Members in attendance: Stephen Pilcher (chair), Marikate Kelley, John McNerney, Walter Crandall

Members absent: Joe Szarejko

Others in attendance: Stan Wilbur (town administrator), Denise Dalton

## **ANNOUNCEMENTS:**

none

## **REGULAR BUSINESS:**

### PUBLIC COMMENT

There was discussion about new stakes which had appeared on the road and the survey that was being done. S. Pilcher clarified that there were three conditions to accepting the road: 1) a survey, 2) the purchase of the proposed Town Forest, and 3) the dedication of Old Airport Road by all the landowners of record.

## **NEW BUSINESS:**

### DECISION REGARDING LAYING OUT AND ACCEPTANCE OF OLD AIRPORT ROAD AS A CLASS 4 ROAD

W. Crandall recused himself from any voting. He reserved the right to speak as a member of the public.

S. Pilcher explained the extensive process regarding the changing of a private road to accepting it as a class 4 road.

**J. McNerney moved to approve the “Selectboard decision and report of findings on the layout and acceptance of Old Airport Road as a class 4 town highway” document M. Kelley seconded.** M. Kelley asked for clarification on the adjacent landowner. **The vote passed 3-0-1. W. Crandall recused himself.** J. Szarejko was not present and had previously recused himself. A copy of the document has been posted on the town website and is appended to these minutes.

## **OLD BUSINESS**

## **OTHER BUSINESS**

SPECIAL MONKTON SELECTBOARD MEETING MINUTES

Monday, June 17, 2024

(Approved 6/25/24)

The next meeting will be Tuesday, June 25, 2024, at 7 p.m.

**J. McNerney moved to adjourn at 6:46 p.m. All voted in favor.**

Respectfully submitted,

Jessica Demeritt

178 102

TOWN OF MONKTON, VT  
Received for record 6/18 20 24  
at 4 o'clock P M and recorded in  
Monkton Land Records, Vol. 178 Page 102/11  
*Kathryn M. Sawyer*  
Town Clerk

TOWN OF MONKTON, VERMONT

SELECTBOARD DECISION AND REPORT OF THE FINDINGS ON LAYING OUT AND ACCEPTANCE OF OLD AIRPORT ROAD AS A CLASS 4 TOWN HIGHWAY

**WHEREAS**, on February 9, 2024, the Town of Monkton Selectboard received a request from the Monkton Town Forest Committee to lay out and classify so-called Old Airport Road, a private road providing access to multiple properties, as a Class 4 town highway; and,

**WHEREAS**, on February 11, 2024, the Town of Monkton Selectboard received a request from the residents of Old Airport Road to lay out and classify Old Airport Road as a Class 4 town highway; and,

**WHEREAS**, the Monkton Selectboard, pursuant to the requests, initiated highway proceedings pursuant to 19 V.S.A. §708(a) for the purpose of examining Old Airport Road and receiving testimony as to whether the public good, necessity and convenience of the inhabitants of Monkton requires Old Airport Road to be laid out as a Class 4 town highway; and,

**WHEREAS**, notices of the time and date for holding a hearing on the laying out of Old Airport Road as a Class 4 Road were sent in accordance with 19 V.S.A. §709, namely by mailing notice via certified mail to each person owning or interested in lands through which the private Old Airport Road passes or abuts as referenced on Exhibit A attached hereto at least thirty days in advance, by giving notice to the Monkton Planning Commission, by posting a copy of the notice in the office of the Monkton Town Clerk, and by causing a copy of the notice to be published in the Addison Independent, a local newspaper of general circulation in the area, not less than ten days before the time set for the hearing; and,

**WHEREAS**, on March 28, 2024, the Selectboard held a public hearing where it took testimony regarding whether the 0.95 miles of private Old Airport Road being laid out as a Class 4 road would serve the public good, necessity, and convenience of the inhabitants of the Town of Monkton; and,

