

**SELECTBOARD MEETING  
AUGUST 14, 2025  
DRAFT Minutes**

Present:	Pat Haller	Greg Barrows
	Julia Andrews	Maria Barden
	Casey Mathieu	Callie Hamdy
	Nick Nichols	Sean Cushing

Guests: See page 3.

The meeting was called to order at 6:15 p.m. The meeting was held in person and via Zoom.

**CHANGES TO THE AGENDA**

Added DRB Appointment to Discussion.

**PUBLIC COMMENT**

Fidium was running lines for a fiber network in Westford. **Barb Peck** had talked to Fidium and was told they were not going to cover her property, that there is no infrastructure along Rt 128 by her house and the other houses there. She is requesting somebody help her and the houses that are being left out to try and get something to happen. **J. Andrews** explained she is on the Chittenden County Communications Union District (CCCUD) as the Westford representative. CCCUD is the body that has funded the VCBF Fidium being strung to people in Westford. She will consult with the CCCUD chair tomorrow to understand what the best path forward is. There are a couple of different ways.

**MINUTES**

**P. Haller** motioned to approve July 24, 2025, minutes as amended. **N. Nichols** Seconded. Motion passed 4-0.

**ROAD SCHEDULE**

**S. Cushing**, Road Foreman, was not present. **C. Mathieu** went over the Road Schedule from July 25, 2025, to August 14, 2025.

**FY'25 HIGHWAY BUDGET STATUS REPORT**

**G. Barrows**, Treasurer, was present and went over the FY'25 Budget Status Report.

**ERRORS & OMISSIONS**

This was an annual item from the assessors to correct errors and omissions from the Grand List. **J. Andrews** motioned to approve the Grand List Errors & Omissions. **N. Nichols** Seconded. Motion passed 4-0.

**TOWN ADMINISTRATOR TIMELINE**

**C. Mathieu** gave a quick update on the timeline for the new town administrator. They made a motion for Tommy to join the team. They are still working with the hiring agency and are looking at a start date of 8/25.

**SCHOOL ADVOCACY PUBLIC FORUM**

**P. Haller** wanted to talk about scheduling and the format of the School Advocacy Public Forum. They had talked at the last meeting about trying to meet sometime in the first two weeks of September. The board discussed having the meeting on September 11<sup>th</sup> in lieu of having a normal Selectboard meeting. **J. Andrews** suggested warning the meeting so that the first 30 minutes of the meeting is general quick business such as approving warrants and

accounts payable and then having the forum be the rest of the meeting. The board finalized the 11<sup>th</sup> with an alternate date of the 17<sup>th</sup> or 18<sup>th</sup> of September.

**P. Haller** discussed the purpose of the meeting, which is to gain understanding from Westford residents. The board should inform them on what Act 73 is, note that it is a separate issue to the middle school consolidation, and ask whether or not the residents want to leave the redistricting to the task force, to choose which schools to partner with in a larger district, or do we want to suggest/recommend to align with a district other than potentially Essex. If that were the case, which districts would we want to align with? Secondly, do we want to join the Rural School Community Alliance (RSCA)? Who is presenting and how will that discussion be shaped? **N. Nichols** did not think we needed to use the forum to decide on joining the RSCA. **J. Andrews** agreed, in her view whether we are part of the alliance or not, it is not going to change our trajectory as a community. If we join RSCA, we will not be advocating any specific position for Westford, they advocate for their members as a whole.

**Kirsten Tyler** was present. She added that a benefit of joining the RSCA is that Westford would have access to consultation services, advice, and any questions they have about Act 73 could be answered by skilled long-term educators. **P. Haller** wondered if we joined, could we invite one of them to present what Act 73 is? **K. Tyler** thought that it would be okay to ask, but many of the leadership positions are from Addison County so it would be harder for them to join physically. **P. Haller** Motioned that Westford join the RSCA. **N. Nichols** seconded. Motion passed 4-0.

**N. Nichols** asked Kirsten if she had any information on the expectations of the point person we would appoint to the RSCA. **J. Andrews** added that she thinks Kirsten has shown herself in several community leadership roles to be a measured person who is aware she might have a specific bias, and, in that context, she would be representing the whole community. The board asked Kirsten if they were to make a nomination would she be willing to serve. She was. **N. Nichols** motioned to nominate Kirsten Tyler to be the Westford representative of the RSCA. **C. Mathieu** seconded. Motion passed 4-0.

For the meeting, **P. Haller** thought that they should describe Act 73 in a basic, easy to understand way. There would be no PowerPoint presentation. **Lee McClenny**, Moderator, was present. Does the board foresee a role in the meeting for the School Board representatives? Pat noted they wanted to come, but Julia disagreed. EWSD demands its members stay in step with what the board's direction is and she does not think they would be able to speak from any other perspective, but they are members of the community, and they can come and speak. **L. McClenny**, and **Callie Hamdy**, Town Clerk, discussed the logistics of the meeting with the board.

**P. Haller** noted they should have childcare available, they did that during the March Town Meeting, for which his own children volunteered. They will need additional volunteers for that during the meeting. The board suggested the meeting begin at 6:15pm, 7:00pm for the forum.

#### **DRB APPOINTMENT**

The DRB was recommending Max Tyler for appointment to the DRB. Max was already the DRB alternate. **P. Haller** motioned to appoint Max Tyler to the DRB and Dennis Angiono as the alternate. **C. Mathieu** seconded. Motion passed 4-0.

#### **REVIEW FY'25 GENERAL FUND BUDGET STATUS REPORT**

**G. Barrows**, Treasurer, was present and went over the FY'25 General Fund Budget Status Report.

**REVIEW AND APPROVE ACCOUNTS PAYABLE AND PAYROLL WARRANTS**

**G. Barrows**, Treasurer, was present and went over the Accounts Payable & Payroll Warrants.

**CORRESPONDENCE**

The board received emails regarding the Rural Schools Community Alliance, email from Carol Winfield on Beaver Deceivers, cross culvert emails, Town Administrator emails, and emails regarding the new fencing on the Common. They also acknowledged the Rec Coordinator email.

