

**Town of Pomfret
Selectboard Meeting Agenda
Town Offices
5218 Pomfret Road, North Pomfret
July 17, 2024, 7:00 pm**

Zoom instructions below

Business Items	
1. Call to Order	7:00 pm
2. Agenda Review	
3. Public Comment	
4. Road Foreman's Report	7:05 pm
5. Items for Discussion or Vote a. Aggregate/Gravel Purchase Contract b. Fall Foliage Traffic Management c. Eastern States Cup Permit Applications d. River Road Update e. Invasive Plant Management f. Highway Access Permit Approval (Dinsmoor Road) g. Appointment of Public Officers h. Warrants i. Approval of July 3, 2024 Minutes	7:30 pm
6. Meeting Wrap Up a. Correspondence b. Review of Assignments c. Agenda for Next Meeting	8:30 pm
7. Adjournment	
<i>Time frames are approximate. Members of the public wishing to attend for specific business items are encouraged to arrive before the time indicated.</i>	

Zoom Instructions

- Computer or Smartphone
<https://zoom.us/j/95395079923?pwd=ZjBEed3ZuZWgvWmx2M0tpOE8zbjg2dz09>
- Mobile Phone +19292056099,,95395079923#,,#,306922#
- Landline or Mobile Phone (301) 715 8592, then Meeting ID 953 9507 9923 and Passcode 306922

Aggregate Purchase Price Comparison

	Tonnage	Pike Unit Price	Pike Total Price	Twin State Unit Price	Twin State Total Price
3/4-inch Crushed Stone Base	6,500	10.00	65,000.00	15.00	97,500.00
1.5-inch Crushed Stone Base	500	10.00	5,000.00	12.95	6,475.00
2-4-inch Erosion Stone	100	13.25	1,325.00		0.00
4-6-inch Erosion Stone	500	13.25	6,625.00	16.50	8,250.00
Rip Rap	100	13.25	1,325.00		0.00
1.5-inch Stone	100	13.25	1,325.00	16.50	1,650.00
3/4-inch Stone	100	13.75	1,375.00	16.95	1,695.00
3/8-inch Stone	1,100	10.00	11,000.00	22.80	25,080.00
Trucking	9,000	7.85	70,650.00	10.00	90,000.00
			163,625.00		230,650.00



TOWN OF POMFRET, VERMONT

SELECTBOARD

Draft – July 14, 2024

To: The Pomfret Community
From: Town of Pomfret Selectboard
Date: [REDACTED], July 17, 2024
Subject: 2024 Foliage Season Traffic Management

I. Introduction

This memorandum summarizes steps the Town of Pomfret will take to manage and ameliorate traffic issues during the 2024 Foliage Season (as defined below) along Cloudland Road (TH #5, and Woodstock TH #44) and Barber Hill Road (TH #5) created primarily by extraordinary tourism interest in private properties.

Foliage season traffic in this area has steadily increased during the last several years, causing significant safety, environmental, aesthetic, and quality of life issues. The steps summarized in this memo are part of a comprehensive effort, in coordination with area residents, to address these issues on the ground, through dialogue with local government partners, and on social and other information media.

Last year, the Town of Pomfret, in coordination with the Town of Woodstock, closed Cloudland Road south of Barber Hill Road and limited Barber Hill Road to one-way traffic westbound ~~between~~from Saturday, September 23 through Sunday, October 15, 2023. These traffic pattern changes ~~were~~are described in a memorandum approved by the Pomfret Selectboard on August 16, 2023.¹

Feedback on the traffic pattern changes implemented last year has been mostly positive, especially among residents in the affected area. For this and other reasons, the Pomfret Selectboard has determined to implement a similar plan for the 2024 Foliage Season, as described herein.

The subject of this memo was discussed at the June 18, July 5~~3~~ [REDACTED], July 17, 2024, Pomfret Selectboard meetings and reflects feedback provided by interested parties. This memo was approved by the Pomfret Selectboard on [REDACTED], July 17, 2024.

¹ Town of Pomfret, “~~2024~~2023 Foliage Season Traffic Management”, as approved on August 16, 2023, available from https://pomfretvt.us/index.php/download_file/2233/.

II. Temporary Traffic Pattern Changes

Road Closures. From [Friday ~~Wednesday~~, September 20~~25~~] through [Monday ~~Wednesday~~, October 14~~16~~], 2024 (the “2024 Foliage Season”), and subject to the exceptions described below:

- Cloudland Road in Pomfret south of Barber Hill Road will be closed to all motor vehicle traffic.
- All of Cloudland Road in Woodstock will be closed to all motor vehicle traffic, as authorized by the Woodstock Select Board at its { }, [July 16], 2024 meeting.
- All of Barber Hill Road will be limited to one-way traffic westbound and closed to all eastbound motor vehicle traffic.

For an illustration of the traffic pattern changes described above, see *Attachment 1*.

No Parking Areas. During the 2024 Foliage Season, parking will be prohibited:

- On both sides of Cloudland Road from immediately north of the driveway to 3655 Cloudland Road to immediately south of the driveway to 2763 Cloudland Road.
- On both sides of Barber Hill Road from immediately east of the driveway to 1178 Barber Hill Road to the intersection with Cloudland Road.

Exceptions. Notwithstanding the traffic pattern changes described above, the individuals listed below may continue to travel on Cloudland Road and Barber Hill Road in both directions. These individuals are asked to enter and exit the closure area by the shortest available route and to avoid unnecessary travel through the closure area.

- Cloudland Road, Barber Hill Road, Maxham Road (TH #46) and Orchard Hill (private) residents, their guests, deliveries, contractors and service providers
- All other Pomfret and Woodstock residents, but only within the closure area of their respective town
- Individuals actively engaged in the required agricultural practices, accepted silvicultural practices or forestry operations described in 24 V.S.A. 4413(d)(1)
- Operators of emergency vehicles while responding to emergencies

Authority. The temporary traffic pattern changes described above are authorized by 19 V.S.A. 303 and 1110, 23 V.S.A. 1010 and Section 8 of the Pomfret Traffic and Parking Ordinance, and were approved by the Pomfret Selectboard on { }, [July 17], 2024, and the Woodstock Select Board on { }, [July 16], 2024. All other traffic and parking regulations continue to apply except as modified herein.

III. Temporary Signage and Barriers

To alert the traveling public of the traffic pattern changes described above, and as required by Section 8.2 of the Pomfret Traffic and Parking Ordinance, prior to the start of the 2024 Foliage Season, the Pomfret Highway Department will install the signage and barriers described in *Attachment 2*. Signage and barriers within the Town of Woodstock will be placed in coordination with the Woodstock Public Works Department.

During the 2024 Foliage Season, the signage and barriers described in *Attachment 2* will be monitored and replaced by area residents as needed, with timely notice of these activities to the Pomfret Highway Department or Woodstock Public Works Department, as applicable. The signage and barriers will be removed by the Pomfret Highway Department after the 2024 Foliage Season.

IV. Pomfret Highway Department Guidance

The Pomfret Highway Department in its discretion may deviate from the signage and barriers described in *Attachment 2* in order to promote the safety of the traveling public, maintain reasonable levels of service on the existing highway system, and protect the public investment in the existing highway infrastructure.

While area residents will be primarily responsible for monitoring and replacing signage and barriers that are disturbed or removed during the 2024 Foliage Season, the Pomfret Highway Department may remove or relocate signage or barriers at any time in order to protect the traveling public or highway infrastructure.

V. Patrol and Enforcement

The Pomfret Selectboard will ask the Windsor County Sheriff's Department to direct its 60% of existing patrols to the closure area during the 2024 Foliage Season, to enforce the temporary traffic pattern changes described above, and to issue warnings or citations as appropriate. Area residents will coordinate directly with the Sheriff's Department to direct these existing patrols within the closure area.

Area residents at their option, sole cost and expense, may also contract with the Sheriff's Department or other licensed traffic control professional for additional patrols during the 2024 Foliage Season. Area residents will provide advance notice to the Pomfret Selectboard and Woodstock Municipal Manager of any such additional patrols.

VI. Communications and Publicity

Copies of this memo will be provided to the individuals and agencies listed in *Attachment 3*. A summary of the temporary traffic pattern changes described above also will be published by the Pomfret Selectboard in at least two public places as required by 19 V.S.A. 1110, in *The Vermont Standard* on or about September 12, 2024, and on the Pomfret and Woodstock list serves on or about September 10 and September 19, then weekly thereafter through October 10, 2024.

The public is asked to direct any questions or concerns as follows:

- **Regarding the policies described in this memo**, to the Pomfret Selectboard (<https://pomfretvt.us/index.php/boar/sel/>) or the Woodstock Municipal Manager (<https://townofwoodstock.org/government/town-manager/>)
- **Regarding town highway conditions, maintenance or damage**, to the Pomfret Highway Department (<https://pomfretvt.us/index.php/dep/highway/>) or the Woodstock Public Works Department (<https://townofwoodstock.org/departments/public-works/>)
- **Regarding non-emergency law enforcement matters**, to the Windsor County Sheriff's Department (<https://windsorsheriff.org/contact-us>) or the Woodstock Police Department (<https://townofwoodstock.org/departments/emergency-services/>)
- **For Emergencies, Fire or Ambulance, dial 911**

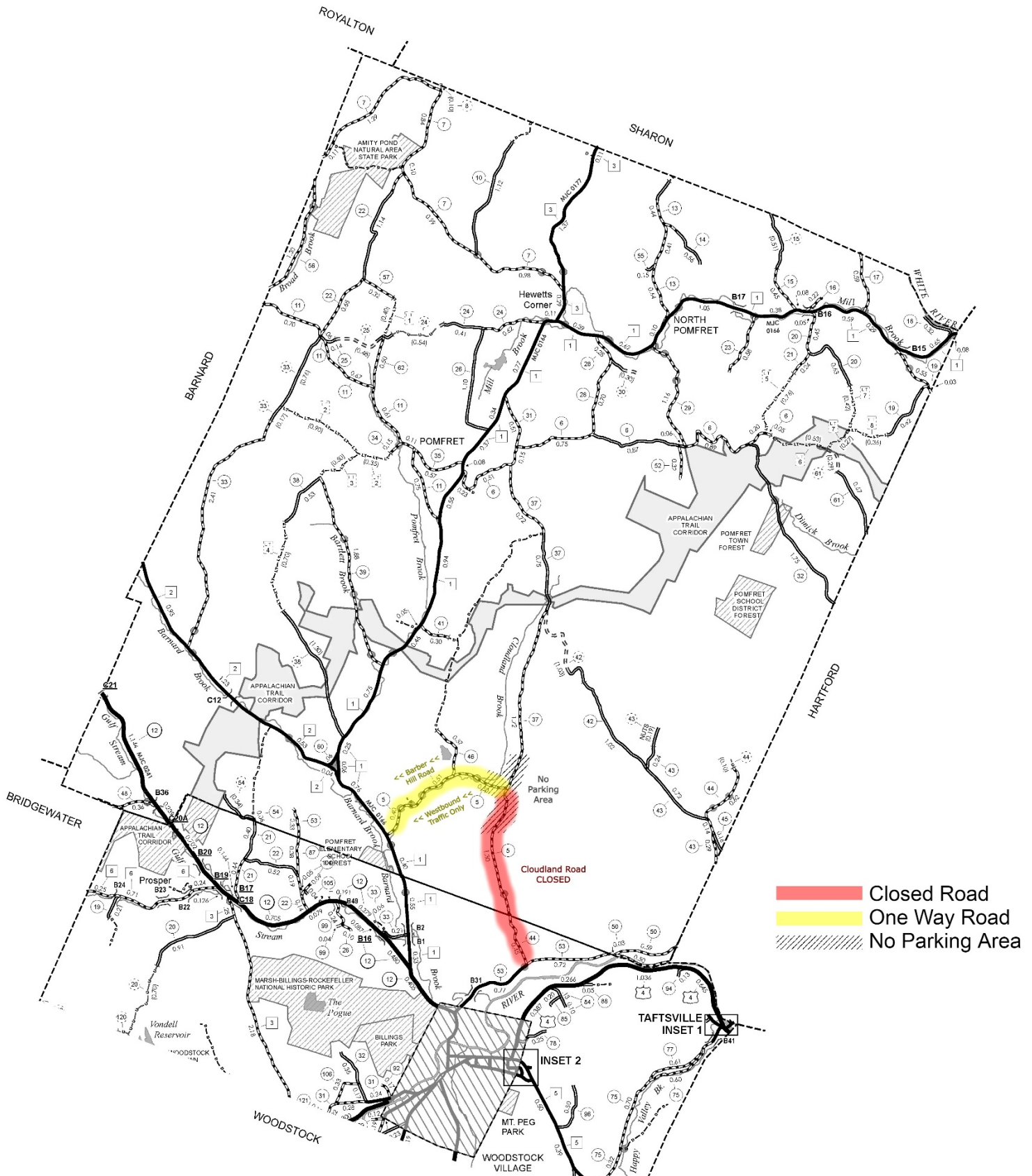
VII. Conclusion

The Pomfret Selectboard recognizes that the traffic pattern changes and other steps summarized in this memo cannot fully address the significant issues created by fall foliage traffic along Cloudland Road and Barber Hill Road. We also appreciate these steps may inconvenience area residents, their guests and others.

