

Addison County Regional Planning Commission

Full Commission Meeting

Wednesday, February 8, 2006

The Addison County Regional Planning Commission's full commission meeting was held on February 8, 2006, at the Middlebury Inn's Founder's Room, Donald Shall presiding.

ROLL CALL:

<i>Addison:</i>		<i>Orwell:</i>	Andrea Ochs David King
<i>Bridport:</i>	Andrew Manning Edward Payne	<i>Panton:</i>	Michael Hermann
<i>Bristol:</i>	Peter Grant Jim Peabody William Sayre	<i>Ripton:</i>	
<i>Cornwall:</i>	Donald Shall	<i>Salisbury:</i>	
<i>Ferrisburgh:</i>	Bob McNary Stephen Gutowski	<i>Shoreham:</i>	Jeremiah Parker Elizabeth Pidgeon
<i>Goshen:</i>		<i>Starksboro:</i>	Elissa Close
<i>Leicester:</i>	Tom Drew	<i>Vergennes:</i>	Renny Perry
<i>Lincoln:</i>	Jason Oleet	<i>Waltham:</i>	
<i>Middlebury:</i>	Fred Dunnington	<i>Weybridge:</i>	
<i>Monkton:</i>	Thea Gaudette Charles Huizenga	<i>Whiting:</i>	Ellen Kurrelmeyer
<i>New Haven:</i>	Milo Schaefer Allen Karnatz		

CITIZEN INTEREST REPRESENTATIVES:

AC Chamber of Commerce:

AC Community Action Group:

AC Economic Development Corp:

Otter Creek Audubon Society: Marcia Parker

ADDISON COUNTY REGIONAL PLANNING COMMISSION**ACRPC EXECUTIVE BOARD**

CHAIR: Donald Shall

VICE-CHAIR: Renny Perry

SECRETARY: Andrea Ochs

TREASURER: Karl Neuse

Andrew Manning

Elissa Close

William Sayre

STAFF:

EXECUTIVE DIRECTOR: Adam Lougee

ASSISTANT DIRECTOR/GIS DATA MANAGER: Kevin Behm

EMERGENCY MGT PLANNER/SENIOR PLANNER: Tim Bouton

SENIOR/TRANSPORTATION PLANNER: Richard Kehne

PLANNER/GRANT WRITER: Jeffrey Owen

WATERSHED PLANNER: Neil Fraser

OFFICE MANAGER/BOOKKEEPER: Pauline Cousino

TELEPHONE: 388-3141

FAX: 388-0038

Public Program

The public program began at 7:37 p.m. with the introduction of three guest speakers to discuss the Ancient Roads bill currently under consideration in the Vermont Legislature. Andrew Mikell, an attorney representing the Vermont Attorney's Title Corporation began the panel discussion, followed by Steve Jeffrey, the Executive Director of the Vermont League of Cities and Towns; and Tim Cowan, a local land surveyor serving the Vergennes area, and currently working for Civil Engineering Associates.

Mr. Mikell distributed a copy of proposed Bill H.701, and gave a visual presentation explaining its purpose and background. When the towns of Barnard, Chittenden and Bethel began mapping ancient roads, a number of land disputes arose, serving as the catalyst for H.701. At issue is the expectation of property owners to be secure in the knowledge of how their property is encumbered versus the rights of towns to claim use to roads not known to them. Citing a 2004 Windsor Superior Court case, Spencer, et al v. the Town of Barnard as one example of the difficulties land surveyors and title searchers face in locating ancient roads, Mr. Mikell was not convinced the pending bill would resolve the problem, since it would allow towns seven years to locate the Class 4 roads, with no compensation whatsoever. He added that the entire process could cost townships millions of dollars to find roads that are 50 feet wide by definition, and are basically long driveways.