**COMMUNICATION**

There was no communication.

**EXECUTIVE SESSION**

At 7:48 p.m. Pat motioned to move to find that premature public knowledge of matters relating to personnel would place the town at a significant disadvantage. Julia seconded; Motion passed 4-0.

Pat motioned to enter executive session and invited Maria to attend. Julia seconded; Motion passed 4-0.

Selectboard exited executive session at 8:05 p.m. No action taken.

Julia motioned to approve the employment contract between Thomas O'Connor and the Town of Westford. Casey seconded; Motion passed 4-0.

Pat motioned to approve Casey to sign any document to finalize employment of the new Town Administrator. Nick seconded; Motion carried 4-0.

**ADJOURN**

The meeting adjourned at 8:06 p.m.

Respectfully Submitted,

Casey Mathieu  
Selectboard Chair

Callie Hamdy  
Minute Clerk

**GUEST LIST**

Dave Gauthier  
Lee McClenny  
Max Tyler  
Kim Guidry  
Ira Allen  
Ben Bornstein

Barb Peck  
Lori Johnson  
Harmony Cism  
Carol Winfield  
Kirsten Tyler  
Wendy Doane

NOTICE: This opinion is subject to motions for reargument under V.R.A.P. 40 as well as formal revision before publication in the Vermont Reports. Readers are requested to notify the Reporter of Decisions by email at: JUD.Reporter@vermont.gov or by mail at: Vermont Supreme Court, 109 State Street, Montpelier, Vermont 05609-0801, of any errors in order that corrections may be made before this opinion goes to press.

2020 VT 24

No. 2019-197

Holly Bartlett

Supreme Court

v.

On Appeal from  
Superior Court, Chittenden Unit,  
Civil Division

John Roberts and LaLauni Rawls

October Term, 2019

Helen M. Toor, J.

Brian P. Monaghan and Christian S. Chorba of Monaghan Safar Ducham PLLC, Burlington,  
for Plaintiff-Appellant.

Michael S. Gawne of Cahill, Gawne, Miller & Manahan, P.C., St. Albans, for  
Defendants-Appellees.

PRESENT: Reiber, C.J., Robinson and Eaton, JJ., and Dooley, J. (Ret.) and  
Pearson, Supr. J. (Ret.), Specially Assigned

¶ 1. **PEARSON, Supr. J. (Ret.), Specially Assigned.** Plaintiff in this quiet-title action seeks to prohibit defendants from using a road that passes through plaintiff's property to access defendants' adjacent property. The civil division of the superior court granted summary judgment to defendants because it determined that the route was a public highway established by the town in 1800 that was never discontinued. We affirm.

¶ 2. The following facts were undisputed for purposes of summary judgment. Plaintiff Holly Bartlett owns real property consisting of 124.5 acres with a single-family home on Plains Road in Westford, Vermont. She acquired her property in 2005. In 2017, defendants purchased a vacant forty-two-acre parcel adjacent to plaintiff's property. Defendants' property does not abut

Plains Road. Defendants access their property using an unnamed gravel-and-dirt road that crosses over plaintiff's property to Plains Road. For the purposes of this opinion, we refer to the gravel-and-dirt road as Plains Road Extension.

¶ 3. Plains Road Extension was surveyed and laid out and a description of its breadth, course, and distance was recorded in the town land records in 1800. However, the road does not currently appear on the Westford highway map and did not appear on the map as of July 1, 2010. The existing road crosses plaintiff's property within the area that corresponds to the 1800 description and continues to a point approximately midway across defendants' property, where a trail diverges from the described route.

¶ 4. In September 2009, the town's Ancient Roads Committee inspected plaintiff's and defendants' properties. The committee noted: "[E]vidence found (road, cars, foundation) from Plains Road to top of ridge. Not worth retaining." The town selectboard did not add Plains Road Extension to the town highway map by July 1, 2015. Plains Road Extension was never designated as a legal trail and was never formally discontinued by the town pursuant to 19 V.S.A. § 771.

¶ 5. Defendants purchased their property from Robert Krosky, whose family purchased the land in 1962 or 1963. At his deposition, Krosky testified that his family built a camp on the property and used Plains Road Extension to access the property. He testified that in the 1960s and 1970s they could drive all the way up Plains Road Extension to their camp using a variety of vehicles including jeeps, a motor scooter, and a motor home. Other people who were not part of the family traveled up the road on horseback and on all-terrain vehicles. Krosky testified that there was a barbed-wire gate across the road at his property line. The family would remove the wire to access the property when they came up for weekends and replace it when they left. The camp burned down in 1973 or 1974. After Krosky took ownership of the property from his mother in 1977, he used the property less and did not maintain the road. He testified that he had rarely visited the property in recent years and the road had become overgrown and difficult to navigate with his

vehicle. Krosky periodically had the land logged to improve the forest. As part of their work on the land, the loggers would repair the road. The last logging operation occurred in 2012.

¶ 6. Plaintiff's predecessor-in-interest, Francis Gravel, owned plaintiff's parcel from 2001 to 2005. Gravel testified in a deposition that he never saw the owner of defendants' parcel. He stated that it was "pretty rare" to see anyone else use Plains Road Extension. Once, a hiker asked his permission to use the road. Another time, he saw a group of women on horses heading across his property toward Plains Road. Gravel stated that beyond his driveway, Plains Road Extension was overgrown and not passable by a passenger car, but could be accessed using an all-terrain vehicle. He was not aware that Plains Road Extension was potentially a town road.