Nonetheless, we believe these actions will significantly improve safety and quality of life for residents most severely affected by increased foliage season traffic, as they did last year. We thank the Pomfret and Woodstock communities for their patience and careful adherence to these temporary changes so that they may have their intended effect.

[Remainder of page intentionally blank. Attachments follow.]

ATTACHMENT 1 TEMPORARY TRAFFIC PATTERN CHANGES



ATTACHMENT 2
TEMPORARY SIGNAGE AND BARRIERS

Cloudland Road in Woodstock (Woodstock TH #44)

(mileage measured north from the intersection with Old River Road (Woodstock TH #53))

- **0.01 miles** (end of paved surface) –
 - “Road Closed (local residents only)” on both sides facing south
 - Two eight-foot barricades or reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass

Cloudland Road in Pomfret (TH #5)

(mileage measured north from the Woodstock town line)

- **0.00 miles** (immediately north of the Woodstock town line) –
 - “Road Closed (local residents only)” on both sides facing south
 - Two eight-foot barricades or reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass
- **0.22 miles** (immediately north of the driveway to 4169 Cloudland Road) – “Road Closed (local residents only)” on both sides facing south
- **0.76 miles to 1.59 miles** (from immediately north of the driveway to 3655 Cloudland Road to immediately south of the driveway to 2763 Cloudland Road) at regular intervals – “No Parking, Stopping or Standing” on both sides facing both directions
- **0.90 miles** (across from the driveway to 3429 Cloudland Road) – Reflective barrels as needed to eliminate space for parking
- **1.10 miles** (immediately south of the driveway to 3281 Cloudland Road) – “Road Closed (local residents only)” on both sides facing north
- **1.21 miles** (immediately south of Barber Hill Road) –
 - “Road Closed (local residents only)” on both sides facing north
 - “Exit” on southbound side directing traffic onto Barber Hill Road
 - Two reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass
- **4.35 miles** (immediately south of Galaxy Hill Road) –
 - “Road Closed Ahead (local residents only)” on both sides facing north
 - Two reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass

Barber Hill Road (TH #5)

(mileage measured east from the intersection with Pomfret Road (TH #1))

- **0.00 miles** (in the “wye” east of Pomfret Road) – “Detour” directing westbound Barber Hill Road traffic to turn left (south) onto Pomfret Road
- **0.01 miles** (immediately east of the “wye” east of Pomfret Road) –
 - “Road Closed (local residents only)” on both sides facing west
 - Two reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass, and other traffic to reverse direction around the “wye”
- **0.89 miles** (immediately north of Maxham Road (TH #46)) –
 - “Road Closed (local residents only)” on both sides facing west
 - Two reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass, and other traffic to reverse direction in the Maxham Road intersection
- **1.18 miles to 1.41 miles** (from immediately east of the driveway to 1178 Barber Hill Road to the intersection with Cloudland Road) at regular intervals – “No Parking, Stopping or Standing” on both sides facing both directions
- **1.41 miles** (immediately west of Cloudland Road) – Reflective barrels as needed to eliminate space for parking

ATTACHMENT 3
NOTIFICATION LIST

Cloudland Road residents in Pomfret

[on file]

Cloudland Road residents in Woodstock

Via Eric Duffy, Municipal Manager,
eduffy@townofwoodstock.org

Barber Hill Road residents

[on file]

Maxham Road residents

[on file]

Orchard Hill residents

[on file]

Pomfret Highway Department

Jim Potter, Road Foreman,
jim.potter@pomfretvt.us

Pomfret-Teago Volunteer Fire Department

Kevin Rice, Chief, kricevt@gmail.com

Pomfret FAST Squad

Frank Perron, Head of Service,
frank@frankperron.com

Woodstock Select Board

Via Eric Duffy, Municipal Manager,
eduffy@townofwoodstock.org

Woodstock Public Works

Via Eric Duffy, Municipal Manager,
eduffy@townofwoodstock.org

Woodstock Police

Via Eric Duffy, Municipal Manager,
eduffy@townofwoodstock.org

Woodstock Fire/EMS

Via Eric Duffy, Municipal Manager,
eduffy@townofwoodstock.org

Windsor County Sheriff's Department

Ryan Palmer, Sheriff,
ryan.palmer@vermont.gov

Vermont State Police

Lt. Hugh O'Donnell, Royalton Barracks
Commander, hugh.odonnell@vermont.gov

Vermont Agency of Transportation

Shauna Clifford, District 4 Administrator,
shauna.clifford@vermont.gov

Chris Bump, District 4 Project Manager,
chris.bump@vermont.gov

U.S. Forest Service

Chris Mattrick, District Ranger,
christopher.mattrick@usda.gov

Appalachian Trail Conservancy

Ilana Copel, icopel@appalachiantrail.org

Green Mountain Club

Emily Mosher,
gmc@greenmountainclub.org

TOWN OF POMFRET
5218 POMFRET ROAD
NORTH POMFRET, VT 05053


PHONE (802) 457-3861
FAX (802) 457-8180

APPLICATION FOR A PERMIT TO HOLD AN EVENT
ON PUBLIC STREET(S) OR HIGHWAY(S)

Pursuant to Title 24 V.S.A. Section 2291 (5) the Legislative Body of the Town herewith regulate the use of public highways for events.

APPLICANT / ORGANIZATION Eastern States Cup, WAMBA, Woodstock Inn & Resort
PHONE 802 291 0930
ADDRESS 14 The Green
CONTACT PERSON Nick Mathood PHONE 802 291 0930
LOCATION OF ASSEMBLY AND BEGINNING OF EVENT Sus kudema 4
ROUTE ON PUBLIC HIGHWAYS (attach map showing route) Stage Rd, Pomfret Rd
Woodstock Village streets

TRAFFIC CONTROL (if any) None
EVENT DATE(S) 9/6 HOUR (start) 9am (end) 4pm
ESTIMATED NUMBER OF PARTICIPANTS 250-300



Authorized Representative

7/2/24

Date

CONDITIONS:

Approved Denied _____ Town Representative _____ Date

Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053

Phone: (802) 457-3861
Fax: (802) 457-8180

LIABILITY HOLD-HARMLESS AGREEMENT
for use with
Outside Special Events within the Municipality

In consideration of the agreement of the **Town of Pomfret** to allow my organization access to town roads and highways, Eastern States Cup (organization) and I agree, and for myself/ourselves and my/our heirs, executors and administrators agree to indemnify, defend and hold forever harmless the **Town of Pomfret**, its officers, agents and employees from and against any and all claims, demands, liabilities, actions, judgments, settlements, damages, costs and expenses (including attorney's fees and disbursements) for injury to or death of any person, including myself, or damage to property arising out of or resulting from any material, product, equipment, vehicle or service supplied by the organization or by me, or the agents, servants or employees of either, or from any action or failure to act on the part of myself or the organization, or the agents, servants or employees of either, while performing services for, at the behest of, under contract with or on the premises of the **Town of Pomfret**.

Date: 7/5/24

Print Name: NICHOLAS MAHOOD

Sign Name: 

Witness: _____

TOWN OF POMFRET

APPLICATION FOR LARGE EVENT PERMIT

Pursuant to 24 V.S.A. 2291(14), in order to prevent and abate public nuisances, organizers of events having one hundred (100) or more anticipated attendees must first obtain a Large Event Permit from the Town of Pomfret. A completed application must be submitted no less than thirty (30) days before the proposed event begins.

Applicant Name: NICK MAHOOD Phone: 802-291-0930 Email: nmmp@woodstockinn.com
Mailing Address: 14 The Green State: VT Zip: 05091

Event Name: Eastern States Copp 56 Ski Area
Event Date(s): 9/6 - 9/8/2024
Event Hours: Camping at 56 9/6-9/8 Race 9/8 Anticipated Attendees: 250-300

Event Contact Name: NICK MAHOOD Phone: 802 291 - 0930 Email: nmmp@woodstockinn.com
Has the event been held in Pomfret before? Yes No If yes, when? 2022, 2023

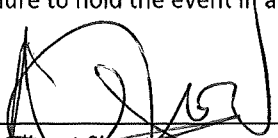
Please provide a brief description of your event and its location: Camping at 56 9/6 - 9/8.
Race portion of the event on 9/8 with riders starting btw 8am-12pm and finishing by 4pm. Riders will be racing at 56 and then riding into Woodstock to race on Mt Peg and then riding back to 56

Will your event involve any of the following?
Use of a Town Highway or Right of Way Yes No If yes, a Permit to Hold an Event on Public Street(s) may be required. Please contact clerk@pomfretvt.us.
Use of other Town Property Yes No If yes, general liability insurance in the amount of \$1,000,000 per occurrence and naming the "Town of Pomfret" as additional insured may be required. Please contact clerk@pomfretvt.us.
Catering of Alcoholic Beverages Yes No If yes, a Request-to-Cater Permit may be required. Please visit www.liquorcontrol.vermont.gov.

Additional Requirements

- Zoning: Some zoning requirements may still apply to events that otherwise do not require a zoning permit. Please contact the Zoning Administrator at karen.hewitt@pomfretvt.us.
- Sanitation: Sufficient sanitation facilities and waste removal must be provided. Compliance with the Vermont Universal Recycling Law is required.
- Parking: Sufficient off-street parking must be provided. No parking is permitted that interferes with ordinary roadway maintenance (including winter plowing) or otherwise reduces the usable travelled way to less than twelve (12) feet.
- Safety: Upon request, organizers may be required to have a medic on site and/or provide traffic control. Adequate emergency vehicle access must be maintained for the event duration.
- Nuisance: Organizers are responsible for preventing public nuisances that create dangerous, injurious or noxious conditions that adversely affect the reasonable use of adjoining or nearby properties.

Applicant agrees to adhere to the specifications, requirements and conditions forming a part of this permit. Applicant acknowledges that this permit is issued in accordance with 24 V.S.A. 2291(14) and may be voided in the event of misrepresentation, substantial inaccuracy or failure to hold the event in accordance with the specifications, requirements and conditions indicated herein.



Applicant Signature

NICK MATHEW
Applicant Printed Name

7/5
Date

Please mail or email completed application to: Town of Pomfret
5218 Pomfret Road
North Pomfret, Vermont 05053
Attention: Town Clerk, clerk@pomfretvt.us

OFFICIAL USE ONLY

Date Received: 7/8/2024 By: 

Zoning Permit Required? Yes No Unknown If yes or unknown, referred to Zoning Administrator on: _____

