

1 Pending Approval

2 Town of Lincoln, Vermont

3 **Special Selectboard Meeting**

4 **RE: GAP ROAD PLOWING PROPOSAL**

5 *(This meeting held in 'hybrid' form: some Selectboard members at Town Office,*
6 *Others and Guests remotely from multiple locations via GotoMeeting)*

7 **Thursday, September 10, 2020, 7:00 PM**

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9 **In Attendance:** Selectboard Chair, Bill Finger; Vice-Chair, Paul Forlenza; members
10 Oakley Smith, and Bay Jackson; Selectboard Clerk, Sarah Summers

11 **Guests:** Town Clerk, Sally Ober; Landowners Lea Calderon-Guthrie & Thayer
12 Osbourne; George Leeuw, Wendy McIntosh, Susan Duckworth, Christie Sumner, Rob
13 Backlund, Jo Jackson, Chuck Norton, Mary Yates, Michael Fisher, Sean P Gryzb,
14 James Needham, Illana Brett, two unidentified callers, *(likely other attendees*
15 *unidentifiable by minute-taker)*

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17 Bill called meeting to order at 7:02 PM and introduced the Landowners' proposal to
18 extend the plowing further up Lincoln Gap Road. He noted that the style of the
19 meeting was atypical and experimental in some ways ('hybrid'). Paul/Bill physically
20 located in the Town Office Conference Room/on the screen entitled: 'Lincoln
21 Selectboard'; Bay and Oakley attending remotely via GoToMeeting. *(Paul and Bill*
22 *sharing screen entitled Lincoln Selectboard, slight connection delay at times).* Will
23 Sipsey absent. Brief instruction on how to properly display name/'raise hand' to
24 speak/comment. Bill displayed the names/contact info for all 5 Board members on
25 the screen to facilitate any communications with meeting attendees.

26
27 Bill turned the meeting over to Paul to make introductions; Paul has been pursuing
28 the issue with Bay on behalf of Board:

- 29 • Paul explained that Landowners came to the Board approx. 2 years ago asking
30 to plow beyond where the Town stops now. He noted the location of the
31 property, (on the Gap Road, on the left as you go up, property goes all the way
32 to up to where pavement stops). Paul noted that the process has been a
33 learning experience and the Board gained lots of insight from Paul Gillies Esq.
34 *(Regular SB 07-21.2020)*, an expert on all legal aspects of Vermont roads. Paul
35 Gillies suggested the meeting and Paul said the Board is happy to host. Paul
36 emphasized the informational nature of the meeting and turned it over to Lea
37 to present:
- 38 ○ Lea shared her presentation (previously emailed to those planning to
39 attend the meeting). She explained that she (a therapist) and her
40 husband Thayer (a chiropractor) have lived on the Gap Road with their
41 family for 4 years, renting from Katie Banks. Their property is 23-acres
42 and has been surveyed by Larose. The yellow line displayed (on Lea's
43 presentation) indicates current plow-stopping point beyond
44 Duckworth's. She explained that they desire access to the property and

45 that she and her family want to be good stewards of the land and
46 community resources. She outlined 3 options and the guesstimated
47 associated costs. She noted the difficulty in accurately forecasting
48 material needs (sand/salt) year to year. Lea said that they are tax paying
49 citizens and the road is steep, but there are other similar areas. She said
50 that they would not expect the school bus as her children already walk
51 to the closest turnaround. She recognized the shared love and use of
52 the Gap, her proposed change, and that she and her family would be
53 good stewards of the resource.

- 54 ○ Lea highlighted potential benefits: safe turnaround area, full-time
55 presence, hopeful community building/interaction with Long Trail
56 through-hikers. Thayer added that they have been living on the Gap
57 Road for 4 years and that they utilize/play/care for it with good intention.
58 Thayer/Lea expressed their happiness in their location and their desire
59 to stay on the road; they also noted an inability to stay without access to
60 their property. Thayer/Lea closed their presentation by saying that they
61 do not wish to intrude on others' enjoyment, and if granted, they plan
62 on being tucked away, so it is not obvious that there is house/family
63 there. Lea said the ultimate authority is with the Board but
64 friends/community opinion very important to them. Lea thanked the
65 Board for the opportunity to discuss as a Town.
- 66 ● Paul thanked Lea and Thayer for their presentation and opened the floor to
67 discussion: *(Jo requested the 3 options from Lea's presentation be displayed*
68 *on the screen again).*
 - 69 ○ Sean asked the landowners if they plan to build a driveway regardless of
70 the Town plowing decision and if their building plans are contingent
71 upon Town the decision. Sean also asked if they would pay to have it
72 plowed privately if the Board said no.
 - 73 ■ Lea said they would not live there if plowing can't be achieved;
74 she added that Class 2 Roads cannot be privately plowed. Paul
75 guessed the Class 2/No Plow requirement likely correct, to be
76 looked further into.
 - 77 ○ Mike Fisher mentioned a similar situation (Eagle's Nest/Nat. Turnpike
78 from Ripton side) which is privately plowed. Bill Finger noted something
79 about the State **missing audio**. Mike said he has a challenge with
80 losing that part of the road for recreation. He also noted the current and
81 likely continued parking challenges wherever the plowing stops. Mike
82 said the option to have space to create 5-8 parking spot turnoff would
83 be an interesting way to give back to the Town.
 - 84 ○ Oakley asked about the parking area (originally proposed) and if it was
85 still on the table. He asked if the landowners would consider a Town
86 easement to ensure public parking rights/sufficient turnaround for Town
87 trucks.