¶ 7. In July 2018, after defendants sought a zoning permit to spread gravel on the road, plaintiff filed a petition seeking a declaratory judgment that defendants had no right to use Plains Road Extension.<sup>1</sup> After discovery, the parties filed cross motions for summary judgment. Defendants argued that the above facts demonstrated that Plains Road Extension was a town highway that was never discontinued and that they had a right to use it to access their property. In the alternative, they claimed that they had a private right-of-way over the road pursuant to 19 V.S.A. § 717(c) and common law. Plaintiff argued that although the town laid out a road at the location of Plains Road Extension in 1800, it was discontinued by operation of Vermont's ancient-roads law—also known as Act 178—because the town did not include it on the town highway map by July 1, 2015. Plaintiff further contended that § 717(c) did not apply and defendants did not have an easement by necessity or a prescriptive easement.

¶ 8. The trial court held that Plains Road Extension was not discontinued by operation of Act 178 because there was clearly observable physical evidence of its use as a highway and therefore it was not an "unidentified corridor" to which the Act applied. See 19 V.S.A.

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<sup>1</sup> Plaintiff did not name the town as a defendant. Neither party briefed the significance of this omission below or on appeal, so we do not address it in this opinion.

§ 302(a)(6)(A). Accordingly, it concluded the road was not automatically discontinued by the town's failure to include it on the town highway map by July 1, 2015. The court rejected plaintiff's argument that there had to be evidence of public use for the road to be a "highway." It reasoned that under 19 V.S.A. § 1(12), it was sufficient for the road to be laid out in the manner prescribed by statute to qualify as a highway. The court concluded that Plains Road Extension was a town highway that defendants had a right to use and granted summary judgment in their favor. This appeal followed.

¶ 9. We review a summary-judgment decision without deference, using the same standard as the trial court. Tillson v. Lane, 2015 VT 121, ¶ 7, 200 Vt. 534, 133 A.3d 832. Summary judgment is appropriate only when there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. Collins v. Thomas, 2007 VT 92, ¶ 6, 182 Vt. 250, 938 A.2d 1208; V.R.C.P. 56(a). "In applying this standard, we give the nonmoving party the benefit of all reasonable doubts and inferences." Doe v. Forrest, 2004 VT 37, ¶ 9, 176 Vt. 476, 853 A.2d 48.

¶ 10. At issue is whether Plains Road Extension is an "unidentified corridor" that was discontinued by operation of Act 178. Under Vermont common law, once a town properly laid out a highway according to statute, it continued to legally exist indefinitely even if it was never used. Capital Candy Co. v. Savard, 135 Vt. 14, 16-17, 369 A.2d 1363, 1365-66 (1976) (holding mere abandonment insufficient to discontinue public highway because statutory procedure for discontinuance must be followed); cf. Lague, Inc. v. Royca, 152 Vt. 499, 501, 568 A.2d 357, 358 (1989) ("We have been clear that an easement acquired by deed cannot be extinguished by nonuse alone, no matter how long it continues."). In 2006, following several high-profile disputes between towns and landowners over title to ancient municipal rights-of-way, the Legislature passed Act 178 "to quell the uncertainty that the existence of ancient roads places on private property rights." Town of Bethel v. Wellford, 2009 VT 100, ¶ 7, 186 Vt. 612, 987 A.2d 956 (mem.); see E.

Goldwarg, Note, Known Unknowns: Ancient Roads in Northern New England, 33 Vt. L. Rev. 355, 356-57 (2008) (describing history preceding passage of Act 178).

¶ 11. Act 178 created a procedure for towns to locate “unidentified corridors” and either discontinue or reclassify them. 2005, No. 178 (Adj. Sess.), § 1. As amended, the Act defined unidentified corridors as follows:

Unidentified corridors are town highways that:

(i) have been laid out as highways by proper authority through the process provided by law at the time they were created or by dedication and acceptance; and

(ii) do not, as of July 1, 2010, appear on the town highway map prepared pursuant to section 305 of this title; and

(iii) are not otherwise clearly observable by physical evidence of their use as a highway or trail; and

(iv) are not legal trails.

2007, No. 158 (Adj. Sess.), § 2 (codified at 19 V.S.A. § 302(a)(6)(A)).

¶ 12. The Act provided that if subsections (i) and (ii) of § 302(a)(6)(A) were met—that is, if a town had properly laid out a highway but it was not on the town highway map as of July 1, 2010—the town selectboard or its appointee could enter private land to determine whether clearly observable physical evidence existed. 19 V.S.A. § 302(a)(6)(B). When the town located an unidentified corridor, it could reclassify it as a class 1, 2, 3, or 4 highway or a legal trail using the statutory reclassification procedure. Id. § 302(a)(7). If the town did not reclassify an unidentified corridor by July 1, 2015, the unidentified corridor would be discontinued and the right-of-way would belong to the owner of the adjoining land. Id. § 302(a)(6)(G). As amended, the Act also created a procedure for towns to vote to immediately discontinue, on or before July 1, 2010, “all town highways that are not otherwise clearly observable by physical evidence of their use as a highway or trail and that are not included as such on the sworn certificate of the description and measurement of town highways filed with the town clerk on February 10, [2010].” Id. § 305(h).

¶ 13. In this case it was undisputed that Plains Road Extension met the first, second, and fourth statutory elements for an unidentified corridor: the parties agreed that Plains Road Extension was properly laid out by the town in 1800, did not appear on the town highway map as of July 1, 2010, and was not a legal trail. However, they disagreed about whether the road was clearly observable by physical evidence of its use as a highway or trail.<sup>2</sup>

¶ 14. Plaintiff does not dispute that there is physical evidence of a road of some kind that runs within the corridor laid out by the town in 1800 from Plains Road to a point approximately midway across defendants' property. However, she argues that defendants only presented evidence of private use of Plains Road Extension by the former owners of defendants' property, and this was insufficient evidence of "use as a highway or trail" to disqualify the road from being an unidentified corridor. 19 V.S.A. § 302(a)(6)(A)(iii). Plaintiff contends that "use as a highway or trail" requires evidence of the road's use by the general public and not just the adjoining landowners. She further argues that there was no evidence that a town highway was ever constructed in the location where it was laid out, and that the existing gravel and dirt road looks more like a logging road than a town highway.