Condition(s) of Approval: _____

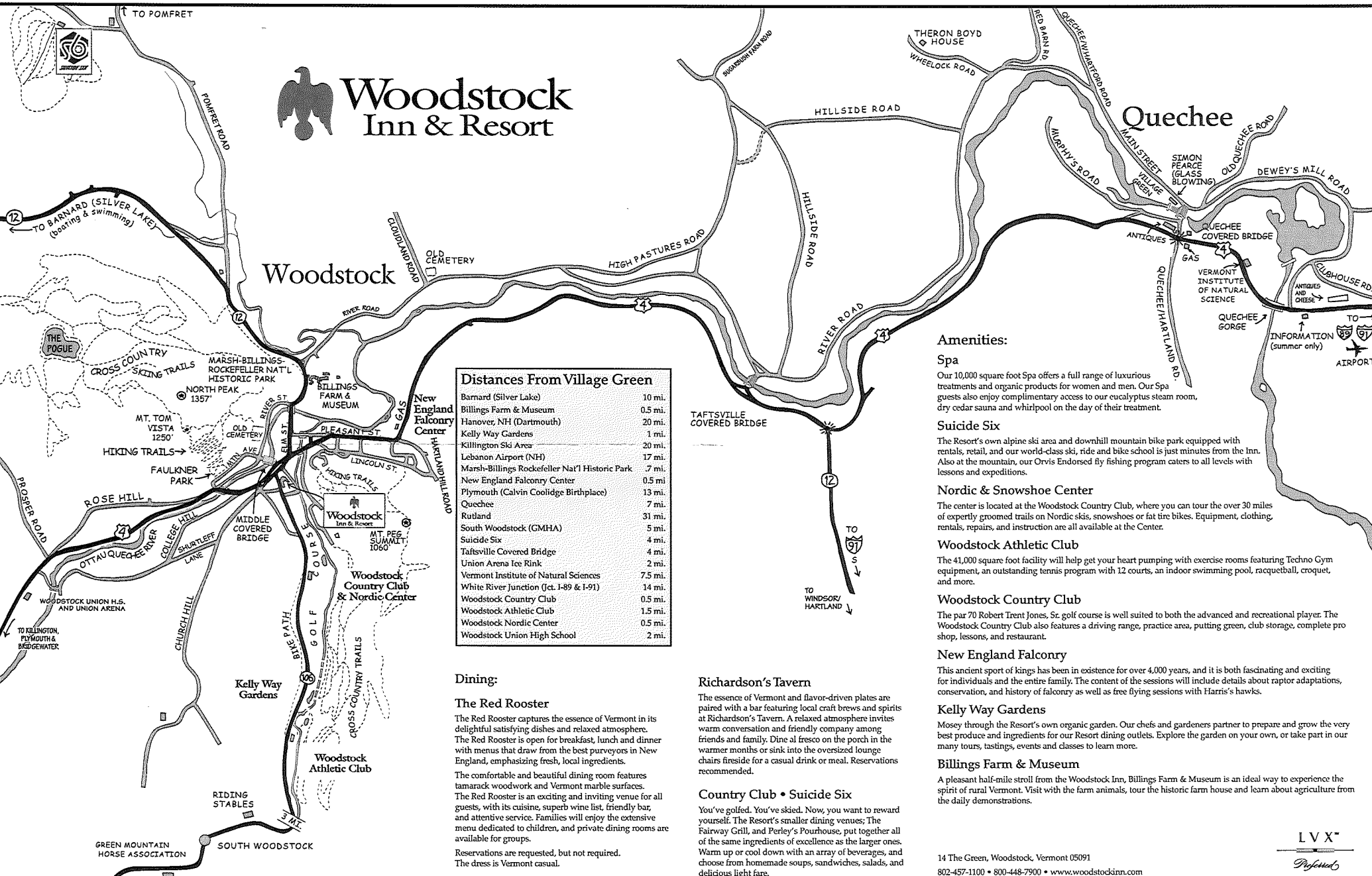
PERMIT APPROVED this _____ day of _____, 20____.

Selectboard Chair

Copies of approved permits to:
Chief, Pomfret-Teago Volunteer Fire Department
Head of Service, Pomfret FAST Squad



Woodstock Inn & Resort



Distances From Village Green

Barnard (Silver Lake)	10 mi.
Billings Farm & Museum	0.5 mi.
Hanover, NH (Dartmouth)	20 mi.
Kelly Way Gardens	1 mi.
Killington Ski Area	20 mi.
Lebanon Airport (NH)	17 mi.
Marsh-Billings Rockefeller Nat'l Historic Park	.7 mi.
New England Falconry Center	0.5 mi.
Plymouth (Calvin Coolidge Birthplace)	13 mi.
Quechee	7 mi.
Rutland	31 mi.
South Woodstock (GMHA)	5 mi.
Suicide Six	4 mi.
Taftsville Covered Bridge	4 mi.
Union Arena Ice Rink	2 mi.
Vermont Institute of Natural Sciences	7.5 mi.
White River Junction (Jct. I-89 & I-91)	14 mi.
Woodstock Country Club	0.5 mi.
Woodstock Athletic Club	1.5 mi.
Woodstock Nordic Center	0.5 mi.
Woodstock Union High School	2 mi.

Dining:

The Red Rooster

The Red Rooster captures the essence of Vermont in its delightful satisfying dishes and relaxed atmosphere. The Red Rooster is open for breakfast, lunch and dinner with menus that draw from the best purveyors in New England, emphasizing fresh, local ingredients.

The comfortable and beautiful dining room features tamarack woodwork and Vermont marble surfaces. The Red Rooster is an exciting and inviting venue for all guests, with its cuisine, superb wine list, friendly bar, and attentive service. Families will enjoy the extensive menu dedicated to children, and private dining rooms are available for groups.

Reservations are requested, but not required. The dress is Vermont casual.

Richardson's Tavern

The essence of Vermont and flavor-driven plates are paired with a bar featuring local craft brews and spirits at Richardson's Tavern. A relaxed atmosphere invites warm conversation and friendly company among friends and family. Dine al fresco on the porch in the warmer months or sink into the oversized lounge chairs fireside for a casual drink or meal. Reservations recommended.

Country Club • Suicide Six

You've golfed. You've skied. Now, you want to reward yourself. The Resort's smaller dining venues; The Fairway Grill, and Perley's Pourhouse, put together all of the same ingredients of excellence as the larger ones. Warm up or cool down with an array of beverages, and choose from homemade soups, sandwiches, salads, and delicious light fare.

Amenities:

Spa

Our 10,000 square foot Spa offers a full range of luxurious treatments and organic products for women and men. Our Spa guests also enjoy complimentary access to our eucalyptus steam room, dry cedar sauna and whirlpool on the day of their treatment.

Suicide Six

The Resort's own alpine ski area and downhill mountain bike park equipped with rentals, retail, and our world-class ski, ride and bike school is just minutes from the Inn. Also at the mountain, our Orvis Endorsed fly fishing program caters to all levels with lessons and expeditions.

Nordic & Snowshoe Center

The center is located at the Woodstock Country Club, where you can tour the over 30 miles of expertly groomed trails on Nordic skis, snowshoes or fat tire bikes. Equipment, clothing, rentals, repairs, and instruction are all available at the Center.

Woodstock Athletic Club

The 41,000 square foot facility will help get your heart pumping with exercise rooms featuring Techno Gym equipment, an outstanding tennis program with 12 courts, an indoor swimming pool, racquetball, croquet, and more.

Woodstock Country Club

The par 70 Robert Trent Jones, Sr. golf course is well suited to both the advanced and recreational player. The Woodstock Country Club also features a driving range, practice area, putting green, club storage, complete pro shop, lessons, and restaurant.

New England Falconry

This ancient sport of kings has been in existence for over 4,000 years, and it is both fascinating and exciting for individuals and the entire family. The content of the sessions will include details about raptor adaptations, conservation, and history of falconry as well as free flying sessions with Harris's hawks.

Kelly Way Gardens

Mosey through the Resort's own organic garden. Our chefs and gardeners partner to prepare and grow the very best produce and ingredients for our Resort dining outlets. Explore the garden on your own, or take part in our many tours, tastings, events and classes to learn more.

Billings Farm & Museum

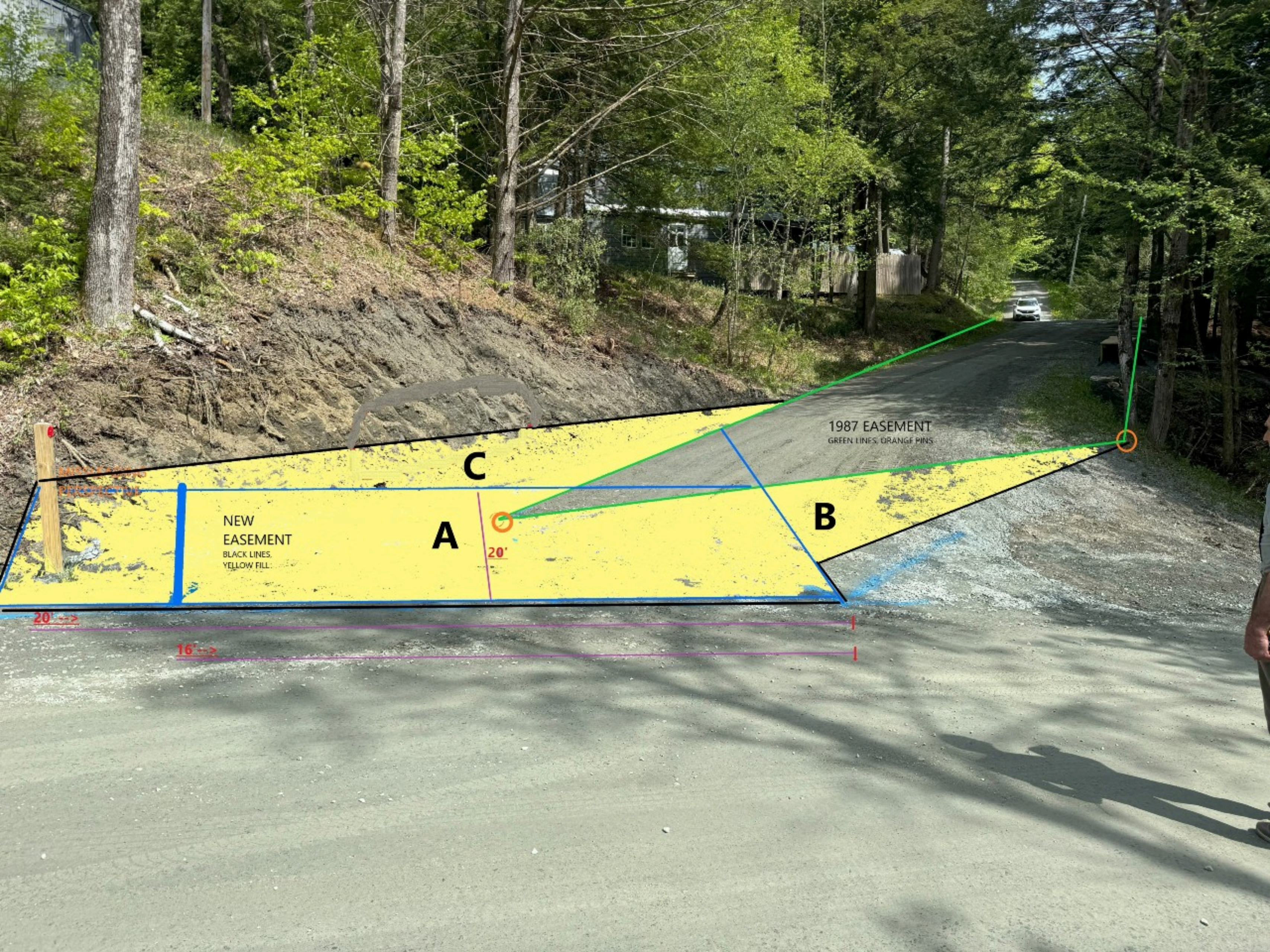
A pleasant half-mile stroll from the Woodstock Inn, Billings Farm & Museum is an ideal way to experience the spirit of rural Vermont. Visit with the farm animals, tour the historic farm house and learn about agriculture from the daily demonstrations.

14 The Green, Woodstock, Vermont 05091
802-457-1100 • 800-448-7900 • www.woodstockinn.com









1987 EASEMENT
GREEN LINES, ORANGE PINS

NEW
EASEMENT
BLACK LINES,
YELLOW FILL

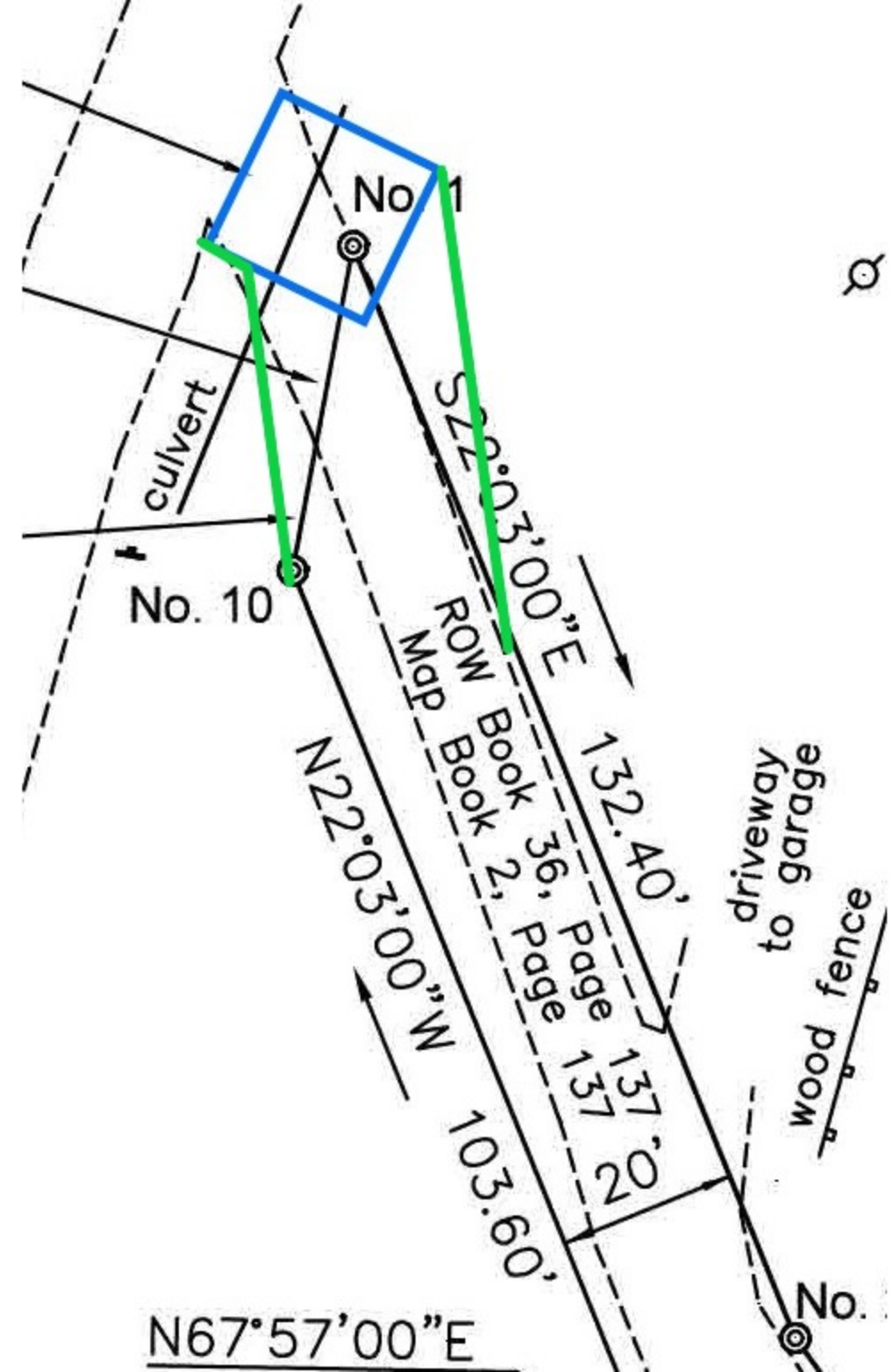
C
A

B

20'

