

Town of Highgate Selectboard
Site Visit and Public Hearing

Re: Discontinuance of a portion of Franklin Road, Town Highway #3

Date/Time: Saturday, January 4, 2025 @ 10:00am
Site Visit: Intersection of Route 78 & Franklin Road
Public Hearing: Highgate Municipal Bldg.

MINUTES

10:00am site visit

Present:

Selectboard: Vern Brosky III; Ben Lowell; Merry Souza; Richard Flint; *(absent – Kyle Lothian)*

Public: Kaley Belisle; Michael Belisle; Kellie Belisle; Richard Noel

The site visit ended at 10:09am.

10:12am public hearing

Present: all the same were in attendance as at the site visit – see above

There was discussion by those in attendance. Michael Belisle indicated that Michael Gervais, surveyor, discovered the road issue. The road discontinuance survey plat was shown and discussed. Richard Noel provided some history of the property and the Franklin Rd. project. The Belisle family does not object to this portion of road being discontinued. Motion by Richard Flint to end the regular special meeting @ 10:26am. The motion was seconded by Ben Lowell – **APPROVED.**

Motion by Richard Flint to enter into executive session @ 10:26am for contracts and legal where premature general public knowledge would place the town and / or the individuals involved at a substantial disadvantage. The motion was seconded by Ben Lowell – **APPROVED.** Motion by Merry Souza to exit executive session @ 10:33am. The motion was seconded by Richard Flint – **APPROVED.**

Motion by Richard Flint to approve this section of Franklin Road to be discontinued and to sign the Decision and Order of the Selectboard of the Town of Highgate. The motion was seconded by Ben Lowell – **APPROVED.**

Motion by Merry Souza to adjourn the meeting @ 10:36am. The motion was seconded by Ben Lowell – **APPROVED.**

Minutes submitted by:

Wendi Dusablon
Wendi Dusablon, Town Clerk & Public Meetings Clerk
minutes transcribed from Merry's notes, as I was not physically present

1-16-25
date

Minutes approved by:

Vern Brosky
Vern Brosky III, Selectboard Chair

1/16/2025
date

Supporting documents are attached

**NOTICE OF PUBLIC HEARING TO CONSIDER THE DISCONTINUANCE OF
A PORTION OF FRANKLIN ROAD (TOWN HIGHWAY #3)**

Interested persons and persons owning or interested in lands through which Town Highway #3 (also known as Franklin Road) may pass or abut at its former intersection with Vermont Route 78 are hereby warned of a public hearing to be held by the Selectboard of the Town of Highgate. The Selectboard will consider the discontinuance of approximately 263 feet of the portion of Town Highway #3 located at the former intersection of said Town Highway #3 and VT-78, north of the current existing intersection. Pursuant to 19 V.S.A. § 709, the proceedings will commence with an examination of the premises, convening at the current intersection of Town Highway #3 and VT-78. No testimony shall be accepted at the site visit. Immediately following the examination of the premises, the Selectboard of the Town of Highgate will meet at the Highgate Town Offices to receive testimony from any interested parties. The Selectboard shall issue a written decision within 60 days of the hearing.

Date of Examination and Hearing:	January 4, 2025
Time of Examination:	10:00 a.m.
Location of Examination:	Site visit beginning at the current intersection of Franklin Road and VT-78.
Time of Hearing:	Immediately following examination.
Location of Hearing:	Highgate Town Offices, 2996 Vermont Route 78
Description of Highways:	The Selectboard will consider the discontinuance of approximately 263 feet of the portion of Town Highway #3 located at the former intersection of said Town Highway #3 and VT-78, north of the current existing intersection.

**Decision and Order of the Selectboard
Of the Town of Highgate
For the Discontinuance of a Portion of Franklin Road (Town Highway #3)**

The Selectboard of Highgate, by its own motion made and passed at a duly warned meeting on November 7, 2024, initiated proceedings pursuant to Chapter 7 of Title 19 of the Vermont Statutes to begin discontinuance proceedings for a portion of Town Highway #3, Franklin Road. The Selectboard proposed discontinuing a portion of Town Highway #3, known as Franklin Road, that is approximately 263 feet long and located at the former intersection of said Town Highway #3 and VT-78, north of the current existing intersection.