**WHEREAS**, the public hearing was continued to April 21, 2024 to allow for inspection of Old Airport Road and notices of the time and date for inspection of Old Airport Road were sent in accordance with 19 V.S.A. §709, namely by mailing notice via certified mail to each person owning or interested in lands through which the private Old Airport Road passes or abuts at least thirty days in advance, by giving notice to the Monkton Planning Commission, by posting a copy of the notice in the office of the Monkton Town Clerk, and by causing a copy of the notice to be published in the Addison Independent, a local newspaper of general circulation in the area, not less than ten days before the time set for the hearing; and,

**WHEREAS**, on April 21, 2024, the Selectboard conducted an examination of the premises and held a public hearing where it took testimony regarding whether the laying out of 0.95 miles of the private Old Airport Road as a Class 4 road would serve the public good, necessity, and convenience of the inhabitants of the Town of Monkton;

**NOW, THEREFORE**, based upon the inspection and the evidence presented at the hearing, the Monkton Selectboard make the following findings:

1. Old Airport Road (hereinafter referred to as "OAR") is an existing private through road subject to existing rights of access for abutting properties running from its southerly intersection of Hardscrabble Road (T.H. 5) to its northerly intersection of Hardscrabble Road (T.H. 5) as depicted on the Map of Subdivision Sales on The A. Johnson Company's "Bostwick Lands" prepared by Ken Weston and dated as of February 15, 1982 (hereafter referred to as the Weston map) which is attached hereto and incorporated herein as Exhibit B.
2. On February 9, 2024, the Monkton Selectboard received a letter from the Monkton Town Forest Committee entitled Request to the Selectboard advocating for reclassification of Old Airport Road as a Class 4 road.
3. On February 11, 2024 the Monkton Selectboard received a letter from the resident abutters of Old Airport Road asking for the Selectboard to reclassify OAR from a private to class 4 road.
4. On February 13, 2024 the Monkton Selectboard initiated and scheduled a hearing for March 28, 2024 to take testimony regarding the laying out and acceptance of OAR as a Class 4 road.
5. On February 27, 2024 the Monkton Selectboard passed a motion to **"affirm its initiation of a highway proceeding to lay out and accept the so-called Old Airport Road (OAR) as a 50' wide, class 4 Town Highway along its currently traveled surface from its southerly terminus at its intersection with Hardscrabble Road (T.H. #5) to its northerly terminus at its intersection with Hardscrabble Road (T.H. #5) and as the same is generally depicted in the attached Map of Subdivision Sales on the A. Johnson Company's Bostwick Lands by Kenneth Weston and dated 2/15/82. The laying out and acceptance of OAR as a class 4 town highway to be conditioned on: (1) the dedication, without consideration, satisfactory to Monkton, of OAR as a town highway by all landowners who own or possess an interest in OAR, and (2) the successful acquisition by Monkton of lands abutting OAR for use as a public Town Forest."**
6. Notice of the Selectboard hearing was sent via certified mail to all abutters of Old Airport Road, the co-chairs of the Planning Commission and other interested parties on February 22, 2024. The notice was posted at the Town Clerks office, at the Town Offices and the Monkton Post Office. The notice was published in the Addison Independent on March 7, 2024.
7. On March 12, 2024 the Selectboard generated a supplemental notice regarding the laying out and acceptance of OAR by setting a date and time of Sunday April 21, 2024 at 10 a.m. to inspect OAR. Notice of the Selectboard hearing was sent via certified mail to all persons owning or interested in lands through which OAR passes or abuts , the co-chairs of the Monkton Planning Commission and other interested parties on March 19, 2024. The notice was posted at the Town Clerks office, at the Town Offices and the Monkton Post Office. The notice was published in the Addison Independent on March 21, 2024
8. On March 28, 2024 the Selectboard held a hearing to take testimony regarding the laying out and acceptance of OAR as a Class 4 town highway. There were 15 members of the public that attended. The hearing was continued until Sunday April 21, 2024 to allow for inspection of the road.
9. On April 21, 2024 the Selectboard held a hearing to inspect OAR. There were 5 members of the public that attended.
10. On June 6, 2024 the Selectboard held a deliberative session regarding the laying out and acceptance of Old Airport Road.