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- Lea said the original proposal included parking for 12 cars, trailer, etc. but they decided to move away from that plan as it seemed too complicated. She said that Bay and Paul advised them to pursue outside out of the parking area, but Lea/Thayer definitely interested in the prospect.
 - Paul noted a 2017 study and previous discussions with the Forest Service to improve parking; the Forest Service was not interested at that time. Paul said he thinks the Forest Service/parking option is still on the table though it could get complicated in terms of execution. Lea offered to present original parking plan should anyone be interested in viewing. **missing audio**
 - Oakley said parking has been that way for a while and that it has been problematic, but he wouldn't characterize it as a major problem. He noted a likelihood of increase in number of recreators should parking be available.
- Wendy asked about Act 250 and whether the property is above 2,000 feet. Bay asked about elevation requirements; someone (*unidentified by minute-taker*) responded with 1,800 ft for building a house.
 - Sally said it seemed like a complicated building place and plowing up the road would impact the quality/safety of recreation experiences. She said the location of the potential turnaround near a curve seemed horrible and scary.
 - Bay confirmed the elevation height restriction to be 1,800 feet. Sean agreed with Sally's sentiments about recreation/enjoyment and said the potential impact to Gap ecosystem/wildlife are even more important to consider; he said habitat currently undisturbed for half the year. He also said, 'reluctantly', that plowing to the highest option would be a large task to ask the Road Crew for one driveway. He said the lowest option best as far as town plowing.
 - James spoke to his experience driving plow trucks; he said the conditions are terrifying on some Lincoln roads: (Browns Road). He said the safety of Town employees should be considered. He mentioned a costly incident with a truck flip on Colby Hill. He said 22 roads in Lincoln are dead ends and building beyond current maintenance is costly. He said it could be comparable to paying \$3,200 in tax contributions if you own a \$500,000 home. He said mud season could be particularly bad with no under base and that it sounds like an expensive proposition. Paul clarified non-obligation to all Class 2 roads.
- Ann Fisher noted the safety/monetary issue of bringing cars to the area and asked if the homeowners could take on any costs instead of the Town; she said lowest option seemed best for Town costs but not great for changes to the area, she asked if that might help some of the issues.
 - Susan Duckworth said she had difficulty seeing where the plowing would take place. She said she was in support of the third lower option as long as the rest

132 of the Town was also in support. She noted effects on recreation, but said it is a
133 good idea to have someone up there as a permanent resident.

- 134 • Illana said it was a tough issue; she said she would love to support them, but
135 the recreational and environmental concerns are real. Robert asked Lea and
136 Thayer if they would leave Lincoln if they could not access their property with
137 an automobile in winter. Robert indicated his presence on the school board
138 and curiosity in terms of their children's attendance. Mention of another
139 property with public ROW issues in 2019 (County Road/ROW/Forest). Robert
140 said the lower slope before the 'parking lot' was where he wanted to teach his
141 daughter to ski. He said leaving the area unplowed is an incredible asset.
142 Robert thanked Lea/Thayer for their presentation.
- 143 • Oakley asked Bay for clarification with previous estimates: he said the lowest
144 guesstimate was significantly more expensive than what was presented and
145 asked how accurate the numbers are. Bay said the numbers were based on
146 estimates provided by the Road Foreman and other plow persons; she said it is
147 difficult to measure due to variables in elevation. He named some figures:
148 plowing 80-100 days a year, 2-10 times per day depending on storm, totaling
149 \$24,000, \$90,000. A variance in depth snow noted compared to Town center,
150 mention of a potential need for smaller truck, \$150/plow not including sand
151 (no salt needed for dirt roads). Oakley said the road requires a certain standard
152 for emergency vehicles and general public; fire/accident access not a unique
153 issue but the location is more remote than others. Oakley concluded that he
154 thinks it will cost a lot more money and the presentation seemed very
155 unrealistic.
- 156 • Lea said she knew numbers would be really low and that it was as far as they
157 got prior to this meeting. She said she was not surprised that the interest is still
158 not there. She said they want to live there, and that maybe it's not the best
159 choice for the Gap, but they are grateful to live in such a special place.

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161 Bill thanked everyone on their participation and invited Paul to speak to next steps in
162 the process:

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164 Paul said that multiple discussions have been held between the Board and
165 Landowners regarding practicality and legal restrictions, Paul Gillies advised the
166 meeting, and from here the Board has to decide. He noted that more clarity is
167 needed on a (2000?) decision regarding Towns' determinations in whether or not to
168 plow each Class 2/3 road. Paul said they can't find if it was decided and that it is
169 unclear/complicated whether it is a Selectboard or Town decision.

- 170 • Bill noted the Board would make sure the process is the right process and that
171 some sort of firm conclusion is reached so the issue does not keep coming
172 back without clear precedent. He thanked all attendees for their patience
173 surrounding the issue.

174 Lea asked for clarification on the location of the official plow-stopping point; she
175 mentioned the berm and how it changes location at different points of the year.

176 She said that Forest Service access is clear through hunting season and asked if
177 that is an official Town decision or custom.

178 o Bill clarified that the Town of Warren decided to be firmer about their
179 road closure and people were bypassing Lincoln's signage/getting
180 stuck on the other side. Berm used to improve barricade without solid
181 pile of gravel. Bill said that people still found ways around it and there
182 was a fair amount of noise a few years ago from hunters traditionally
183 accessing Forest Service Road. The compromise was to move the pile of
184 sand/gravel up to accommodate. No official designation of where road
185 is barricaded.

186 Paul asked Chuck to speak to the issue; (**no audio feed for Chuck**). It was noted that
187 Chuck has a Snowcat. Mention of informal plowing of road, not bare surface but
188 flattening. Brief discussion on access through mid-Dec, VAST Trails, Chuck grooming,
189 snowmobilers, pushback from hunters.

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191 • **Adjourn: 8:11 PM**

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193 Respectfully submitted,

194 Sarah Summers

