

(draft only – unapproved by Selectboard)

Greensboro Selectboard

Perrin Rd. Site Visit & Public Hearing – Minutes

August 1, 2012

SITE VISIT

LOCATION: Old Perrin Rd., Greensboro Village

SITE VISIT BEGAN: 6 PM

PRESENT: Robert W. Hurst, Earl Kasper, Deborah Kasper, Jenny Stoner, Marion Babbie, Cornelia deSchepper, Wayne Mutrux, Glenn Howland, Anne Stevens, Peggy Lipscomb, Valdine Hall, Kim Greaves, Sue Wood, David Massey, Laurie Randall, John Makau, Lydia Makau, Marsha Gadoury, Erika Karp, Lee Wright, Devon Burgess, Josh Karp, Tom Anastasio, Gina Jenkins, June Cook, Clive Gray, Nancy Hill, Janet Long, Willie Smith, Thomas M. Hurst

Those present viewed, and had the opportunity to walk along, the preliminary layout of a public right-of-way on the site of the old Perrin Rd.

SITE VISIT ENDED: 6:20 PM

PUBLIC HEARING

LOCATION: Collier Room, Greensboro Town Hall

CALLED TO ORDER: 6:30 PM

PRESENT: Willie Smith, Cornelia deSchepper, Janet Long, Marion Babbie, Clive Gray, Nancy Hill, Jenny Stoner, Lydia Makau, John Makau, Laurie Randall, David Massey, Thomas M. Hurst, Lee Wright, Erika Karp, Devon Burgess, Steve Mitchell, Kim Greaves, Valdine Hall, Auriel Gray, Aaron Cochran, Robert W. Hurst, Wayne Mutrux, Marsha Gadoury, Glenn Howland, Sue Wood, Peggy Lipscomb, Josh Karp

Selectboard Chair Marsha Gadoury opened the meeting by reading a statement, explaining that the hearing is being held in order to hear evidence and testimony pertaining to this question, currently before the Selectboard: *whether the town shall lay out a Class 4 public highway on the site of the old Perrin Rd.*

Gadoury said that as part of the process, the Board must determine what, if any, damages are to be paid to any persons through whose land the highway may pass through.

Gadoury said that all testimony will be made under oath, and all who testify will be sworn in.

The following individuals were sworn in by Greensboro Town attorney Glenn Howland:

Valdine Hall

Wayne Mutrux

Tom Hurst

Lydia Makau

John Makau

Jenny Stoner

Willie Smith

David Massey

Howland called Valdine Hall to testify. She testified that proper notice of the hearing was given, in accordance with state statute.

‘Exhibit A’, documents relating to proper notice of the hearing, was admitted as evidence with no objections.

Howland called Wayne Mutrux to testify. Mutrux testified that he is a VT licensed land surveyor, and was contracted by the town of Greensboro to delineate an equitable route that approximated the location of ‘old’ Perrin Rd. The objective was not necessarily to reestablish the location of the road, because mathematical data to establish that location is lacking. After extensive research, Mutrux could not find a recorded layout of Perrin Rd., but noted that most of the properties on either side of Perrin Rd. have boundaries that come up just to the road.

Mutrux aimed to make the new R.O.W. as narrow as possible to minimize the impact on adjoining properties, yet still provide a usable access. Mutrux plotted a 20’ wide R.O.W., and attempted to draw it so it was not all on one person’s property, and so all adjoining landowners would have access to it.

Mutrux testified that he presented the preliminary draft of the R.O.W. to the Selectboard a few months ago, and that they approved the draft.

Mutrux said there are multiple historical references to different properties having the right to use the ‘old’ Perrin Rd. to access their properties, that the road was freely used by the public, and that the road is considered by the town to be a public road, though this is under contention.

David Massey testified that ‘Perrin Rd.’ is not actually a ‘road’, but a ‘R.O.W.’, and should be referred to as such.

Thomas M. Hurst testified that he and David Drown each spent \$10,000 repairing the road over the years, as both of them used it.

Howland asked Mutrux if any properties along the proposed R.O.W. would be disadvantaged or have harm done to them, and whether the use, utility, or marketability of any of these properties would be impaired by the proposed R.O.W.

Mutrux replied that all of the adjoining properties would contribute a little bit of land to the public R.O.W., and that he believed the value of the properties would be enhanced, as all would have equal access to the R.O.W.

David Massey testified that the Greensboro Historical Society should be using their existing R.O.W. on the Lauredon Apts. side of their building, and that they don't need access to their property via Perrin Rd.

Jenny Stoner testified that this R.O.W. is so narrow and uneven that it is unusable.

David Massey testified that himself, as well as David Drown, have paid taxes on the R.O.W.

Valdine Hall testified that in her opinion as former town lister, no one has paid property taxes on the land under Perrin Rd.

John Makau said that since the town is uncertain who owns the land under the old Perrin Rd., why doesn't it just take the land – wouldn't it be simpler than all this?

Howland replied that it is true that the town doesn't know who owns all the land under the road, but that the town would rather go through this process than use eminent domain to take the land in order to create the new public access.

Mutrux testified that an alternative to the town laying out a road could be an agreement between all area property owners for private rights of way, assuming all property owners were willing. He thought, however, that not all would be willing.

'Exhibit B', the preliminary layout of the new R.O.W., was admitted as evidence, with David Massey objecting to this evidence being admitted.

Howland asked David Massey why he was against public access to Perrin Rd. Massey testified that he was concerned about losing his privacy, that he's had things stolen in the past, and the new R.O.W. would provide even easier access to his property. He also said that he's put thousands of dollars into fixing the road, and that it is unfair for it to now become freely available for anyone to use.

Howland asked Massey if he believes that anyone else, aside from himself, has deeded access to the R.O.W. Massey testified that Willey's Store does, and that he's never tried to keep them from using it. He added that the Greensboro Historical Society has blocked the R.O.W. with construction-related equipment in recent years, causing him to be unable to use the R.O.W.

Howland observed that if the public R.O.W. is created, anyone would have the right to call the police if the road is blocked.

Massey said that he didn't want that right.

Thomas M. Hurst asked Massey if he owns the land between the Historical Society and Willey's Store.

Massey replied that he only has rights to use the R.O.W., and doesn't own the land under it.

The Board closed Evidence at 8:00 PM

The Board reopened Evidence at 8:01 PM when it became clear that further evidence was available.

David Massey presented evidence of the money he's spent fixing the road, and stated that he would like reimbursement.

Massey said that he had a petition with signatures of residents who are against the town laying out the public R.O.W. Howland said this is not a relevant document, in as much as those who signed it should have instead attended this hearing. He added that there is a process for submitting petitions to the town, and that Massey and others are free to do so.

Thomas M. Hurst testified that part of the proposed R.O.W. may pass over a section of the Willey's Store septic system. Mutrux was unaware of this fact, and Howland thought the town might consider working with Willey's to locate the system and perhaps move the proposed R.O.W. a little.

Massey asked the Board to consider moving the R.O.W. boundary line to below his shop, which would impact his privacy less.

Howland said that if R.O.W. lines are adjusted, a new site visit and hearing would not be required.

The Board closed Evidence at 8:15 PM

HEARING ADJOURNED: 8:15 PM

DELIBERATIVE SESSION

The Board entered Deliberative Session at 8:28 PM. Present were Marsha Gadoury, Sue Wood, Wayne Mutrux, Valdine Hall, Anne Stevens, Peggy Lipscomb, Glenn Howland, and Josh Karp.

The Board did not render any findings or conclusions at this time, and suspended the deliberative session at 9:15 PM.

Respectfully submitted, Josh Karp, Selectboard Clerk