11. Eight households, A. Johnson Co. LLC and one adjacent landowner (Kenyon) own portions of the roadway and/or enjoy non-exclusive access easements for ingress, egress and placement of utilities.
12. OAR is in good condition and is maintained by the abutting residents under an informal agreement. The estimated cost of road maintenance for 2024 is \$7890.
13. The Town of Monkton is working on acquiring approximately 447 acres of land from A. Johnson to establish a Monkton Town Forest ("MTF"). This purchase would include fee ownership of approximately 44% of the OAR roadway, substantial amounts of road frontage and an access easement over the full length of the road. Also to be included in the acquisition a parking lot with a curb cut onto OAR.
14. Acceptance of OAR as a Class 4 town highway would ensure public access to all parts of the proposed Monkton Town Forest.
15. OAR is a through road and could act as a detour or alternative route of public travel in the event road work closes portions of Hardscrabble Road.
16. The Monkton Highway Department cannot do work on private roads but can work on Class 4 roads to the extent required by necessity and the public good of the inhabitants of the Town and when staff and financial resources allow.
17. The Town of Monkton Class 4 Highway Policy allows the Town to enter into a Road Maintenance Agreement with other parties with access on the same road if the Town has access to Town owned land via a Class 4 road. The Town could enter into such an agreement if the proposed Monkton Town Forest lands come into Town ownership and the Town could then contribute time and materials to mitigate some maintenance costs subject to further negotiation and agreement of a road maintenance agreement .
18. A Class 4 road will allow the Town of Monkton to set vehicle weight limits, limit vehicle types, establish curb cuts and driveway standards, and set speed limits by ordinance subject to enforcement.

**WHEREFORE**, based on the above findings, and pursuant to 19 V.S.A. §710 and 711, the Selectboard concludes that the laying out and acceptance of Old Airport Road as a Class 4 town highway 50' in width will serve the public good, necessity, and convenience of the inhabitants of the Town of Monkton and hereby orders that OAR be laid out and accepted as a 50' in width Class 4 public highway for its entire length upon satisfaction of the following conditions: (1) the dedication, without consideration, satisfactory to Monkton, of OAR as a town highway by all landowners of record who own or possess an interest in OAR , and (2) the successful acquisition by Monkton of lands abutting OAR for use as a public Town Forest; and (3) the completion and recording of a survey of OAR; and

**WHEREFORE**, the Selectboard hereby Orders a complete survey of Old Airport Road.

This Order and its incorporated findings, together with a copy of the minutes of the Selectboard's March 28, 2024 hearing shall be filed with the Monkton Town Clerk for recording. A copy of this Order shall also be mailed, via first-class and certified mail, to each person who received written notice of the Selectboard's March 28, 2024 and April 21, 2024 hearings and inspection as referenced on Exhibit A.


SO ORDERED.

DATED at Monkton Vermont the 17 day of June, 2024

TOWN OF MONKTON SELECTBOARD

  
\_\_\_\_\_  
Stephen Pilcher, Chair

  
\_\_\_\_\_  
Marikate Kelley

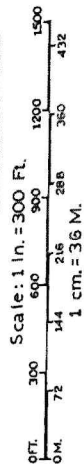
  
\_\_\_\_\_  
John McNerney

RECUSED  
\_\_\_\_\_  
Walter Crandall

RECUSED  
\_\_\_\_\_  
Joseph Szarejko

A Map of Subdivision Sales on  
THE A JOHNSON COMPANY'S "BOSTWICK LANDS"