20' -->

16' -->



EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS THAT WE, ANDREW A. MANN and KATHY JEAN MANN, husband and wife, of the Town of Pomfret, County of Windsor, and State of Vermont, GRANTORS, in consideration of One Dollar (\$1.00) and other good and valuable consideration, paid to their full satisfaction by PHILIP DECHERT Jr. and HILLARY WHITE, of Pomfret, Vermont, and ALISON SANDER, of Cambridge, Massachusetts, GRANTEES, the receipt of which is hereby acknowledged, do hereby GIVE, GRANT, BARGAIN, SELL and CONVEY unto the GRANTEES, their heirs and assigns, the perpetual right and easement described as follows:

Being an easement and right of way in common with GRANTORS, their heirs and assigns, for ingress and egress to the land and premises of said GRANTEESS, across land and premises conveyed to the GRANTORS by the following deeds:

1. Warranty Deed of Raymond L. Collamore and Alice G. Collamore dated November 26, 1984 and recorded in Book 34 Page 281 of the Town of Pomfret Land Records; and
2. Warranty Deed of Kurt A. Vreeland and Patricia A. Vreeland dated November 12, 1984 and recorded in Book 34 Page 282 of the Town of Pomfret Land Records.

Reference is made to the Quitclaim Deed of Andrew A. Mann and Kathy Jean Mann to Philip Dechert, Jr. and Hillary W. Dechert (now Hillary White) dated June 12, 1987, and recorded in Book 36 Page 137 of the Town of Pomfret Land Records (the “1987 Easement”). All rights conveyed in the 1987 Easement are incorporated herein by reference and made part of this deed and nothing in this Easement Deed shall extinguish, modify, or otherwise impact the parties’ rights under the 1987 Easement.

It is the intent of this easement deed to grant a right for ingress and egress to the GRANTEES for the portions of a shared driveway known as Dinsmoor Road that were improved and modified by the GRANTORS pursuant to a Town Highway Access Road Permit issued to the GRANTORS dated October 13, 2023, and, for clarity sake, the location of this easement and right of way is depicted on a drawing prepared by GRANTORS dated July 3, 2024, and attached hereto as Exhibit 1 for reference (hereinafter the “Drawing”), and described as follows:

Commencing at a pin set in the ground where the southern side of the 1987 Easement intersects with the right of way for Bartlett Brook Road (Pin “No. 10” as shown on the Drawing) and running in a northerly direction in a straight line to a pin set in the ground

("Pin A" on the Drawing); thence travelling westerly in a straight line to the travelled way for Bartlett Brook Road and intersecting with Bartlett Brook Road at a 90° angle; thence proceeding northerly along the travelled way of Bartlett Brook Road for 20'; thence proceeding at a 90° angle away from Bartlett Brook Road in a southeasterly direction in a straight line until reaching an embankment; thence running along the embankment in a southerly direction until reaching the northerly boundary of the 1987 Easement (just below the culvert that runs across the driveway at that point); thence running along the border of the 1987 Easement in a straight line in a northerly direction to a pin set in the ground (Pin "No. 1" on the Drawing); thence running southerly in a straight line to a pin in set in the ground (Pin "No. 10" on the Drawing), being the place of beginning.

The GRANTORS agree that they have a duty to share in the costs associated with any portion of the granted easement that GRANTORS also use to access their own lands and premises.

Reference is made to the above-mentioned deeds and plans and to all prior deeds in the Town of Pomfret Land Records for a more particular description of the rights herein conveyed.

TO HAVE AND TO HOLD the aforesaid rights and easements, with all privileges and appurtenances, thereunto belonging, unto and to the use of the said GRANTEES and their heirs and assigns forever and the GRANTORS do hereby covenant with the GRANTEES and his heirs and assigns, that he is lawfully seized in fee simple of the granted premises.

IN WITNESS WHEREOF, the GRANTORS hereunto set their hand and seal this ____ day of July 2024.

Andrew A. Mann

Kathy Jean Mann

STATE OF VERMONT
COUNTY OF WINDSOR, SS.

On this _____ day of July 2024, before me personally appeared ANDREW A. MANN and KATHY JEAN MANN, to me known to be the persons whose names are subscribed to the within instrument, and acknowledged this instrument by themselves sealed and subscribed to be their free act and deed.

Before me,

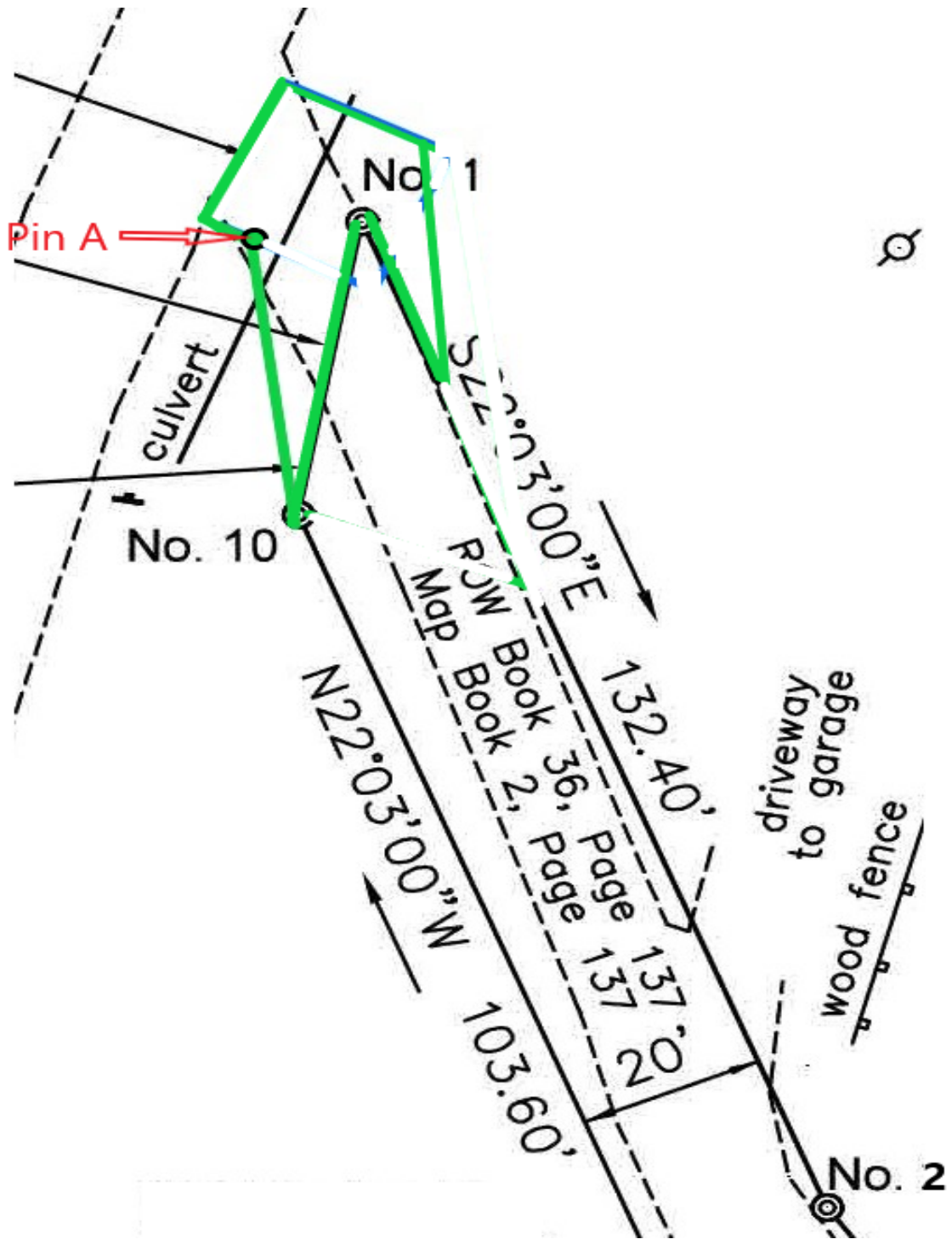
Notary Public – State of Vermont

Print Name: _____

License No.: _____

My Commission Expires: _____

EXHIBIT 1
Drawing of Easement dated July 3, 2024
 (Based on a portion of the Rockwood Survey #1027-1 June 19, 2023)



Pin A will be set 5' from the southwestern corner along the southern side of the 20' x 20' rectangle designated in the Mann Driveway Access Permit approved Oct 13, 2023.



TOWN OF POMFRET, VERMONT

SELECTBOARD

November 29, 2023

VIA ELECTRONIC MAIL

Law Office of Jason R. Crance
65 Dartmouth College Highway
Lyme, New Hampshire 03768
Attention: Jason R. Crance, Esq.
jason@crancelaw.com

Meub Associates, PLC
65 Grove Street
Rutland, Vermont 05701
Attention: Andrew James Snow, Esq.
snow@yourvtlawyer.com

**Re: Request for Clarification
Decision re: Mann Town Highway Access Road Permit Application**

Dear Messrs. Crance and Snow:

Thank you for your email messages dated November 8, 2023 and November 13, 2023, respectively. This letter responds to requests for clarification presented in those messages. Capitalized terms used but not defined herein are defined in that certain Memorandum of Decision dated October 13, 2023 (the "Mann Decision"), with respect to the Application for Town Highway Access Road Permit dated July 17, 2023, by Andrew A. and Kathy J. Mann.

1. Deadline to Complete Work. Section V.A of the Mann Decision provides in part that "Applicant shall use best efforts to complete all work in the highway right-of-way by November 30, 2023."

We understand work in the highway right-of-way has not commenced and therefore is unlikely to be completed by November 30. We also understand the delay in commencement was due in part to representations made to the Superior Court by parties to the ongoing White-Mann Litigation.

For this reason, the Selectboard finds that the failure to complete work by November 30 is not for lack of Applicant's best efforts and that a new deadline of May 31, 2024 is appropriate under the circumstances; *provided* that work in the highway right-of-way shall not commence before April 15, 2024 without prior approval of the Pomfret Road Foreman.

2. Restoration for Safe Use. Section V.A of the Mann Decision also provides that "[i]f despite Applicant's best efforts all work in the highway right-of-way cannot be completed by November 30, 2023, Applicant shall by the same date remove (or cause to be removed) all objects,

fill or obstructions in the highway right-of-way interfering with normal use of the existing traveled way of Dinsmoor Road or maintenance of the highway right-of-way.”

The Selectboard intended this condition to achieve two goals, should the proposed modifications not be completed by November 30: first, to restore that portion of Dinsmore Road within the highway right-of-way to its condition prior to its recent modification (i.e., to its condition in early 2022). And second, to ensure adequate space to remove snow safely from Dinsmoor Road without plowing across or depositing material within the traveled way of Bartlett Brook Road.

The Selectboard expects the requirements of Section V.G of the Mann Decision to be met when the proposed modifications are completed. In the meantime, to promote the safety of the traveling public and protect the existing highway infrastructure, Applicant promptly must alter the existing berm such that it no longer interferes with maintenance of the highway right-of-way and allows snow to be safely removed from the driveway. In all other respects, Dinsmoor Road within the highway right-of-way must be returned to its pre-modification condition until the proposed modifications are complete.