Steve Jeffrey agreed that a resolution needs to be found, but presented a different perspective on ancient roads, an issue that has been before the Vermont Legislature as far back as 1781. Mr. Jeffrey pointed out that H.64, a bill introduced two sessions ago, proposed the elimination of roads not included on town maps. In addition, a bill passed last year, H.334, allows for the discontinuation of roads not included on Agency of Transportation maps. According to Mr. Jeffrey, H.701 gives towns the opportunity to catalog and map all Class 1, 2, and 3 roads for state aid purposes, and seven years to identify Class 4 roads, a timeframe opposed by title insurance companies, an aspect of the proposed bill that Mr. Jeffrey believes will be further addressed.

Tim Cowan also believed that H.701 comes close to meeting goals to allow time for both landowners and towns to determine the existence of roads to be included on maps; however, it was his opinion that the proposed bill relies too heavily on town highway maps, which are not created for that purpose, but rather to keep track of those roads designated for state aid. Since towns lack a complete inventory of roads, the challenge that exists for surveyors is determining the actual location of an ancient road on the ground, and whether it has been discontinued – a lengthy and expensive process which involves scouring town records such as select board meeting minutes over a period of decades. Mr. Cowan pointed out that more than half the roads in the state simply appeared on the ground, landowners did not object to their public use, and the towns agreed to maintain the roads. The problem arises from their discontinuance, a process that involves a number of steps to be taken by Select Boards. Since town roads are both an asset and a liability, Mr. Cowan suggested that in finding a solution, the Legislature must be careful not to embrace a magic law that makes roads simply disappear.

Bob McNary asked where the funding would come from to pay for legal fees associated with land disputes.

Steve Jeffrey contended that costs should be minimal since the proposed bill clearly defines both identified and unidentified corridors: "If an unidentified corridor does not appear on a town highway map by July 1, 2013, it is discontinued and belongs to the owners of the adjoining lands. If the unidentified corridor appears on the town highway map by that date, it shall be known as an identified corridor with a right of public access."

Without physical evidence of an existing road, Milo Schaefer asked why the proposed bill allows towns to build a case during a seven-year period. It was his opinion that landowners should take precedence.

Steve Jeffrey reiterated that the seven-year timeline would be further considered in the final version of the bill.

Elizabeth Pidgeon advocated involving towns' citizens who use the roads rather than limiting the process of discontinuance to select boards. She added that how a road has been used over the years should also be a priority.

Marcia Parker asked if special interest groups representing ATV and snowmobile organizations are lobbying for the proposed bill, a prospect that raises some concern.

Andy Mikell responded that Snow Travelers is represented by counsel in a current civil action involving the Barnard Inn property, a portion of which is used by snowmobilers to gain access to a nearby gas station.

Andrea Ochs pointed out however that it has been her experience members of the Vermont Association of Snow Travelers (VAST) are careful to obtain consent from landowners.

Orwell selectman Roland "Ted" Simmonds noted that in the process of developing a system to find old surveyed roads, surveyors for the Town of Orwell have indicated that some parcels may be landlocked if the bill becomes law. Mr. Simmonds also pointed out that private access, and spring and logging access were oftentimes not included in land deeds.

Mr. Mikell offered assurance that the proposed bill will not eliminate access to any lands, and will not create any landlocked parcels.

Jim Peabody asked how surrounding New England states have dealt with the issue of ancient roads.

Steve Jeffrey explained that his research shows that towns in both Maine and New Hampshire decide by town vote whether to discontinue a road, and the state of Connecticut utilizes an abandonment process. He added that Vermont is unique by virtue of its agrarian nature and history that includes a mass exodus in the 1800's. The issue of ancient roads is far less controversial in other New England states. Andy Mikell again pointed out how the issue came to the forefront as a result of mapping and land disputes in the towns of Barnard, Chittenden and Bethel.

The public program concluded at 8:45 p.m.

Business Meeting

Noting a quorum being present, Chairman Don Shall called the Business Meeting to order at 9:00 p.m.

I. Approval of Minutes: January 11, 2006

Andrea Ochs moved to approve the meeting minutes for January 11, 2006; Thea Gaudette seconded the motion.