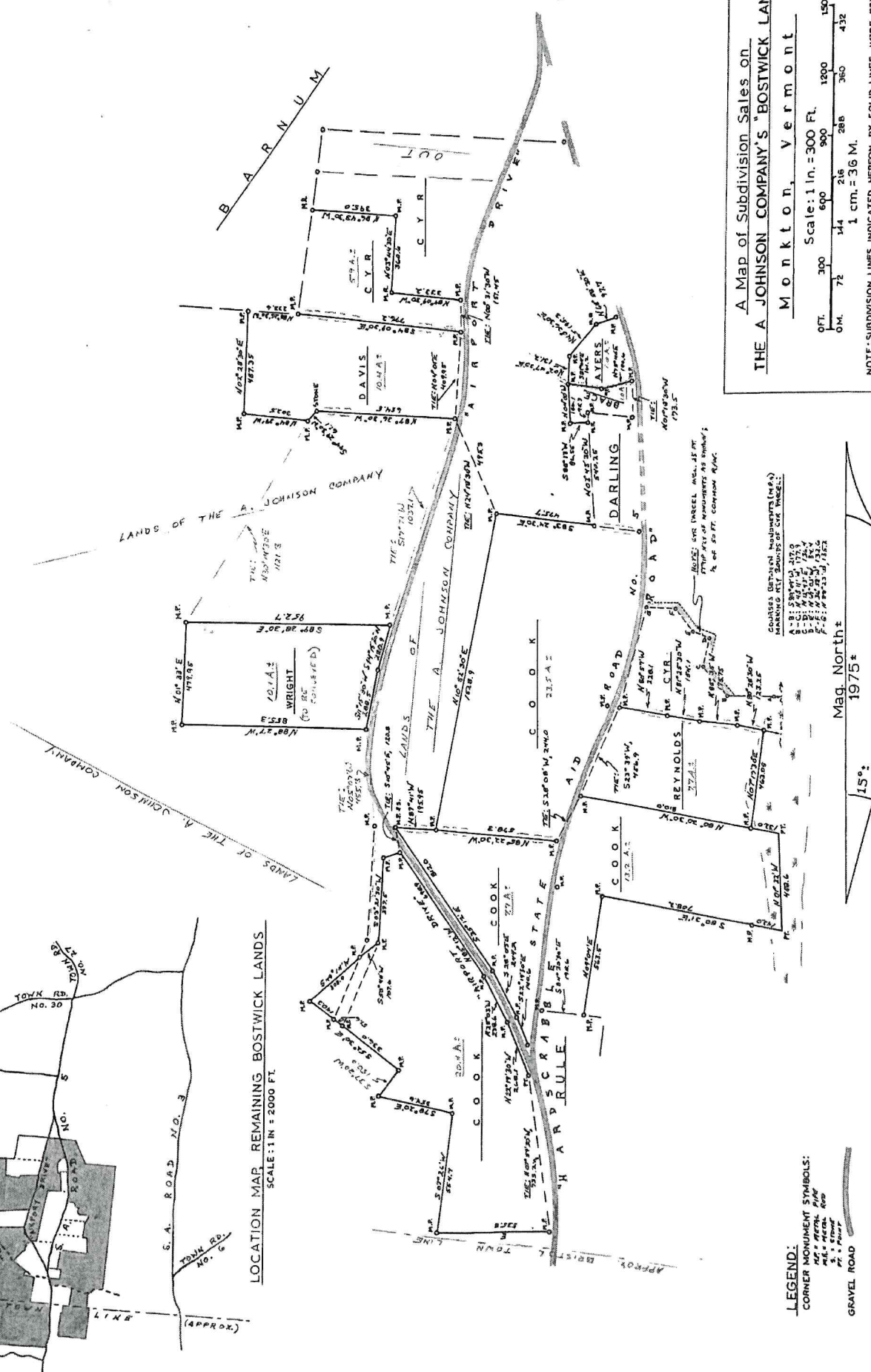
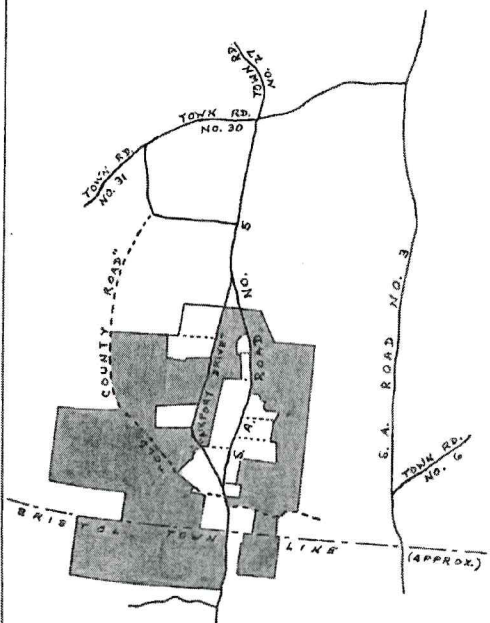
Monkton, Vermont