¶ 15. "In cases of statutory interpretation, our review is nondeferential and plenary." Benson v. MVP Health Plan, Inc., 2009 VT 57, ¶ 4, 186 Vt. 97, 978 A.2d 33. Our primary goal when interpreting a statute is to fulfill the intent of the Legislature. Dep't of Corr. v. Human Rights Comm'n, 2006 VT 134, ¶ 7, 181 Vt. 225, 917 A.2d 451. To do so, we begin by examining the language of the statute. Weale v. Lund, 2006 VT 66, ¶ 6, 180 Vt. 551, 904 A.2d 1191 (mem.). We presume the Legislature intended the plain, ordinary meaning of the language it used. Id.

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<sup>2</sup> Defendants argued, and plaintiff conceded at oral argument, that unmapped town highways that did have clearly observable physical evidence of use as a highway or trail were not discontinued by operation of Act 178. In other words, they agreed that if Plains Road Extension was not an unidentified corridor because it did not meet criterion (iii), it continued to legally exist as a town highway after 2015 even though the town took no action to reclassify or map it. We affirmed this interpretation of the law in Doncaster v. Hane, 2020 VT 22, ¶ 22, \_\_\_ Vt. \_\_\_, \_\_\_ A.3d \_\_\_.

¶ 16. We hold that the plain language of Act 178 is unambiguous and does not support the construction urged by plaintiff. Section 302(a)(6)(A)(iii) provides that unidentified corridors “are not otherwise clearly observable by physical evidence of their use as a highway or trail.” The provision is clearly designed to exclude from the category of unidentified corridors those legally existing town highways that show visible signs of use as rights-of-way by persons in vehicles, on foot, or by other modes of conveyance. We reject plaintiff’s argument that there is an implied requirement that the physical evidence demonstrate use by the general public, rather than merely the adjoining landowners, to qualify as “use as a highway.” The identity of the users is irrelevant because a town highway is a public right-of-way that anyone, including the adjoining landowner, has a right to use. Okemo Mountain, Inc. v. Town of Ludlow, 171 Vt. 201, 207, 762 A.2d 1219, 1224 (2000).

¶ 17. Our conclusion is supported by the statutory definition of “highway.” Section 1 states that for purposes of Title 19:

“Highways” are only such as are laid out in the manner prescribed by statute; or roads which have been constructed for public travel over land which has been conveyed to and accepted by a municipal corporation or to the State by deed of a fee or easement interest; or roads which have been dedicated to the public use and accepted by the city or town in which such roads are located; or such as may be from time to time laid out by the agency or town.

19 V.S.A. § 1(12). The first clause of the definition makes clear that laying out a road according to statute is sufficient to create a “highway.” Actual construction is not necessary. Id. Once a highway is laid out according to law, it becomes a public road, and those who use it are using it as a public road. See Okemo Mountain, 171 Vt. at 208, 762 A.2d at 1225 (stating that “highway” is synonymous with “public road”). This includes adjoining landowners, who have the same right to use the road as other members of the public. See id. at 207, 762 A.2d at 1225 (explaining that abutting landowner has right as member of public to use public road, and private right of access over road if public access is discontinued).

¶ 18. Contrary to plaintiff's argument, a public road does not become private merely because it is only used by a single abutting landowner. There are many town highways that go to a single home and are used only by that homeowner and guests. Absent formal discontinuation by the town, such highways remain town highways regardless of the number of people who use them. Capital Candy Co., 135 Vt. at 16, 369 A.2d at 1365-66.

¶ 19. To require physical evidence of public use of a highway would render Act 178 unworkable and lead to absurd results. It would mean that towns or other stakeholders seeking to locate unidentified corridors would have to somehow determine whether existing objects or markings on the ground were public or private in nature—a task that could be nearly impossible, particularly if the use was infrequent. To the selectperson or surveyor examining a highway, an old wheel rut or footprint is unlikely to give useful information about the identity of its creator. The difficulty inherent in such a test is demonstrated by this case: the only evidence of public or private use is in the form of recollections by various witnesses about who they saw using the road, which is not “physical evidence.”

¶ 20. Plaintiff claimed at oral argument that Krosky's testimony that there was a barbed-wire gate across the road in the 1960s and 1970s at his property line was proof that the road was not used as a public highway. Neither party presented any evidence that the gate still existed or that it had existed in the recent past. Even if there was physical evidence of the gate, however, it would not alter our conclusion because there was evidence that the highway was used as a right-of-way beyond the gate. Further, Vermont law expressly precludes the acquisition of a legally existing public highway through adverse possession. See Benson v. Hodgdon, 2010 VT 11, ¶ 14, 187 Vt. 607, 992 A.2d 1053 (mem.) (rejecting argument that public highway may be discontinued through adverse possession); 19 V.S.A. § 1102 (“A right or interest within the limits of a highway shall not be acquired by anyone by possession or occupation.”). Under plaintiff's interpretation of the law, a savvy adjoining landowner could simply create an unidentified corridor by erecting a

barrier to public access over a clearly observable town highway. The landowner would then be rewarded with ownership of the right-of-way if the town did not act to reclassify the road by July 2015. See § 302(a)(6)(G) (providing that unidentified corridors are discontinued and belong to adjoining landowners after July 1, 2015). We doubt that the Legislature intended Act 178 to be used to avoid the law regarding adverse possession in this manner. Gallipo v. City of Rutland, 173 Vt. 223, 235, 789 A.2d 942, 951 (2001) (explaining that Court’s goal is “to harmonize statutes and not find conflict if possible”).

