

**Decision and Order of the East Montpelier Selectboard  
With Regard to the  
Reclassification of the Class 4 Portion of Foster Road (TH #11) to Legal Trail**

On February 15, 2014, the Selectboard held a site inspection at the class 4 portion of Foster Road (a part of Town Highway #11). A public hearing was held on February 17, 2014 at the East Montpelier Town Office Building. Both a second site inspection and a second public hearing were held July 21, 2014. The purpose the site visits and the hearings was to take testimony from adjoining landowners and to hear from interested citizens in order to aid the Selectboard in determining whether the public good, necessity, and convenience of the inhabitants of the Town of East Montpelier would be served reclassifying the class 4 portion of Foster Road to a legal trail.

The class 3 section of Foster Road runs east from its intersection with Sibley and Putnam Roads to its terminus at the old Foster farm, now owned by Jersey Ledges, LLC. Approximately 0.1 miles before this terminus, the class 4 portion of Foster Road turns north and runs 0.6 miles to its end at Chickering Road. The road under consideration for discontinuance is described on the “Vermont General Highway Map – Town of East Montpelier,” prepared by the Vermont Agency of Transportation, last updated in 2012.

Notice of the site visits and public hearings was provided in accordance with state law.

Minutes of the hearings as well as audio recordings of the proceedings are available in the Town Office.

After the hearing and considering the various aspects of this circumstance, the Selectboard makes the following findings of fact:

1. The class 4 portion of Foster Road (a 0.6-mile section of TH #11) runs from the maintained, class 3 portion of Foster Road to Chickering Road. For the most part the class 4 portion of Foster Road bisects the property owned Jersey Ledges, LLC (Parcel #07-030.000). Right at its northern terminus at Chickering Road, the road also runs through and abuts the land of Arthur & Joanne Chickering (Parcel #07-058.000).
2. The road has not been maintained by the Town for over 20 years. The road is untraveled and essentially impassable in a standard car.
3. The Town has no plans to use the road for any highway purpose. The road currently serves no public purpose as a town highway. However, the road does provide public access from the class 3 portion of Foster Road to the class 3 Chickering Road. The road is used for recreational pursuits of many types, including walking, biking, and horseback riding.
4. Both Chickering Road and the class 3 portion of Foster Road are fully-maintained class 3 public highways. The class 4 portion of Foster Road is not used for access to any residential or commercial property. There will be no reduction in the provision of fire protection and emergency services to East Montpelier residents.

5. Reclassification as a legal trail has no property tax implications for the residents who own the property through which the road passes. These residents have no concerns with a reclassification to legal trail.
6. The commissioner of the Vermont Department of Forests, Parks & Recreation was properly notified of proposed reclassification to legal trail. No response was received from the commissioner.

Based on these findings, the East Montpelier Selectboard hereby orders that the class 4 portion of Foster Road be reclassified as a legal trail. It is the intent of the Selectboard that the public right-of-way be maintained at its presumed existing three rod width.

The Selectboard further finds that there are no persons entitled to damages because said road, although an existing class 4 Town highway with a presumed three rod right-of-way, is and has been for many years untravelable for any residential highway purpose.

The decision and order of the Selectboard for the **Reclassification as a Legal Trail of that part of Town Highway #11 known as the Class 4 Portion of Foster Road** is ratified and dated at East Montpelier, Vermont, this **21<sup>st</sup> day of July, 2014**.

**By: East Montpelier Selectboard**

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Seth Gardner, Chairperson

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Casey Northrup

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Carl Etnier

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Steve Sparrow

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Kim Swasey