NOTE: SUBDIVISION LINES, INDICATED HEREON BY SOLID LINES, WERE ESTABLISHED BY ME AS SHOWN. EXTERIOR BOUNDARIES, INDICATED BY DASHED LINES, ARE SUBSTANTIALLY AS SHOWN ON MAPS OF FORMER VT. KADIN CO. AND AS PROVIDED TO A. JOHNSON CO. BY D. W. BOSTWICK. LEGAL LIMITS OF STATE AID RD. NO. 5 WERE NOT DETERMINED BY THESE SURVEYS.

*Kenneth C. Mesby L.S.*

STATUS AS OF: 15 FEB. 1982



- LEGEND:
- CORNER MONUMENT SYMBOLS:
    - 1" x 1" x 1" CONCRETE
    - 1" x 1" x 1" IRON
    - 1" x 1" x 1" WOOD
    - 1" x 1" x 1" GRAVEL
    - 1" x 1" x 1" GRAVEL
  - GRAVEL ROAD

Mag. North  
1975 ±

15°

N

**Exhibit A**

**Persons Given Notice of Hearings**

first name 1	last name 1	Company	p_addr_a	p_city	p_state	p_zip
Brett	Conner		1470 Hardscrabble Rd	Bristol	VT	05443
Bobbi Jo	Conner		1470 Hardscrabble Rd	BRISTOL	VT	05443
Donna	Barnum		P.O. Box 24	BRISTOL	VT	05443
Thomas	Kenyon		351 Barnum Road	BRISTOL	VT	05443
Bill	Sayre	A Johnson Company	106 Andrew Johnson Dr	BRISTOL	VT	05443
Dale	Grover	Grover Dale & Susan Trust	240 Old Airport Rd	BRISTOL	VT	05443
Susan	Grover	Grover Dale & Susan Trust	240 Old Airport Rd	BRISTOL	VT	05443
Susan	Davis		Po Box 58	BRISTOL	VT	05443
Joseph	Szarejko		280 Old Airport Rd	BRISTOL	VT	05443
Chelsea	Jipner		280 Old Airport Rd	BRISTOL	VT	05443
Linda	Watson	Linda Watson Trust	614 Old Airport Rd	BRISTOL	VT	05443
Channing	Washburn		2164 Hardscrabble Rd	BRISTOL	VT	05443 0243
Izola	Washburn		2164 Hardscrabble Rd	BRISTOL	VT	05443 0243
Robert	Twenge		2348 Hardscrabble Rd	BRISTOL	VT	05443
Sylvia	Nacu-Twenge		2348 Hardscrabble Rd	BRISTOL	VT	05443
Walter	Crandall		838 Old Airport Rd	BRISTOL	VT	05443
Barbara	Crandall		838 Old Airport Rd	BRISTOL	VT	05443
Mark	Bowman		768 Old Airport Rd	BRISTOL	VT	05443
Charles	Paine		898 Old Airport Rd	BRISTOL	VT	05443
Denise	Dalton		898 Old Airport Rd	BRISTOL	VT	05443
Bob	Heiser	Vermont Land Trust	226 Bridge Street	Richmond	VT	05477
Wendy Sue	Harper	Town of Monkton	P.O. Box 12	Monkton	VT	05469
Marilyn	Cargill	Town of Monkton	P.O. Box 12	Monkton	VT	05469
Holly	Acker	Estate of Henry and Joan Cook	1853 Mountain Rd	Bristol	VT	05443