3. Driveway Area Dimensions. The Selectboard understood the proposed modifications to include “a level graded, 20-foot wide by 16-foot deep area in which vehicles may enter onto and exit from Bartlett Brook Road.” See Section I.B of the Mann Decision. Any discrepancy revealed by overlaying the Revised Site Plan onto more precise CAD drawings should be resolved in favor of the Applicable Standards described in Sections III.A and III.B of the Mann Decision.

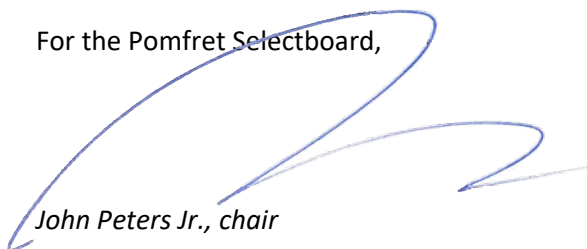
The Selectboard anticipates (but does not require) this will entail shifting the 20-foot wide by 16-foot deep area north to facilitate a 90-degree intersection, more moderate grade and wider turning radius. Enlarging this area up to the dimensions revealed on the CAD drawings also would be acceptable if doing so advances the Applicable Standards.

In either case, the existing culvert at the bottom of Dinsmoor Road and running parallel to Bartlett Brook Road must be extended north as necessary to capture anticipated runoff from the modified driveway. In addition, the New Easement dimensions must encompass the entire portion of Dinsmoor Road (once the proposed modifications are complete) not already included in the Existing Easement.

* * * * *

It is the Selectboard’s intent that the approvals, conditions and limitations provided in the Mann Decision continue in full force and effect, except as the same may have been clarified by this letter.

For the Pomfret Selectboard,



John Peters Jr., chair

Cc: Alison Sander (via email to [REDACTED])
Richard Dalton (via email to [REDACTED])

TOWN OF POMFRET

APPLICATION FOR TOWN HIGHWAY ACCESS ROAD PERMIT
(Application fee of \$100 payable to Town of Pomfret)

Access Road Type (check one): Private Drive* Agricultural Forestry

Applicant Name: Andrew & Kathy Mann Phone: [REDACTED] Email: [REDACTED]

Applicant Mailing Address: PO Box 20 State: S.Pomfret Zip: 05067

(Complete only if Applicant is not the Landowner)

Landowner Name: _____ Phone: _____ Email: _____

Landowner Mailing Address: _____ State: _____ Zip: _____

The undersigned Applicant requests permission to develop, construct, or change the grade of the access road type indicated above.

Access Road Location: on the East side (cardinal direction) of Bartlett Brook Road (town highway name)
at approximately 5300' (feet) from the intersection of Pomfret Road (nearest town highway intersection).

Please provide a brief description of the work to be done: Widen existing drive on the north side in order to acquire a Driveway Access Permit conforming to existing specifications re width, 90 degree intersection, 1' slope away from town road for first 20' in order to improve driveway safety.

See attached sketch.

Width of driveway will be between 17' and 19'. Driveway will enter town road at 90 degrees and pitch away from town road 1' over the first 20' from the town road. See green rectangle on sketch.

The remainder of the existing driveway will be available for plowed snow and sand.

Site distances are at least 155' in both directions. Sand pile will be moved during construction.

Culvert at bottom of driveway will be extended as necessary.

(PROVIDE DETAILED SKETCH OF ACCESS LOCATION AND LAYOUT ABOVE)

The following conditions, standards and restrictions shall apply to the first 20 feet of a newly developed, constructed, or grade changed access road (measured from the edge of the traveled way) unless waived herein:

General Conditions

1. *Application Fee.* A \$100 non-refundable application fee shall be submitted before an application will be considered.
2. *Site Visit.* The Selectboard and Road Commissioner shall make a site visit prior to approving a permit.
3. *Final Site Inspection.* Upon completion of work, the Applicant or its agent shall notify the Town within ten days to arrange a final site inspection.
4. *Noncompliance.* Any work deemed not in compliance with the permit shall be corrected and reinspected for approval.
5. *Final Approval.* Work shall be approved by the Selectboard or its designee before any use of the access may be started.

* Each residence is limited to one driveway access.

Design Standards¹


1. *Intersection Angle.* Access roads shall be constructed at a 90 degree angle to the town highway.
2. *Minimum Sight Distance.* Sight distances shall be at least as shown in the table below in both directions when viewed from a height of eye of 2.0 feet on the roadway to a height of eye of 3.5 feet on the drive at a point 15 feet back from edge of the traveled way (when entering upon paved portions of town highways) or 10 feet back from edge of the traveled way (when entering upon any other portion of a town highway). The "posted speed" shall be deemed to be 45 mph (when entering upon an unposted Class 2 highway) or 25 mph (when entering upon any other unposted highway).

Minimum Sight Distance

<i>Posted Speed (mph)</i>	<i>Minimum Sight Distance (feet)</i>
25	155
30	200
35	250
40	305
45	360

3. *Access Road Width.* Access roads shall be 16 feet wide and graded and sloped such that water from the access road does not enter the Town highway. It is recommended that the driveway or access road have a grade dropping six inches in 10 feet before extending either up or down slope.
4. *Culverts.* Culverts shall be installed if deemed necessary by the Selectboard or its designee and shall conform to standards described in Section 5.3(h) of the Pomfret Highway Ordinance.
5. *Vegetation.* Vegetation and trees shall be removed as necessary to provide for visibility and safety.

The undersigned Applicant agrees to adhere to the conditions, standards and restrictions forming a part of this permit, and understands that this permit, if issued, will be issued in accordance with 19 V.S.A. 1111 and the Pomfret Highway Ordinance and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake development, construction, or changing the grade of the access road within one year of the date of approval. If Applicant is not the Landowner, Applicant has provided the Landowner with a copy of this completed Application and obtained the Landowner's signature below.


 Applicant Signature
 Andrew Mann
 Applicant Printed Name
 2023-07-17
 Date

(Complete only if Applicant is not the Landowner)

The undersigned Landowner acknowledges they have received a copy of this completed Application.

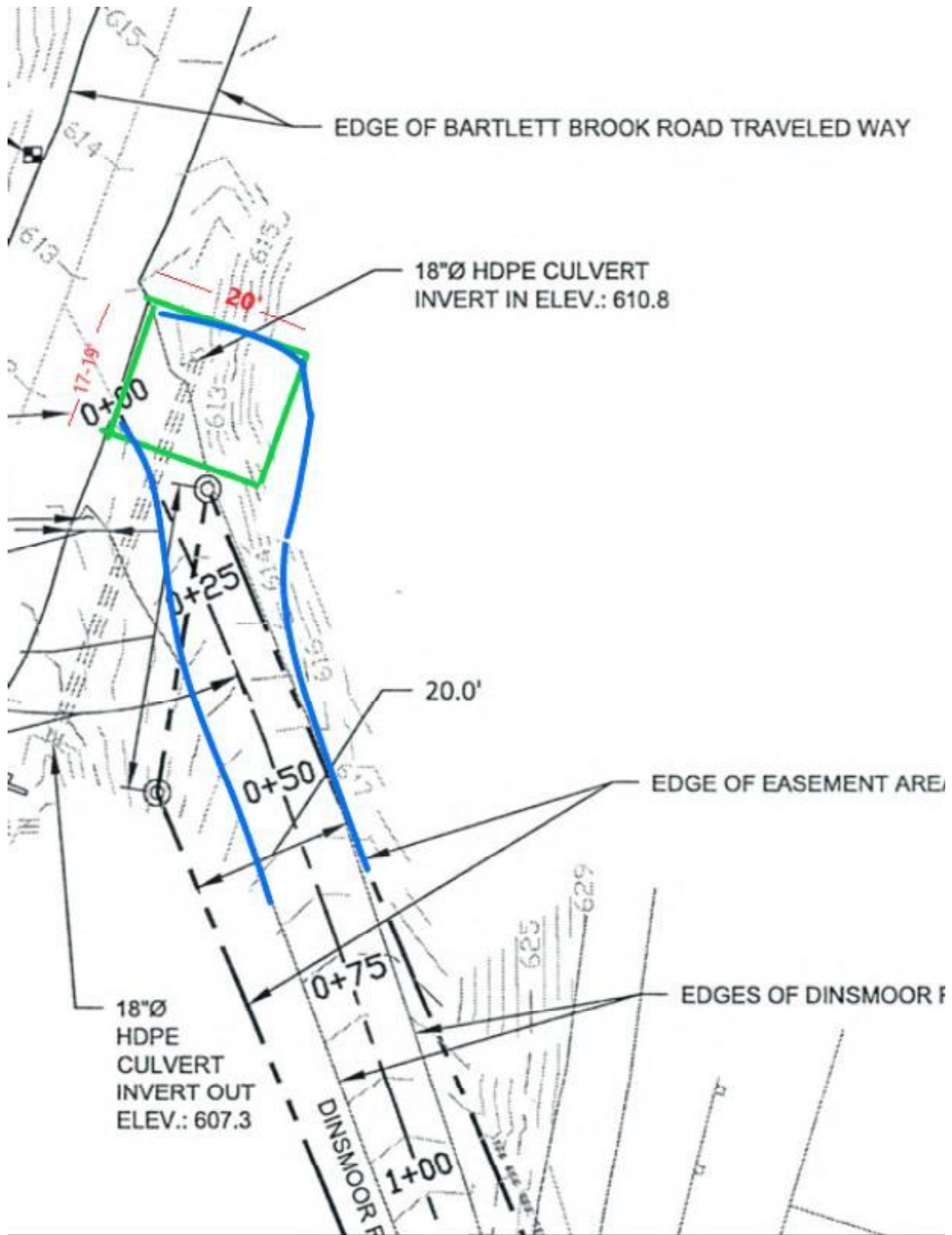
 Landowner Signature

 Landowner Printed Name

 Date

[Remainder of page intentionally blank. Application form continues on next page.]

¹ Any of the standards listed herein may be waived or varied upon the Applicant's request and following consideration by the Selectboard and Road Commissioner of public and private interests, topography, adequacy of highway design, ease of snow removal, drainage, and maintenance of safe conditions in all seasons for the traveling public.



**TOWN OF POMFRET
Selectboard**

Memorandum of Decision

Property Address: 19 Dinsmoor Road
Pomfret, Vermont

Parcel No.: 3918
Parcel Size: +/- 4.75 acres

Property Owner: Andrew A. and Kathy J. Mann
P.O. Box 20
South Pomfret, Vermont 05067

Applicant: Andrew A. and Kathy J. Mann
P.O. Box 20
South Pomfret, Vermont 05067

This Memorandum of Decision (this “Decision”) is issued by the Selectboard of the Town of Pomfret (the “Selectboard”), in connection with the Application for Town Highway Access Road Permit dated July 17, 2023, by Andrew A. and Kathy J. Mann (“Applicant”) and attached hereto as Exhibit A (the “Mann Application”).

The Mann Application seeks to modify Dinsmoor Road (a private driveway) where it intersects Bartlett Brook Road (Town Highway No. 39), as more particularly described in Section I.B below.

I. Dinsmoor Road and Proposed Modifications

A. Dinsmoor Road

Dinsmoor Road serves three residential parcels: (1) No. 3918 owned and occupied by Applicant, (2) No. 3918-A owned by the Hillary D. White Revocable Trust and occupied by Hillary D. White and Philip Dechert (the “White Parcel”), and (3) No. 3918-B owned by Alison Sander and occupied by a lessee (the “Sander Parcel”).

While the area proposed to be modified by the Mann Application is located on Applicant’s property, the White Parcel and the Sander Parcel benefit from an easement and right-of-way to traverse Applicant’s property at and adjacent to this location (the “Existing Easement”).

Bartlett Brook Road begins at Pomfret Road (Town Highway No. 1) and runs north to the joint intersection of Totman Hill Road (Town Highway No. 38) and Legal Trail No. 3. Totman Hill Road then proceeds southwest to Legal Trail No. 4. In Pomfret, the operation of motor vehicles on

Legal Trails requires a permit that may be issued only under limited circumstances.¹ As a result, nearly all traffic utilizing Dinsmoor Road approaches from and departs to the south, in the direction of Pomfret Road.

The existing traveled way of Dinsmoor Road intersects Bartlett Brook Road at a skew angle requiring most users to make sharp turns when approaching from and departing to the south. Dinsmoor Road is also moderately graded uphill from the town highway. As a result, the driveway can be challenging to navigate, particularly in winter conditions.