Fred Dunnington recommended the following corrections on Page 1:

2nd paragraph: delete phrase "to accommodate double-decker train cars"

3rd paragraph: delete "in which J.P. Carrara & Sons would construct a pre-cast quick bridge. Another option is to define the bridge as a local project, fashioned as a public/private partnership"

Minutes approved as amended by unanimous voice vote.

II. Treasurer's Report

Adam distributed an updated Treasurer's report (copy attached), and noted that the monthly budget report indicates 67% of revenues collected.

Andrea Ochs moved to accept the Treasurer's Report; Bob McNary seconded the motion.

Acceptance of the Treasurer's Report passed unanimously by voice vote.

III. Committee Reports

Local Government

Thea Gaudette noted that the committee will meet with Middlebury town officials February 27th and in Bridport on March 14th to review their respective town plans.

Natural Resources Committee

No meeting held.

Act 250 and 248

Fred Dunnington referred members to page two of the Executive Board meeting minutes of January 25th for details of four recent applications: 1) Lathrop Limited Partnership; 2) Verizon's new antenna on Knox Hill Road in Orwell; 3) Eastview at Middlebury; and 4) the Shaffer New Haven and Weinland residential subdivision.

TAC Transportation Committee

Andrew Manning reported that TAC is continuing its work on the transportation portion of the regional plan, specifically, conformity with the existing format. Fred Dunnington added that TAC recently met with members of the House Transportation Committee to discuss the region's transportation priorities.

Bylaws Committee

Thea Gaudette distributed a draft of the commission's bylaws for consideration (copy attached), which incorporates all Chapter 117 changes, addresses the majority vote issue, the role of alternates and special interest groups, and power to sign contracts. Thea encourages members to review a side-by-side comparison of the bylaws as they now stand. Thea noted that because the amendments do not require a public hearing, the draft will be considered at next month's full commission meeting.

IV. Joint Partners Report

Adam Lougee noted that at the December commission meeting in Vergennes it was erroneously reported that Thea Gaudette had stepped down from both the Economic Development Corporation Board and CEDS. Adam clarified that Thea resigned from the Economic Development Corporations Board only.

V. Delegates/Staff Recognition:

Adam introduced ACRPC's new planner, Jeff Owen who will be working on town plans as well as the regional transportation plan. Jeff recently moved back to Vermont from Bolton, Massachusetts, spent two years in Romania with the Peace Corps, and earned a masters degree in regional planning.

VI. Old Business

Otter Creek Basin Planning Update

Adam invited commission members to attend the next meeting of the Otter Creek Basin Planning Advisory Committee Thursday, February 9th from 6 to 8 p.m. at the Ilsley Public Library to discuss river management issues for the Otter Creek Basin. Funding for assessments pass through the regional planning commission, which work in conjunction with mountain towns such as Lincoln, Starksboro, and Ripton to improve water quality and habitat as well as avoid and reduce hazards due to fluvial erosion hazards.

VII. New Business

Homeland Security Audit Report

Referring to page 3 of the Executive Board meeting minutes of January 25th, Adam noted that there remain some minor issues that need to be worked out regarding who constitutes ACRPC's cognitive federal agency; however, Adam added that he felt that none of the findings were significant in nature.

Proposed Mid-Year Budget Adjustment

Adam reviewed the proposed budget adjustments (copy attached), noting that the Sycamore Park project will not be completed this year as anticipated. Therefore, \$19,300 will be offset by consultant funds previously earmarked for PDMC (geomorphic project) and HSU Planning.

Proposed amendments approved by unanimous voice vote.

VIII. Members' Concerns/Information

Bob McNary asked if a location had been chosen for the commission's annual meeting in May. Adam advised that a location has not yet been determined but invites any suggestions as well as any ideas for keynote speakers to be considered by the Executive Board.

IX. Adjournment

Thea Gaudette moved for adjournment; Andrea Ochs seconded the motion. Meeting adjourned at 9:20 p.m.

*Submitted by,
Peggy Connor*