Notice of the discontinuance proceedings was given in accordance with 19 V.S.A. § 709 with written notice by certified mail on December 4, 2024 to Depatie Family Farm, LLC, Occupant of 67 Franklin Road, Farm Credit East, Duhamel Family Farm, LLC, Vermont Transco, James and Holly Duhamel, Occupant of 107 Franklin Road, Citizens Utilites Co., Vermont Land Trust, Vermont Housing and Conservation Board, Vermont Department of Agriculture, Michael and Kellie Belisle, Occupant of 4563 Route 78, Chantel Bockus, Kaley Belisle, Roger and Dawn Fournier, Verizon New England, Vermont Housing and Conservation Board, New England Telephone and Telegraph, National Resource Conservation Service, Town of Highgate Planning and Zoning, Vermont Commissioner of Forests and Parks. And by timely posting in the Town Clerk's office, and publication in a local newspaper of general circulation, the St. Albans Messenger, on December 13, 2024.

At 10:00 a.m. on January 4, 2025, the Selectboard conducted a site visit and examined the premises. Present at the site visit were Selectboard members BROSKY, SONZA, FLINT, LOWELL as well as property owners BELISLE (MIKE, KELLY, CALEY). The Selectboard members and property owners viewed the road proposed to be discontinued. + RICHARD WICK

Immediately following, at 1012 p.m. on January 4, 2025, the Selectboard convened a hearing at the Highgate Town Office for the purpose of taking testimony of interested persons and others on whether the public good, necessity and convenience of the inhabitants of the municipality require discontinuance of a portion of Town Highway #3, Franklin Road. Present at the hearing were Selectboard members BROSKY, SONZA, FLINT, LOWELL as well as property owners BELISLE (MIKE, KELLY, CALEY) + RICHARD WICK

During the hearing, the following exhibits were introduced by the Selectboard: (LIST ANYTHING HERE THE SB VIEWED, SUCH AS MILEAGE MAP, ETC.)

* DISCONTINUANCE SURVEY PLAT

(In addition to what others may provide, I suggest including the survey provided by Duhamel Family Farm, the Warranty Deed where the Duhamels conveyed an easement to the Town for the current intersection – this is recorded at Volume 137, Page 558)

(DESCRIBE ANY PUBLIC COMMENT HERE)

MIKE & KELLY STATED THE HISTORY OF THE INTERSECTION & PRE-EXISTING PROPERTY LINES, ALSO STATED JARVIS SURVEYING WAS WAITING FOR THE TOWN TO RESOLVE THE DISCONTINUANCE BEFORE COMPLETING THEIR SURVEY

All parties present were afforded the opportunity to testify and present evidence. Based on the examination of the premises and the testimony and evidence provided at the hearing, the Selectboard considered whether discontinuance would serve the public good, necessity, and convenience of the inhabitants of the Town of Highgate.

FINDINGS OF FACT

The undersigned Selectboard makes the following findings of fact:

1. The portion of Town Highway #3 at issue is currently classified as a Class 2 road.
2. The portion of Town Highway #3 being considered for discontinuance is approximately 263 feet long, beginning at where the road intersects with Vermont Route 78.
3. The portion of Town Highway #3 being considered for discontinuance is the area of the former intersection between Franklin Road and Vermont Route 78.
4. In 2005, Winifred M. Duhamel-Wyman, John A. Duhamel, and James T. Duhamel conveyed an easement to the Town for the land where the current Franklin Road and Vermont Route 78 intersection exists, and the intersection was moved to its current location.
5. (INCLUDE ANY FACTORS THE SB CONSIDERED).
6. No property owner objected to the proposed discontinuance of the road. (IF THIS IS NOT TRUE, IT SHOULD BE REMOVED)
7. The public good, necessity and convenience of the inhabitants of the municipality require portion of Town Highway #3, known as Franklin Road, that is approximately 263 feet long and located at the former intersection of said Town Highway #3 and VT-78, north of the current existing intersection be discontinued.

CONCLUSIONS OF LAW

Based on the site visit, evidence presented and testimony heard at the hearing, and pursuant to 19 V.S.A. § 710, the Highgate Selectboard determines the following:

1. The portion of Town Highway #3, known as Franklin Road, that is approximately 263 feet long and located at the former intersection of said Town Highway #3 and VT-78, north of the current existing intersection is hereby discontinued.
2. The Selectboard Chair and Town Administrator are hereby authorized to execute any necessary and appropriate documents to complete the discontinuance of this road.

Any person interested in this decision to discontinue this portion of Town Highway #3, Franklin Road, may appeal this decision to the Superior Court of this county within 30 days of the decision, in writing. V.R.C.P. 75; 19 V.S.A. § 740.

Dated at Highgate, Vermont this 4th day of JANUARY, 2025.

Highgate Selectboard

Van Buren

Richard Flint

Bonclay

Mary Song