B. Proposed Driveway Modifications

The Mann Application proposes to address these challenges by excavating the embankment north of the existing traveled way of Dinsmoor Road to create a level graded, 20-foot wide by 16-foot deep area in which vehicles may enter onto and exit from Bartlett Brook Road. This would result in an approximately 90-degree intersection between Dinsmoor Road and Bartlett Brook Road, versus the skew angle that now exists.

By comparison, the White Application (as defined below) proposes to establish a shared access apron south of the existing traveled way of Dinsmoor Road with the similar goal of improving intersection navigability, albeit without reducing the uphill grade.

II. Procedural History

A. The White Application and White-Mann Litigation

This Decision is made concurrently with a decision on an Application for Town Highway Access Road Permit dated August 7, 2023, by Hillary D. White and Philip Dechert (the “White Application”). Like the Mann Application, the White Application also seeks to modify Dinsmoor Road where it intersects Bartlett Brook Road. Each application has been evaluated on its own merits, but with consideration given to whether one or the other better meets the applicable standards described in Section III below.

Both applicants also are engaged in an ongoing dispute concerning their respective rights in the Existing Easement. The particulars of this dispute are beyond the scope of this Decision, but are subject to pending litigation (the “White-Mann Litigation”) to which the Town of Pomfret has been made a party by Applicant.² The Town’s status as a party to the White-Mann Litigation, and the involuntary means by which it became a party, were not considered by the Selectboard when reaching this Decision.

¹ Town of Pomfret, Ordinance Pertaining to Travel on Trails, adopted August 4, 2004, *available at* https://pomfretvt.us/files/1014/0068/3275/trails_ordinance__policy.pdf.

² See Hillary White et al. v. Andrew Mann et al., No. 23-CV-03473 (Vt. Super. Ct.).

B. The Mann Application

Applicant submitted the Application on July 17, 2023, via hard copy to the Town Clerk, and via email to the Selectboard, Ms. Sander and counsel to Dr. White and Mr. Dechert. The Selectboard conducted a site visit on August 16, 2023.³ On September 10, 2023, Applicant submitted the revised site plan attached hereto as Exhibit B (the “Revised Site Plan”).⁴

A hearing on the Mann Application was held on September 12, 2023, during a special meeting of the Selectboard at which a hearing on the White Application also was held. The events of the Mann Application hearing are more particularly described in Section 5 of the related Selectboard meeting minutes.⁵

The Selectboard closed the Mann Application hearing on September 12, 2023, held non-public deliberative sessions on September 20, 2023 and October 4, 2023, and thereafter reached this Decision.

III. Applicable Standards

A. Pomfret Highway Ordinance

Section 5.3(k) of the Town of Pomfret Highway Ordinance (the “Highway Ordinance”)⁶ requires that the first 20 feet of a driveway entering upon a town highway meet the following standards, unless the same are waived or varied:

- Intersection angle of 90 degrees to the town highway.
- Minimum sight distance in both directions (the required distance being determined by reference to the posted speed limit of the intersecting town highway).
- Sixteen foot minimum width.
- Grading and slope such that water from the driveway does not enter the town highway (it being recommended that the driveway have a grade dropping six inches in ten feet before extending either up or down slope).
- Culverts to be installed if necessary to prevent deterioration of the town highway.

³ The August 16, 2023, site visit was the latest of several visits made by the Selectboard. An earlier site visit was made on November 4, 2022, to review prior driveway modifications proposed by Applicant and the White Parcel occupants that ultimately were not implemented. Selectboard members and the Road Foreman made additional visits at various times during the eighteen months prior to this Decision.

⁴ The Revised Site Plan (and the original plan attached to the Application) is an altered excerpt of the MacKenzie Engineering and Construction plans included with the White Application.

⁵ Town of Pomfret Selectboard, Special Meeting Minutes, September 12, 2023, *available* at https://pomfretvt.us/index.php/download_file/view/2256/265/.

⁶ Town of Pomfret, Highway Ordinance, adopted June 21, 2023, *available* at https://pomfretvt.us/files/4016/8740/6683/Pomfret_Highway_Ordinance_as_adopted_2023-06-21.pdf.

- Vegetation and trees to be removed if necessary to provide for visibility and safety.

B. State Law

Relevant state law at 19 V.S.A. 1111 requires, among other things, that a permit be obtained by anyone wishing to use any part of a highway right-of-way, including to develop, construct, regrade or resurface any driveway, entrance or approach. State law further empowers Vermont municipalities to protect and promote the safety of the traveling public, maintain reasonable levels of service on the existing highway system, and protect the public investment in the existing highway infrastructure.

C. Application of Applicable Standards

Based on the Mann Application, Revised Site Plan and testimony of witnesses, the Selectboard finds that the proposed modifications to Dinsmoor Road meet the applicable standards set forth in the Highway Ordinance. In particular, the proposed modifications would create a 90-degree intersection with Bartlett Brook Road and level grading over the first 20 feet of the driveway. The minimum sight distance and width standards are met as well. The culvert requirement is addressed in Section V below.

The result is a material improvement relative to the existing driveway, which has a moderate grade uphill from the town highway and requires most users to make sharp turns when entering onto and exiting from Dinsmoor Road.

The level grading will reduce runoff entering the town highway and the risk that vehicles will overrun the traveled way of Dinsmoor Road or Bartlett Brook Road, particularly in winter conditions. The 90-degree intersection will improve visual sightlines and reduce potential vehicular conflicts.

By meeting the applicable Highway Ordinance standards, the Selectboard also finds that the proposed modifications adequately protect the interests articulated in 19 V.S.A. 1111(b).

While the Mann Application does not include original engineering or site plans, following multiple site visits, the Selectboard concludes the proposed driveway modifications are feasible and likely to achieve the outcome described by Applicant.

All Town Highway Access Road Permits are subject to final approval once construction is complete. Should the proposed modifications prove infeasible or otherwise not be made as approved herein, final approval will be withheld until corrective action is taken.

IV. Decision

Based on the Mann Application, Revised Site Plan, testimony of witnesses, the findings and conclusions described above, and **subject to the conditions and limitations specified in Section V below**, a permit to construct a residential driveway as depicted in the Revised Site Plan is **approved**.

V. Conditions and Limitations

The decision described in Section IV above is subject to the following conditions and limitations, which shall be binding on Applicant, its successors and assigns:

- A. The proposed modifications to Dinsmoor Road shall be made as soon as practicable, at Applicant's cost, and Applicant shall use best efforts to complete all work in the highway right-of-way by November 30, 2023.

If despite Applicant's best efforts all work in the highway right-of-way cannot be completed by November 30, 2023, Applicant shall by the same date remove (or cause to be removed) all objects, fill or obstructions in the highway right-of-way interfering with normal use of the existing traveled way of Dinsmoor Road or maintenance of the highway right-of-way.

- B. The first 20 feet of the driveway shall conform in all material respects to the materials included in the Mann Application, Revised Site Plan and testimony of witnesses, except as expressly modified herein. Any material change to the foregoing shall require further review and approval by the Selectboard under the regulations applicable at that time.

By way of example and not limitation, the inability to complete the excavation necessary to create a level graded, 20-foot by 16-foot area at the intersection of Dinsmoor Road and Bartlett Brook Road would constitute a material change subject to further review and approval by the Selectboard.

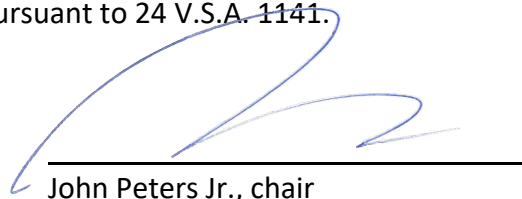
- C. The first 20 feet of the driveway shall conform to the standards set forth in Section 5.3(k) of the Highway Ordinance, except as expressly modified herein.
- D. The standards, restrictions and conditions set forth in the form of Application for Town Highway Right-of-Way Crossing Permit adopted July 6, 2022, and attached hereto as Exhibit C shall apply to all work performed in the highway right-of-way, including but not limited to rebuilding, repairing, restoring and making good all injuries or damage to any portion of the right-of-way caused by the permitted work.
- E. The proposed excavation shall be completed in accordance with applicable standards contained in Section 203 of the VTrans Standard Specifications for Construction, 2024 ed.⁷

⁷ State of Vermont, Agency of Transportation, Standard Specifications for Construction (2024 ed.), available at <https://vtrans.vermont.gov/highway/construct-material/construct-services/pre-contractspecifications/vermont/2024>.

- F. The existing culvert at the bottom of Dinsmoor Road and running parallel to Bartlett Brook Road shall be extended north as necessary to capture anticipated runoff from the modified driveway.
- G. The area south of Dinsmoor Road and within the highway right-of-way shall be restored to a permeable surface sufficient to absorb anticipated runoff from the modified driveway and kept open to allow for placement of snow removed from the driveway.
- H. Applicants shall grant to the record owners of the White Parcel and the Sander Parcel, and to their respective heirs and assigns (collectively, "Grantees"), an easement and right-of-way (the "New Easement") on terms no less favorable to Grantees as are granted in that certain Quit Claim Deed dated June 12, 1987, by and between Applicant, as grantor, and Hillary W. Dechert and Philip Dechert, Jr., as grantees, recorded June 12, 1987, in Book 36 Pages 137-139 of the Pomfret Land Records, and attached hereto as Exhibit D. The New Easement shall include all of the lands and premises within the red circles depicted on the Revised Site Plan (to the extent the same are not already included in the Existing Easement), shall not purport to extinguish any prior easements or rights-of-way of record, and shall be prepared at Applicant's sole cost and expense.
- I. Neither this Decision nor the permit approved herein shall be construed as a conveyance by the town of any interest in the town highway right-of-way, or a waiver or relinquishment of its authority therein and thereover, and the town shall continue to own, operate, control and maintain the town highway right-of-way consistent with its current practice and applicable federal, state and local laws, whether or not the same have been expressly referenced herein.
- J. This Decision applies only to the subject matter contained herein. The conformity of any other structures, uses, or activities with the Highway Ordinance or any other applicable federal, state and local laws was not considered and is not addressed in this Decision. Any prior decision of the Selectboard or other agent or tribunal of the town affecting the subject location shall continue in full force and effect, except as otherwise provided herein.

[Remainder of page intentionally blank. Signature page follows.]

This Decision approved at Pomfret, Vermont, this 13th day of October, 2023, and signed by the chair of the Pomfret Selectboard on its behalf pursuant to 24 V.S.A. 1141.



John Peters Jr., chair
Pomfret Selectboard

Selectboard members John Peters Jr., Benjamin Brickner, Steve Chamberlin, Meg Emmons and Emily Grube voted in the affirmative.

NOTICE: This Decision may be reviewed in the manner provided by law pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

EXHIBIT A

Mann Application

Attached.

TOWN OF POMFRET

APPLICATION FOR TOWN HIGHWAY ACCESS ROAD PERMIT
(Application fee of \$100 payable to Town of Pomfret)

Access Road Type (check one): Private Drive* Agricultural Forestry

Applicant Name: Andrew & Kathy Mann Phone: [REDACTED] Email: [REDACTED]

Applicant Mailing Address: PO Box 20 State: S.Pomfret Zip: 05067

(Complete only if Applicant is not the Landowner)

Landowner Name: _____ Phone: _____ Email: _____

Landowner Mailing Address: _____ State: _____ Zip: _____

The undersigned Applicant requests permission to develop, construct, or change the grade of the access road type indicated above.

Access Road Location: on the East side (cardinal direction) of Bartlett Brook Road (town highway name)
at approximately 5300' (feet) from the intersection of Pomfret Road (nearest town highway intersection).

Please provide a brief description of the work to be done: Widen existing drive on the north side in order to acquire a Driveway Access Permit conforming to existing specifications re width, 90 degree intersection, 1' slope away from town road for first 20' in order to improve driveway safety.

See attached sketch.

Width of driveway will be between 17' and 19'. Driveway will enter town road at 90 degrees and pitch away from town road 1' over the first 20' from the town road. See green rectangle on sketch.

The remainder of the existing driveway will be available for plowed snow and sand.

Site distances are at least 155' in both directions. Sand pile will be moved during construction.

Culvert at bottom of driveway will be extended as necessary.

(PROVIDE DETAILED SKETCH OF ACCESS LOCATION AND LAYOUT ABOVE)

The following conditions, standards and restrictions shall apply to the first 20 feet of a newly developed, constructed, or grade changed access road (measured from the edge of the traveled way) unless waived herein:

General Conditions

1. *Application Fee.* A \$100 non-refundable application fee shall be submitted before an application will be considered.
2. *Site Visit.* The Selectboard and Road Commissioner shall make a site visit prior to approving a permit.
3. *Final Site Inspection.* Upon completion of work, the Applicant or its agent shall notify the Town within ten days to arrange a final site inspection.
4. *Noncompliance.* Any work deemed not in compliance with the permit shall be corrected and reinspected for approval.
5. *Final Approval.* Work shall be approved by the Selectboard or its designee before any use of the access may be started.