¶ 21. Plaintiff claims that her interpretation that public use is required is supported by a separate provision in Act 178 stating that “[u]nidentified corridors shall be open to use by the public, but only in the same manner as they were used during the 10 years prior to January 1, 2006.” 19 V.S.A. § 302(a)(6)(C). Plaintiff argues that § 302(a)(6)(C) implicitly recognizes that some unidentified corridors might be used by the public in some capacity and therefore evidence of who used the land is important to determining whether it was an unidentified corridor. We believe plaintiff reads too much into this provision, which directs the interim public use available on unidentified corridors between the enactment of the statute and the 2015 deadline. The Legislature was plainly attempting to protect existing public uses of unidentified corridors while at the same time protecting landowners from unwanted public use of previously unused ancient roads until the status of those roads was finally determined, whether by discontinuance or reclassification. The phrase “use by the public” in § 302(a)(6)(C) does not necessarily mean use “as a highway or trail” and we will not insert those words into § 302(a)(6)(A)(iii).<sup>3</sup> See Northfield Sch. Bd. v. Washington S. Educ. Ass’n, 2019 VT 26, ¶ 15, \_\_\_ Vt. \_\_\_, 210 A.3d 460 (“[W]e decline to take words of one subsection and insert them into another.”).

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<sup>3</sup> Plaintiff also claims, for the first time on appeal, that under § 302(a)(6)(C) there had to be physical evidence of use within the ten years prior to 2006 to disqualify a road from being an unidentified corridor. Plaintiff did not raise this argument below and therefore failed to preserve it for our review. Fletcher Hill, Inc. v. Crosbie, 2005 VT 1, ¶ 20, 178 Vt. 77, 872 A.2d 292 (“[I]ssues raised for the first time on appeal will not be considered by this Court.”).

¶ 22. Plaintiff also argues that the “clearly observable by physical evidence of its use” standard is drawn from Vermont’s Marketable Title Act, and that by adding the requirement of use “as a highway or trail” in Act 178, the Legislature must have intended that the use be public in nature. We find plaintiff’s argument unpersuasive. The Marketable Title Act provision cited by plaintiff states that failure to record notice of an interest, lien, or claim against real property shall not extinguish “any easement or interest in the nature of an easement, the easement, the existence of which is clearly observable by physical evidences of its use.” 27 V.S.A. § 604(a)(6). This provision applies to any easement that is clearly observable by physical evidence of its use, whether it is a power line, a septic pipe, or something else. The likely explanation for the Legislature’s decision to add the term “as a highway or trail” to the similar phrase in Act 178 was that it wished to clarify that only use of a highway as a right-of-way would disqualify that highway from being an unidentified corridor. Evidence of other uses—for example, if the adjoining landowner used the land as a garden—would not remove the highway from that category.

¶ 23. Plaintiff contends that Plains Road Extension could not have been used as a highway because there is no physical evidence that the town ever constructed a highway within the route it laid out in 1800. However, Act 178 does not require a road to have actually been constructed by the town at some point for it to be “use[d] as a highway or trail.” As discussed above, it is sufficient for the route to have been used as a right-of-way by the public. Further, the statutory definition of “highway” lists several different ways to create a highway. 19 V.S.A. § 1(12). Constructing a road is one way, but it is not the only way: it is sufficient for a highway to have been laid out according to law for it to legally exist. *Id.* If the Legislature intended to limit the applicability of Act 178 to ancient roads that had actually been constructed by towns, it could have said so. In the absence of a clear instruction to the contrary, we presume the Legislature intended the usual meaning of “highway” set forth in Title 19. See Northfield Sch. Bd., 2019 VT 26, ¶ 15 (stating this Court presumes Legislature chooses words advisedly).

¶ 24. We also reject plaintiff's argument that Plains Road Extension could not have been used as a highway because it resembles a logging trail rather than a town highway. A right-of-way does not lose its legal status as a highway merely because the town has failed to maintain it or because it is impassable by a standard passenger car. See Benson, 2010 VT 11, ¶ 15 (explaining "discontinuance of a road requires an affirmative act on the part of the town, more than passive abandonment or acquiescence to another use"). Under Vermont law, a town highway can be anything from a paved multilane roadway to an unmaintained dirt track. See 19 V.S.A. § 302(a)(1)-(5) (providing for class 1, 2, 3, and 4 highways and legal trails, with differing maintenance requirements). While towns must maintain class 1, 2, and 3 highways to a certain standard, towns have discretion whether to maintain and repair class 4 highways and are not obligated to maintain trails at all. Town of Calais v. Cty. Rd. Comm'rs, 173 Vt. 620, 621, 795 A.2d 1267, 1268 (2002) (mem.) (holding town has discretion whether to maintain and repair class 4 highways); 19 V.S.A. § 310(b)-(c) (providing town "may" maintain class 4 roads and is not obligated to maintain legal trails). How a road appears, and whether it is maintained, therefore are not determinative of whether it was used as a highway.

¶ 25. Finally, plaintiff argues that the court lacked authority to overturn the decision of Westford's Ancient Roads Committee to not include Plains Road Extension on the town highway map, "particularly without any input from that committee or Westford's Selectboard." As noted above, plaintiff did not name the town as a defendant. Having failed to do so, she cannot now claim error based on the court's failure to hear from the town. See State v. Longe, 170 Vt. 35, 39 n.\*, 743 A.2d 569, 572 n.\* (1999) (explaining that party may not "induc[e] erroneous ruling and later seek[] to profit from the legal consequences of having the ruling set aside" (quotation omitted)). Moreover, as the court found, the road was not an unidentified corridor to which Act 178 applied. The town's failure to include it on the town highway map by 2015 therefore had no

effect on its status as a town highway. If the town wished to discontinue it, it had to follow the normal statutory procedure.

¶ 26. It was undisputed that Plains Road Extension was a highway laid out by the town in 1800 that was never discontinued and that there was clearly observable physical evidence of its use to a point midway onto defendants' property. The trial court therefore properly concluded as a matter of law that the highway was not an unidentified corridor that was discontinued by operation of Act 178, and correctly granted summary judgment to defendants.<sup>4</sup>

Affirmed.