**Town of Monkton Selectboard Hearing**  
**Laying Out of Old Airport Road**  
**Thursday, March 28, 2024**  
(Approved 5/28/24)

The informational meeting was called to order at 7:31p.m.

Members in attendance: Stephen Pilcher (chair), John McNerney, Marikate Kelley, Joe Szarejko, Walter Crandall

Members absent: none

Others in attendance: Jessica Demeritt (recording secretary), Stan Wilbur (town administrator), Callie Brynn, Jaime Schulte, Chan Washburn, Bill Sayre, Barb Crandall, Joe Szarejko, Bob Heiser, Molly Parren, Larry Pike, Susan Randall Davis, Linda Watson, Denise Dalton, Chris Paine, Tom Kenyon, Brett Conner

S. Pilcher explained the process of the informational meeting and the hearing. He said the town of Monkton had generated two new policies 1) Class 4 Highway policy, Monkton does not maintain class 4 roads but if it owns a curb cut may contribute to road maintenance, and 2) Highway Right-of-Way policy. He explained that notices were sent on 2/13/24 regarding the hearing, and were sent to all abutters and other interested parties such as the Planning Commission.

C. Brynn explained that Monkton is looking to purchase 447 acres from the A. Johnson Company to create a town forest. She estimated that about 300 acres are accessible from Old Airport Road (OAR). Conversation with neighbors on OAR has been ongoing for about a year. Maintenance and liability were concerns. A class 4 road seemed like a good solution. The Town Forest Committee (TFC) recommended changing OAR from a private road to a class 4 road. C. Brynn noted that \$770,000 came from 2 grants which require public access. The class 4 road designation would help support that access. J. Schulte said from the town's perspective, a class 4 road allows the town more options than a private road. He said it would be better from a cost and liability perspective. It also seems beneficial to the residents.

T. Kenyon asked if any consideration had been given to his portion of the road. He feels he should be compensated for the portion of the road he purchased. It wouldn't change the overall use of the road, he agreed. S. Pilcher noted there were legal possibilities to pursue.

S. Randall Davis asked about the process. She noted they would be out of town when the road is inspected. S. Pilcher said she could have a proxy there, but the road is simply being inspected. S. Pilcher said the hearing would be left open until 4/21/24 when the road is being inspected. He noted the town attorney is helping with this process. S. Pilcher said he could follow up with Jim Carroll. T. Kenyon said he is not asking for more money than he paid for the land, and would contribute \$1000 to the Town Forest. S. Pilcher asked if T. Kenyon was asking the town to buy the land? T. Kenyon replied, fix it, however that works. J. McNerney said he

understood from TFC meetings, there is an easement across Tom's portion of the road for the benefit of the town and anyone on the road. J. Schulte asked if there was a limit to how many people can use the existing easement. It was unclear. T. Kenyon said he is not contesting the easement.

J. McNerney reminded everyone that there will be no feedback from the Selectboard during the hearing; it is just a time to take testimony.

C. Brynn said a surveyor will be surveying the road and have the north and south ends of the road staked before the inspection. M. Kelley asked if the town decided not to make it a class 4 road, would the decision affect the easement and the funding. J. Schulte said there is uncertainty about the easement and access. S. Randall Davis said she thinks the right of access is for residents of the road.