* Each residence is limited to one driveway access.

Design Standards¹


1. **Intersection Angle.** Access roads shall be constructed at a 90 degree angle to the town highway.
2. **Minimum Sight Distance.** Sight distances shall be at least as shown in the table below in both directions when viewed from a height of eye of 2.0 feet on the roadway to a height of eye of 3.5 feet on the drive at a point 15 feet back from edge of the traveled way (when entering upon paved portions of town highways) or 10 feet back from edge of the traveled way (when entering upon any other portion of a town highway). The "posted speed" shall be deemed to be 45 mph (when entering upon an unposted Class 2 highway) or 25 mph (when entering upon any other unposted highway).

Minimum Sight Distance

Posted Speed (mph)	Minimum Sight Distance (feet)
25	155
30	200
35	250
40	305
45	360

3. **Access Road Width.** Access roads shall be 16 feet wide and graded and sloped such that water from the access road does not enter the Town highway. It is recommended that the driveway or access road have a grade dropping six inches in 10 feet before extending either up or down slope.
4. **Culverts.** Culverts shall be installed if deemed necessary by the Selectboard or its designee and shall conform to standards described in Section 5.3(h) of the Pomfret Highway Ordinance.
5. **Vegetation.** Vegetation and trees shall be removed as necessary to provide for visibility and safety.

The undersigned Applicant agrees to adhere to the conditions, standards and restrictions forming a part of this permit, and understands that this permit, if issued, will be issued in accordance with 19 V.S.A. 1111 and the Pomfret Highway Ordinance and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake development, construction, or changing the grade of the access road within one year of the date of approval. If Applicant is not the Landowner, Applicant has provided the Landowner with a copy of this completed Application and obtained the Landowner's signature below.


 Applicant Signature

Andrew Mann
 Applicant Printed Name

2023-07-17
 Date

(Complete only if Applicant is not the Landowner)

The undersigned Landowner acknowledges they have received a copy of this completed Application.

Landowner Signature

Landowner Printed Name

Date

[Remainder of page intentionally blank. Application form continues on next page.]

¹ Any of the standards listed herein may be waived or varied upon the Applicant's request and following consideration by the Selectboard and Road Commissioner of public and private interests, topography, adequacy of highway design, ease of snow removal, drainage, and maintenance of safe conditions in all seasons for the traveling public.

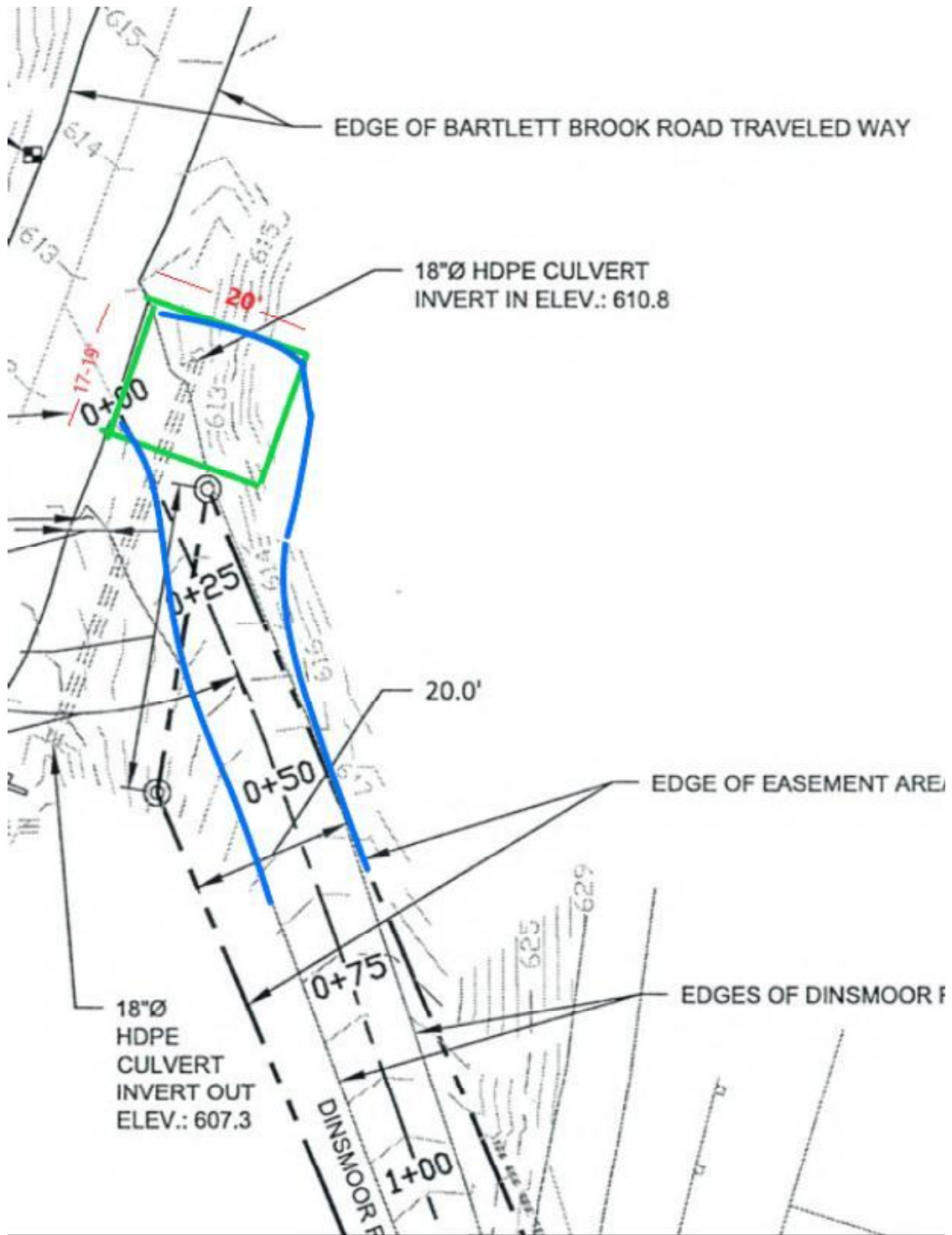


EXHIBIT B

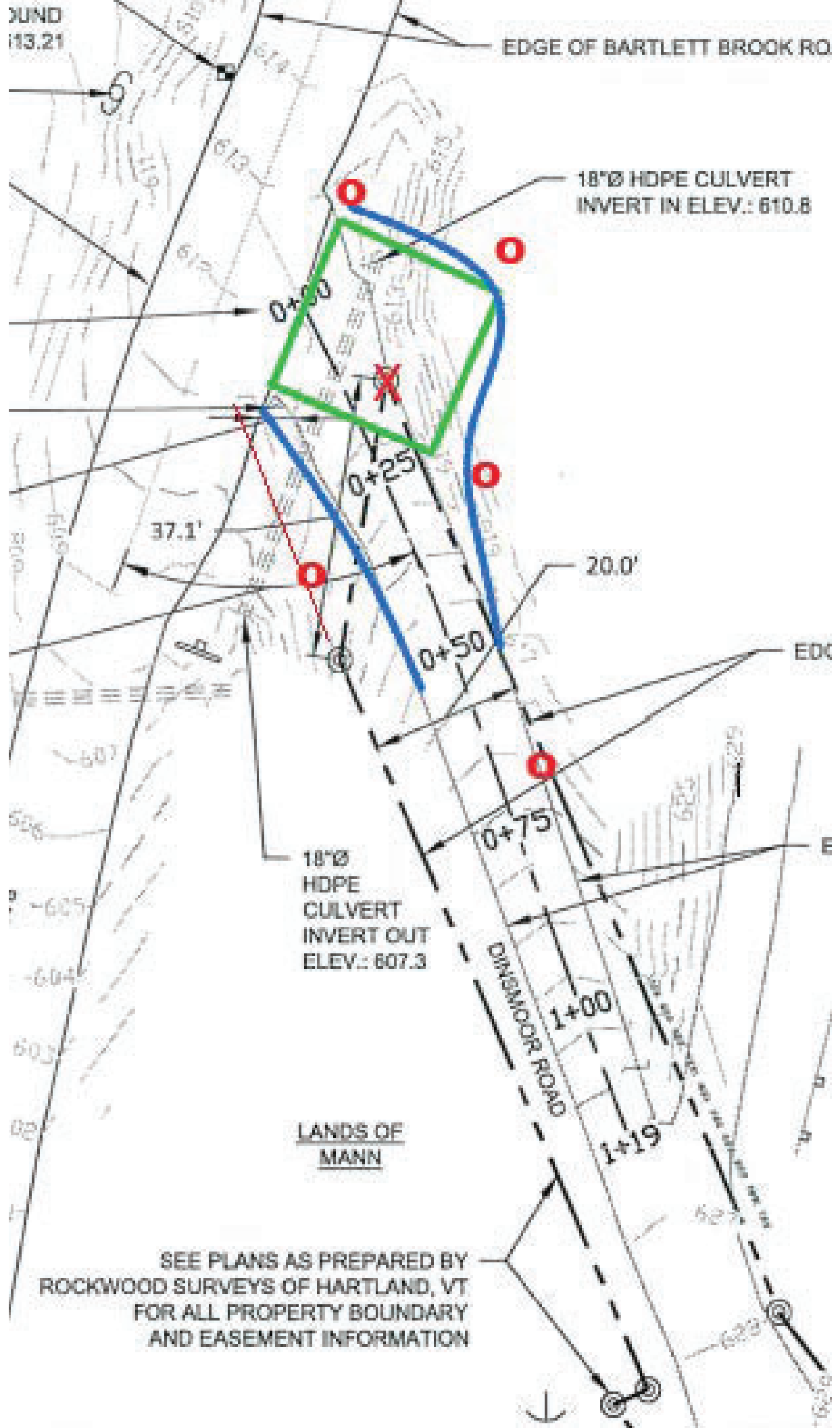
Revised Site Plan

Attached.

XUND
113.21

EDGE OF BARTLETT BROOK RD

18"Ø HDPE CULVERT
INVERT IN ELEV.: 610.8



18"Ø
HDPE
CULVERT
INVERT OUT
ELEV.: 607.3

LANDS OF
MANN

SEE PLANS AS PREPARED BY
ROCKWOOD SURVEYS OF HARTLAND, VT
FOR ALL PROPERTY BOUNDARY
AND EASEMENT INFORMATION

EXHIBIT C

Form of Application for Town
Highway Right-of-Way Crossing Permit

Attached.

TOWN OF POMFRET

APPLICATION FOR TOWN HIGHWAY RIGHT-OF-WAY CROSSING PERMIT

(Application fee of \$100 payable to Town of Pomfret)

Landowner Name: _____ Phone: _____ Email: _____

Street Address: _____ State: _____ Zip: _____

The undersigned requests permission to cross over / under (circle one) the right-of-way of _____ (road name)

at _____ (describe precise location)

for the purpose of _____ (describe specific purpose).

The crossing will be approximately _____ (feet) from the intersection of _____ (nearest intersection).

(PROVIDE DETAILED SKETCH OF CROSSING LOCATION ABOVE)

The following standards, restrictions and conditions shall apply to all crossings of a town right-of-way unless waived in writing:

1. Applicant shall contact Dig Safe at 811 at least 48 hours before, but not more than 30 days before, starting excavation activities at any location.
2. All work in the right-of-way shall be performed during daylight hours and shall cease on weekends, holidays, during severe weather events, and between December 1 and April 15, maintenance and emergency repairs excepted.
3. Applicant shall be responsible for all damages to persons, public or private utilities and property resulting from any work done under this permit, even if the Applicant's contractor performs the work.
4. Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.
5. All excavation and backfilling shall be done under the supervision and to the specification of the town's designated agent.
6. Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night and must be MUTCD (Manual on Uniform Traffic Control Devices) compliant.
7. Applicant shall do no work nor place any structures or obstacles in the right-of-way, except as authorized by this permit.
8. Applicant shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the right-of-way caused by the permitted work, for a minimum of eighteen (18) months after final inspection by the Town.

EXHIBIT D

1987 Quit Claim Deed
(Pomfret Land Records Book 36 Pages 137-139)

Attached.