FOR THE COURT:

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Superior Judge (Ret.), Specially Assigned

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<sup>4</sup> Defendants moved to strike from plaintiff's brief two law review articles, the text of Act 178, and the text of a subsequent act amending Act 178. While it is true that such materials were not part of the record below and properly should have been presented, if at all, in an appendix to the printed case, they are all legal resources that were appropriate for review by this Court on appeal. See Reporter's Notes, V.R.E. 201. The motion is therefore denied.

We also deny the request made by plaintiff in her reply brief to strike Section V of defendants' brief, which addressed their alternative arguments that they had a private easement to use Plains Road Extension. Contrary to plaintiff's argument, defendants preserved these claims for our review by raising them below. However, we need not reach them because we affirm the court's conclusion that the road is a town highway that was not discontinued by Act 178.

# Plains Road Extension



8/28/2025, 11:26:48 AM

2024 Color Imagery (30 cm)

Blue: Band\_3

Road Centerline

0 150 300 600 ft  
0 45 90 180 m

Red: Band\_1

Housing Points

Class 2 or 3

River or Stream Centerline

Chittenden County RPC, VCGI, Esri, Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, VCGI and Sanborn Map Company

Green: Band\_2

Single Family

Private

Chittenden County RPC, VCGI, Esri, Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | VCGI | VCGI, Sanborn Map Company | VCGI and Sanborn Map Company | VITANRGIS |



1713 Vermont Route 128 • Westford, Vermont 05494  
Town Office: (802)878-4587 • Fax: (802)879-6503  
[www.westfordvt.us](http://www.westfordvt.us)

2 September 2025

**To:** Westford Selectboard

**Re:** Certification of Receipt – DRB Decision

Dear Selectboard Members,

This letter accompanies a copy of the Decision of the Westford Development Review Board (DRB) regarding Water Resource Overlay Conditional Use Approval for the Westford Conservation Commission’s proposed bridge/boardwalk in the Misty Meadows Trails and Forest.

Pursuant to the requirements of the Westford Land Use & Development Regulations, this letter serves to certify that the Selectboard has received the DRB’s Decision, dated August 28, 2025. The accompanying document is provided for your official record.

Please do not hesitate to contact the Planning & Zoning Office if you have any questions or require additional information.

Sincerely,  
Harmony Cism  
Administrative Officer & Planning Coordinator  
[zoning\\_admin@westfordvt.us](mailto:zoning_admin@westfordvt.us)

**Acknowledgment of Receipt**

I, the undersigned, hereby acknowledge receipt of the DRB Decision referenced above on behalf of the Westford Selectboard.

Signature: \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF WESTFORD  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT, CONCLUSIONS & ORDER**

**NOTICE OF DECISION  
For Westford Conservation Commission  
Conditional Use – Water Resource Overlay District**

This matter came before the Westford Development Review Board on the application of the Westford Conservation Commission, hereafter referred to as the applicant, for Conditional Use approval to reroute a section of the Riverside North Trail in the Misty Meadows Trails and Forest, and to construct a boardwalk in the Water Resource Overlay and Flood Hazard Overlay zoning districts. The Development Review Board held a public hearing on August 11, 2025. Kirsten Tyler (Westford Conservation Commission Chair) and Joel Fay (Westford Conservation Commission member) were present at the August 11, 2025 hearing.

Based on the above-mentioned public hearing and the documents contained in the “document” file for this proposal, the Development Review Board enters the following Findings of Fact, Conclusions and Order.

**FINDINGS OF FACT**

1. The Westford Conservation Commission, hereafter referred to as the applicant, is requesting Conditional Use review to reroute a section of an existing public trail and construct a boardwalk within the Water Resource Overlay. The project is proposed on a portion of the Westford Town Lands known as the Misty Meadows Trails & Forest (MMTF), located off Brookside Road. The 83.4-acre property is situated in the Village (V), Rural 10 (R10), Water Resource Overlay (WRO), and Flood Hazard Overlay (FHO) Zoning Districts. It is identified as parcel number 05BS009.A on the Town’s tax maps and is accessible from the Westford School parking lot.
2. The MMTF includes lands to the east and southeast of the Westford School, originally donated to the Westford School District by Fred and Irene Rope in 1972, and a 14-acre parcel to the north (east/northeast of the school), donated to the Town in 2001. In 2017, the original parcel was conveyed from the School District to the Town by a town vote. A shared-use agreement between the Town of Westford and the Essex Westford School District was recorded in the Westford Land Records on July 5, 2022.
3. The property has historically been managed for recreational and educational uses. It currently features a variety of amenities, including athletic fields, backstops, recreational trails (some of which are groomed for cross-country skiing), a hay field, and other open-space uses. Field evidence suggests that prior to 1972, the land was managed as a woodlot and possibly used as night pasture for cattle.
4. The MMTF consists of approximately 70 acres of primarily forested land, along with a small open meadow that is routinely mowed. The Brown’s River borders the property to the east, and Rogers Brook forms the southern boundary. These water features lie within the Water Resource Overlay and Special Flood Hazard Areas and are also subject to the Town’s Flood Hazard Overlay (FHO) regulations.

5. The applicant is requesting Conditional Use review to reroute the Riverside North Trail to avoid a consistently wet area. As part of the reroute, a 22-foot-long by 3.5-foot-wide boardwalk would be installed approximately 8 feet from the edge of the Brown's River. The project will result in approximately 77 square feet of disturbance within the Town's WRO and FHO districts.
6. The complete Conditional Use application was received on July 10, 2025 and consisted of maps, narratives, and correspondence, all of which is contained in the document file for the application.
7. The August 11, 2025 public hearing was warned in the Seven Days on July 21, 2025.
8. The Development Review Board reviewed the applicant's application on August 11, 2025. See the official meeting minutes for a list of those present at the meeting.
9. The following members of the Development Review Board were present for the Conditional Use public hearing on August 11, 2025, constituting a quorum: Peter Armata, Bill Cleary, Andrew Collier, Jesse Lebreque, Francois Ross (Vice-Chair), and Matt Wamsganz (Chair).
10. Documents submitted as a part of the Conditional Use application include: Project Narrative; DRB Application and checklist; natural resource maps; trail maps; "Bridge Sketch" building plans; and correspondence with the District River Corridor and Floodplain Manager.