**The hearing was called to order at 8:00 p.m.**

Members in attendance: Stephen Pilcher (chair), John McNerney, Marikate Kelley, Joe Szarejko, Walter Crandall

Members absent: none

Others in attendance: Jessica Demeritt (recording secretary), Stan Wilbur (town administrator), Callie Brynn, Jaime Schulte, Chan Washburn, Bill Sayre, Barb Crandall, Joe Szarejko, Bob Heiser, Molly Parren, Larry Pike, Susan Randall Davis, Linda Watson, Denise Dalton, Chris Paine, Tom Kenyon, Brett Conner

By notice of the Selectboard hearing laying out of Old Airport Road provided on February 13, 2024 pursuant to 19 V.S.A. § 709, a hearing to receive testimony on the lay out and acceptance of Old Airport Road (OAR) has been set for March 28, 2024 beginning at 8:00 p.m. at the Monkton Town Offices located at 92 Monkton Ridge Road.

The Town of Monkton Selectboard hereby supplements its previous notice pursuant to 19 V.S.A. § 709 by setting a date and time to **inspect** OAR described as follows:

The 0.9 miles of a currently traveled private road 50' in width known as Old Airport Road (OAR) as the traveled surface of OAR is currently located on the ground starting at OAR's southern terminus at its intersection with Hardscrabble Road (T.H. #5) and running to OAR's northerly terminus at its intersection with Hardscrabble Road (T.H. #5).

Notice is hereby given that on April 21, 2024 the Monkton Selectboard shall conduct a site inspection of OAR at 10:00 a.m. Beginning at OAR's southern terminus with Hardscrabble Road (T.H. #5).

S. Pilcher asked if any members of the Selectboard had any conflicts of interest? Both W. Crandall and Joe Szarejko recused themselves from the hearing.

S. Pilcher opened the hearing to public comment.

C. Brynn, of the Town Forest Committee (TFC), said they put a recommendation forward to change Old Airport Road (OAR) from a private road to a class 4 town road. She explained the setting of the proposed town forest. She noted access from OAR allowed access for all ages and abilities, unlike other access points. The cost of the project is about \$1.1 million dollars. A significant portion of the funding, \$750,000, requires public access for eligibility. She explained the ongoing conversation with OAR residents. The TFC's perspective was concerning access. The residents had concerns about maintenance and liability. If the land was not purchased, the road would not become a class 4 road. J. Schulte added it would be a benefit for the town to have it be a class 4 road for access, liability, and cost management. It would also benefit residents.

D. Dalton said she supports reclassifying the road due to liability because there may be an increase of risk. If the road stayed private, she noted the residents would need to hire contractors to maintain the road for liability reasons. She noted the town would be best equipped for this. D. Dalton explained that to her a private road means access to private property, and inviting the public over a private road for public access doesn't make sense to her.

S. Randall Davis noted that things change over time. She noted we must be thoughtful regarding change. With community ownership comes community responsibility. She noted that residents of private roads do not advertise to the public to come use the road. She spoke about having the road private as limiting, and having it a town road best supported the public good. Asked the Selectboard to accept the responsibility of OAR.

Bill Sayre spoke as a representative of the A. Johnson Company. He would like to support the TFC and residents in their pursuit of changing the road to a class 4 town road.

T. Kenyon said he owns the north end of OAR, paid \$5000 in 1996. He said he would like to be reimbursed, and do the right thing. If so, he will donate \$1000 to TFC. B. Conner said if the town is inviting people onto the land, they should have responsibility for the road. He is interested in seeing the corners of the properties. C. Brynn said a surveyor is going to stake the north and south ends of OAR before the road inspection. She noted the A. Johnson Company had provided surveys of the land. J. McNerney asked if intent of those requesting was that the Right of Way follow the centerline as it exists today? T. Kenyon asked if all the mineral rights were done on the property. The response was, as far as they know, the mineral rights are concluded.

B. Crandall supported the effort to make OAR a class 4 highway.

S. Pilcher said the hearing was continued until Sunday at 10 a.m. on April 21, 2024, when the road would be inspected beginning at the southern end.

This phase of the hearing concluded at 8:23 p.m.

Respectfully submitted,  
Jessica Demeritt