Know all Men by these Presents

That We, Andrew A. Mann and Kathy Jean Mann

of Pomfret in the County of Windsor
and State of Vermont Grantors, in the consideration of
One dollar and Other Good and Valuable Consideration Dollars
paid to our full satisfaction by
Philip Dechert, Jr. and Hillary W. Dechert

of Pomfret in the County of Windsor
and State of Vermont Grantee s, have REMISED, RELEASED,
AND FOREVER QUITCLAIMED unto the said
Philip Dechert, Jr. and Hillary W. Dechert, and their

all right and title which heirs or assigns,
we the said Andrew A. Mann and Kathy Jean Mann

easement and right-of-way or our heirs have in, and to a
certain ~~piece of land~~ in Pomfret in the
County of Windsor and State of Vermont, described as
follows, viz:

- Being an easement and right of way in common with grantors, their heirs and assigns, for ingress and egress to the land and premises of grantees, across land and premises conveyed to the grantors by the following deeds:
1. Warranty deed of Raymond L. Collamore and Alice G. Collamore dated November 26, 1984 and recorded in Book 34 at Page 281 of the Town of Pomfret Land Records, and
 2. Warranty deed of Kurt A. Vreeland and Patricia A. Vreeland dated November 12, 1984 and recorded in Book 34 at page 282 of the Town of Pomfret Land Records.

The location of this right of way is shown on a plan prepared by Bruno Associates, Inc. P.C. entitled "Proposed Right-of-way across lands of Andrew and Kathy Mann in Pomfret, Vermont" dated December 1986, scale 1" = 40', and is described thereon as follows:

Commencing at a 5/8" rebar set in the ground near the intersection of Town Highway #39 and an existing drive, and running S 22 degrees 10' E 132.4' to a rebar set in the ground; thence proceeding S 36 degrees 12' E 67.8' to a rebar set in the ground; thence turning an angle to the left and proceeding N 58 degrees 43' E 10.0' to a point; thence turning an angle to the right and proceeding S 28 degrees 37' E 246.4' to a 1/2" iron pipe; thence turning an angle to the right and proceeding N 86 degrees 27' W 41.3' to a point; thence turning an angle to the right and proceeding N 28 degrees 37' W 223.0' to a point; thence proceeding N 36 degrees 12' W 68.2' to a point; thence turning an angle to the right and proceeding N 67 degrees 50' E 5.0' to a point; thence turning an angle to the left and proceeding N 22 degrees 10' W 103.6' to a point; thence turning an angle to the right and proceeding N 10 degrees 27' E 37.1' to a 5/8" rebar, being the point and place of beginning.

Also conveyed herein is an easement in common with Grantors, their heirs and assigns, for electric and telephone utility purposes, to be established and located identically to the utility easement being conveyed by instrument of these grantors dated December 12, 1986 to Central Vermont Public Service Corporation and New England Telephone and Telegraph Company.

continued...

Both grantors and grantees intend by delivery and acceptance of this deed to extinguish all other and prior easements and rights-of-way of record and in fact which may cross the grantors' land for the benefit of grantees' land, including, without limitation, those rights-of-way created by deeds of Ehrick J. Wood and Blanche R. Wood to William H. Maynes and Shannon H. Maynes dated July 8, 1966 and recorded in Book 29 at page 225 of the Town of Pomfret Land Records, and dated September 24, 1965 and recorded in Book 29 at page 110 of the Town of Pomfret Land Records.

The rights and interests conveyed herein are subject to rights of mortgages under now existing mortgages.

Grantees, their heirs and assigns, shall notify grantors in advance of any cutting of trees within the herein conveyed easement area, except in case of emergency.

Grantees, for themselves and their heirs and assigns, waive any claim for contribution in the event that grantors or their family members wish to connect to the utility lines established within this easement. Grantors reserve that right to connect to said utility lines for themselves and their family members, but not for other assigns.

Reference may be had to the above-mentioned deeds and plan and to all prior deeds in the Town of Pomfret Land Records for a more particular description of the rights herein conveyed.

Grantees, their heirs and assigns, are further conveyed a reasonable right if necessary, to repair and maintain their driveway, and for such specific purpose may exceed the bounds of the herein-conveyed easement only with Grantor's permission, such permission, not to be unreasonably withheld. It is specifically agreed and understood between the parties hereto, their heirs and assigns and successors, that such right shall be limited to the necessity of repair in the event of washout, substantial deterioration and the like, necessitating substantial repairs or reinstallation of the subject driveway. If this right is exercised, Grantees, their heirs and assigns shall repair at their expense any damage thereby caused to Grantor's premises, and shall restore Grantor's premises to as near its original condition as possible.

continued....

TO HAVE AND TO HOLD all right and title in and to said quit-claimed premises, with the appurtenances thereof, to the said Philip Dechert, Jr. and Hillary W. Dechert, and their

heirs and assigns forever.

AND FURTHERMORE we the said Andrew A. Mann and Kathy Jean Mann

do for ourselves and our heirs, executors and administrators, covenant with the said Philip Dechert, Jr. and Hillary W. Dechert, and their

heirs and assigns, that from and after the ensembling of these presents the said

Andrew A. Mann and Kathy Jean Mann

will have and claim no right, in, or to the said quit-claimed premises. except as set forth herein

IN WITNESS WHEREOF, we hereunto set our hand and seal this day of A.D. 19

In Presence of

Muriel Norman witness to AAM & KJM

Hiedi S. Kenison witness to AAM & KJM

Noema Martin witness to PD & HWD

Noema Martin witness to PD & HWD

Andrew A. Mann L.S.

Kathy Jean Mann L.S.

Philip Dechert, Jr. L.S.

Hillary W. Dechert by Philip Dechert, Jr. her attorney in fact L.S.

STATE OF VERMONT, Windsor County ss. At 12th day of June A. D. 1987 this

Andrew A. Mann and Kathy Jean Mann

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

Before me Muriel Norman Notary Public (Title)

STATE OF VERMONT WINDSOR COUNTY, SS At Bridgewater this 10 day of June 1987 PHILIP DECHERT, JR. and HILLARY W. DECHERT personally appeared, and they acknowledged this instrument by them sealed and subscribed, to be their free act and deed.

Before me Noema Martin Town Clerk Notary Public

Pomfret Town Clerk's Office: Received for record on June 12, A.D. 1987 at 12:40 P.M. A true copy. Attest: Hazel B. Harrington Town Clerk

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. 9782902 Signed Hazel Harrington, Clerk Date June 12, 1987

Town of Pomfret Selectboard
Draft Meeting Minutes
July 3, 2024

Present: Benjamin Brickner, John Peters, Steve Chamberlin, Meg Emmons, Emily Grube

Public: Ryan Palmer (Windsor County Sheriff), Karen Hewitt Osnoe (Delinquent Tax Collector), Jim Robinson, Marie Robinson, Mike Doten, Jim Potter (Road Foreman), Nancy Matthews, John Moore, Bob Crean, Nancy Matthews, Bill Emmons, Cynthia Hewitt (Selectboard Assistant)

1. Ben called the meeting to order at 7:01pm.
2. Agenda Review – None.
3. Public Comment – Marie Robinson noted that River Road has suffered several washouts and as a result is narrow in places. Jim explained that because the road closely follows the river and cannot be relocated up-bank, it is difficult (and costly) to repair. Cones have been placed warning motorists of the damage until repairs can be made. In the meantime, John Peters will ask the Town of Hartford if they have decided whether to reclassify their segment of the road.
4. Road Foreman’s Report – There have been no applicants for the road crew member position; Cynthia will run the ads for another week and confirm with the *Vermont Standard* that the correct version will be run. Cynthia will also ask Jim to re-post the opening on the Vermont Local Roads ListServ.
5. Items for Discussion or Vote
 - a. Law Enforcement Services Contract – Sheriff Ryan Palmer attended the meeting to discuss enforcement strategies to address the ongoing issues of speeding and unsafe passing in town. He presented a report on the relative numbers of tickets and warnings that were issued since he took office 15 months ago. He asked that the town provide a list of “hot spots” that can be prioritized for patrol and will ask his deputies to step up enforcement. Ben will prepare a list and circulate to the Selectboard for review before forwarding to Sheriff Palmer. Steve moved and Meg seconded that the 2024-25 Law Enforcement Services Contract be approved as presented. Unanimous.
 - b. Aggregate/Gravel Purchase Contract – As expected, Pike’s pricing for aggregate increased 8% this year, including the cost of trucking the same. Due to the large purchase amount, it was felt that at least two quotes were advisable. Jim will obtain pricing from Twin State for review and comparison by the Selectboard at the July 17 meeting.
 - c. Right-of-Way Crossing Permit (Wild Apple Road) – Jim met with the applicant and sees no issues with the proposed work. John moved and Steve seconded approval of the application with a condition that the applicant give Jim at least two business days’ notice before commencing work. Unanimous.
 - d. Fall Foliage Traffic Management – Ben presented a further edited version of the planning memo incorporating Mike Doten’s comments but with adjusted closure dates. It was felt by the Selectboard that the proposed 30-day closure was too long. After discussion, the closure period was tentatively set as Wednesday, September 25 through Wednesday, October 16, which is 22 days. The Selectboard also discussed how many of the contracted Sheriff’s weekly patrol hours would be diverted to the

closure area. Last year 8 hours per week were diverted. It was tentatively decided that this year 6 hours per week would be diverted. Ben will contact the Woodstock Select Board for approval to close their segment of Cloudland Road in coordination with Pomfret’s closure of its segment. Woodstock’s next Select Board meeting is July 16. The Pomfret Selectboard will aim to finalize the traffic management plan at its meeting the following day, on July 17.

- e. Delinquent Tax Matters – Karen Hewitt Osnoe attended the meeting to update the Selectboard on delinquent property taxes. After discussion, it was decided she will send one more certified letter to taxpayers who are delinquent by more than one year before initiating tax sale proceedings. Karen also noted that the town’s outside counsel alerted her to recent state law changes regarding delinquent tax collection, which may require the town to update its policy regarding the same.
- f. Financial Policies and Goals Introduction – Ben presented minor edits to the Financial Policies and Goals Introduction document reflecting the recent adoption of other financial policies. John moved and Emily seconded that the introduction document be approved as presented. Unanimous. Ben will post the same to the town website.
- g. Town Hall Maintenance – Becky reports success in trapping vermin; Cynthia will again ask the two contractors for estimates to repair the front steps. The Tuthill family donated funds to replace the refrigerator at the Town Hall. A thank you note will be sent to the family c/o Bruce Tuthill.
- h. FY 2024 Financial Review – Ellen circulated preliminary trial balances as of June 30; these do not yet reflect any final adjustments that will be made later in July to close the fiscal year. Preliminarily the general fund ended about \$64,000 ahead of budget and the highway fund ended about \$3,300 ahead of budget. Despite this favorable result, the highway fund may have ended with a small deficit. Once the final numbers are available later this month, the Selectboard will determine whether it is necessary to transfer money from the highway rainy day reserve fund to cover a deficit.
- i. FY 2025 Town Tax Rate – Based on the municipal grand list as of July 3, the amount of taxes to be raised by the budget approved by the voters at town meeting, and the number of veterans’ exemptions claimed this year, Ellen determined that the FY 2025 town tax rate should be \$0.3534 per \$100 assessed value (up 1.6% from \$0.3479 last year) and that the FY 2025 local agreement rate should be \$0.0007 per \$100 assessed value (unchanged from last year). Emily moved and John seconded the same. Unanimous. Tax bills will be mailed later this month and the first installment will be due at the town office on or before 2:30 PM on August 16, 2024.

The Department of Taxes published the education tax rates earlier in the week. The homestead rate will be \$1.6654 per \$100 assessed value (up 13.8% from \$1.4632 last year) and the non-homestead rate will be \$1.3837 per \$100 assessed value (up 3.5% from \$1.3370 last year). The Selectboard will prepare a letter to accompany tax bills explaining how the tax rates were set and how they have changed since last year.

- j. Financial Management Questionnaire – Emily moved and John seconded that the questionnaire be signed as having been received by the Selectboard. Unanimous.
- k. Warrants – John moved and Emily seconded approval for payment of the following warrants:

24115	\$ 11,116.51	Payroll
24116	33,636.43	A/P
25001	540,935.51	A/P

Unanimous. Ellen will be asked to hold the two CVC Paging checks on Warrant 24116 until the invoicing can be confirmed. The approved amount for Warrant 25001 reflects a corrected invoice received from Pike Industries earlier in the day.

- l. Approval of Minutes – Emily moved and John seconded approval of the June 18, 2024 meeting minutes as presented. Unanimous.
6. Meeting Wrap Up
 - a. Correspondence – Ben noted the legal spend for FY 2024 is up significantly from recent years. Emily noted that delinquent tax sales contributed to the increase, as well as the highway access dispute on Bartlett Brook Road.
 - b. Review of Assignments – John to contact Hartford re: River Road; Ben to send the Sheriff a list of priority locations and times for directed patrol; to finalize the Fall Foliage Traffic Management Plan for adoption on July 17. Cynthia to renew road crew member newspaper ads, send a thank you note to the Tuthill family, contact Town Hall contractors.
 - c. Agenda for Next Meeting – Aggregate purchase contract, fall foliage traffic management.
 7. Adjournment – Emily moved and Steve seconded that the meeting be adjourned. Unanimous. The meeting was adjourned at 9:27 pm.