#### **CONCLUSIONS**

1. The Applicant has submitted all relevant Conditional Use application information required by the Westford Land Use & Development Regulations.
2. The approval of the Conditional Use application is based on all documents located in the *Westford Conservation Commission/WRO-CU/Brookside Road/Misty Meadows Trails & Forest/2025* folder in the Development Review Board files.
3. This application was reviewed as a Conditional Use pursuant to the requirements and standards outlined in the Westford Land Use & Development Regulations. The application was deemed consistent with all of the applicable standards. More specifically, this application meets the above referenced standards in the following manner:

**Zoning District Standards (per Westford Land Use & Development Regulations)**

**Section 271 (Water Resource Overlay – Purpose) –**

*The purpose of the Water Resources Overlay District is to:*

1. *Ensure the natural processes (geomorphology) of Westford's water-related resources, including wetlands, rivers, permanent and intermittent streams, and ponds, are protected;*
2. *Preserve and conserve waterways, water bodies and adjacent areas to protect riparian ecosystems and biological diversity;*
3. *Maintain Westford's rural character through the conservation of natural resources and to utilize those resources for preservation, recreation, education, and human consumption, as appropriate; and*
4. *Protect public health, safety, and welfare by ensuring the following protections are established concerning: water quality, erosion control, stormwater control, and minimizing flood losses and damage. The subject parcel, adjacent parcels, and downstream parcels must be taken into consideration when implementing these regulations.*

Section 272 (WRO Application) – The proposed development is in the WRO.

Section 273 (Permitted Uses) – The proposed use is a Conditional Use in the WRO.

Section 274 (Conditional Uses) – Boardwalks are a conditional use in the WRO.

Section 275 (Planning & Design Standards – WRO) – This section is applicable.

Section 275.A(1) (Planning & Design Standards – Alternative Siting) – The DRB has determined that there are no reasonable alternatives for the siting of the proposed boardwalk.

Section 275.A(2) (Planning & Design Standards – Minimal Impact) – The DRB has determined that this project causes minimal impact to the WRO.

Section 275.A(3) (Planning & Design Standards – Cutting of Vegetation) – Vegetation will only be cut in the area of the proposed rerouted trail and boardwalk.

Section 275.A(4) (Shoreline Manipulation) – The WRO shall not be disturbed and/or developed except for activities approved by the issuance of this decision and the DRB approved site plans. All ground manipulation within the WRO and outside of the area described above is prohibited. Furthermore, appropriate erosion control measures shall be implemented until such time as the area is permanently stabilized.

Section 275.A(5) (Underground Utilities) – Not applicable. No utilities proposed for this project.

Section 275.A(6) (Hazardous Materials Storage) – Not applicable. No hazardous materials are proposed to be stored on site for this project.

Section 275.A(7) (Nonconformities) – Not applicable. No nonconforming structures or lots are involved in this project.

Section 275.A(8) (State & Federal Permits) – Due to the project being located within the Special Flood Hazard Area, the Administrative Officer is required to submit any zoning permit application to the

Agency of Natural Resources for State review to ensure compliance with the National Flood Insurance Program (NFIP).

**Section 281 (Flood Hazard Overlay – Purpose) –**

*This district is intended to avoid and minimize the loss of life and property, and the extraordinary demands on public services and spending that result from flooding. This district recognizes that the most cost-effective option to mitigate flood hazards is limiting further development in river corridors. It is the purpose of this chapter to regulate:*

- 1. Hazard areas to ensure that land and structures will be used and developed in a manner that protects public wellbeing and does not impair the natural functions and services of streams, floodplains, and stream corridors.*
- 2. Hazard areas in compliance with state and federal law so that Westford and its property owners will be eligible for federal flood insurance, Federal disaster recovery funds, and hazard mitigation funds as may be available.*

**Section 282 (FHO – Compliance with State and Federal Law) –** Development in this overlay district must follow State and Federal requirements in order for the Town of Westford to maintain eligibility for the National Flood Insurance Program (NFIP).

**Section 283 (FHO – Exempt Uses) –** Development conforms with this criterion. Recreation uses that do not raise the existing grade or require structures are exempt uses. While the proposed boardwalk does not meet the definition of a “structure” within this overlay district, it does meet the definition of “development.”

**Section 284 (FHO – Prohibited Uses) –** Development conforms with this criterion. No prohibited uses are proposed.

**Section 285 (FHO – General Permit) –** Not applicable.

**Section 286 (FHO – Permitted Uses) –** Not applicable.

**Section 287 (FHO – Conditional Uses) –** Not applicable.

**Section 288.A (1) (FHO – General Planning & Development Standards – Flood Risk) –** The development must be reasonably safe from flooding.

**Section 288.A (2) (FHO – General Planning & Development Standards – Stabilization) –** The boardwalk shall be designed, maintained, and anchored to prevent flotation, collapse, release, or movement.

**Section 288.A (3) (FHO – General Planning & Development Standards – Construction Materials) –** The boardwalk shall be constructed with materials resistant to flood damage.

**Section 288.A (4) (FHO – General Planning & Development Standards – Construction Methods) –** The boardwalk shall be constructed by methods and practices that minimize flood damage.

**Section 288.A (5) (FHO – General Planning & Design Standards – Electrical, etc.) –** Not applicable.

**Section 288.A (6) (FHO – General Planning & Design Standards – Drainage) –** Development conforms to this criterion.

Section 288.A (7) (*FHO – General Planning & Design Standards – Location*) – The development shall be located to minimize conflict with changes in river channel location over time.

Section 288.A (8-9) (*FHO – General Planning & Design Standards – Fuel Storage*) – Not applicable.

Section 288.A (10) (*FHO – General Planning & Design Standards – Future Flood Risk*) – The development shall not result in any increase in flood levels, increase base flood velocities, or increase risk to surrounding properties from erosion or flooding.

Section 288.B (*FHO – Zone AE Development Standards*) – Not applicable. FEMA has determined that the base flood elevation for this area is 447.8', and the location for the boardwalk is between estimated cross sections of 447'-448'.

Section 288.C (*FHO – Recreational Vehicles*) – Not applicable.

Section 288.D (*FHO – Small Accessory Structures*) – Not applicable.

Section 288.E – 288.F (*FHO – Substantial Improvements*) – Not applicable.

Section 288.G – 288.H (*FHO – Fully Enclosed Areas*) – Not applicable.

Section 288.I (*FHO – Above Ground Development in Floodway*) – Not applicable. Development is not proposed in the floodway.

Section 288.J (*FHO – Below Ground Development in Floodway*) – Not applicable.

Section 288.K (*FHO – Subdivisions and PUDs*) – Not applicable.

Section 288.L (*FHO – Nonconformities*) – Not applicable.

Section 288.M – 288.N (*FHO – Water and Wastewater*) - Not applicable.

Section 288.O (*FHO – Carrying Capacity*) – Not applicable.

**Conditional Use Criteria (per Westford Land Use & Development Regulations)**

Figure 4-1 (1) (*Compatibility*) – The DRB has determined that the proposed development will not result in undue adverse impacts that would reduce the quality of life of the natural environment in the area.

Figure 4-1 (2) (*Character of the Area*) – The DRB has determined that the proposed development will not alter the existing or planned character of the area.

Figure 4-1 (3) (*Suitability & Capability*) – The DRB has determined that the site is capable of accommodating the proposed development.

Figure 4-1 (4) (*Vehicular Access & Circulation*) – Not applicable.

Figure 4-1 (5) (*Parking & Loading*) – Not applicable.

Figure 4-1 (6) (*Pedestrian Access & Circulation*) – Not applicable.

Figure 4-1 (7) (*Traffic*) – Development conforms with this criterion. The proposed development will not generate traffic that would have an undue adverse impact.

Figure 4-1 (8) (*Landscaping & Screening*) – See Section 323 below.

Figure 4-1 (9) (*Stormwater & Snow Storage*) – See Section 327 below.

Figure 4-1 (10) (*Outdoor Lighting*) – Not applicable.

Figure 4-1 (11) (*Signs*) – Not applicable.

Figure 4-1 (12) (*Energy Conservation*) – Not applicable.

Figure 4-1 (13) (*Protection of Natural Resources*) – Development conforms with this criterion. The proposed development will be scaled and designed to not cause undue adverse impact to significant natural resources.

Figure 4-1 (14) (*Community Services*) – No issues.

Figure 4-1 (15) (*Cumulative Impact*) – No issues.

Figure 4-1 (16) (*Municipal Plan & Laws*) – No issues.

**Site Design & Engineering Standards (per Westford Land Use & Development Regulations)**

Section 321 (*Driveway & Private Road Standards*) – Not applicable. The trail system is accessed from the Westford School parking lot.

Section 322 (*Site Design & Engineering Standards – Parking & Service Areas Applicability*) – Development conforms to this criterion. The trail system is accessed from the Westford School parking lot.

Section 323 (*Site Design & Engineering Standards – Landscaping & Screening Applicability*) – Not applicable. The project area is heavily forested.

Section 324 (*Site Design & Engineering Standards – Outdoor Lighting Applicability*) – Not applicable. No lighting is proposed for this project.

Section 325 (*Site Design & Engineering Standards – Outdoor Display & Storage Applicability*) – Not applicable. No outdoor storage is proposed for this project.

Section 326 (*Site Design & Engineering Standards – Signs Applicability*) – Not applicable. No signage is proposed.

Section 327 (*Site Design & Engineering Standards – Erosion Control & Stormwater Management*) – The proposal is categorized as a minor project and thus does not require a management plan. The applicant shall appropriately control erosion, prevent sedimentation, and manage stormwater.

Section 328 (*Site Design & Engineering Standards – Water & Wastewater Systems*) – Not applicable.

Section 329 (*Site Design & Engineering Standards – Wellhead Protection Areas*) – Not applicable.

Section 3210.A-C (*Site Design & Engineering Standards – Steep Slopes*) – Not applicable. The proposed development does not impact steep slopes.

Section 3210.D (*Site Design & Engineering Standards – Ledge Outcroppings*) – Not applicable. The proposed development does not impact ledge outcroppings.

Section 3210.E (*Site Design & Engineering Standards – Significant Natural Resources*) – Not applicable. The proposed development does not impact significant natural communities.

4. The following Town documents were in effect at the time of this approval: Town Plan – February 2021; Westford Land Use & Development Regulations – June 2021, amended June 2024.

#### **ORDER**

Based on the Findings of Fact and Conclusions set forth above, the Westford Development Review Board approves the Conditional Use subject to the conditions listed below.

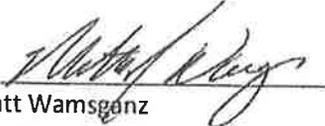
1. The applicant shall submit a copy of the approved boardwalk building plans to the Westford DRB Coordinator with the following modifications:
  - a. The plans shall specify the type of flood-resistant materials, fasteners, and connectors to be utilized in the construction of the boardwalk. Acceptable guidance regarding appropriate materials is set forth in FEMA's *Technical Bulletin 2: Flood Damage-Resistant Materials Requirements* and the State of Vermont's Flood Ready resource entitled *Do it Right – So You Don't Do it Twice*.
  - b. The plans shall include a visual depiction and/or written description of the proposed method for anchoring the boardwalk.
2. Prior to the start of construction/site improvements, a zoning permit shall be obtained from the Administrative Officer.
3. Prior to the issuance of a zoning permit, the applicant shall receive all required State of Vermont permits.
4. The Water Resource Overlay District shall not be disturbed and/or developed, with the exception of the activities approved by the issuance of this decision and the DRB approved site plans.

5. Clearing of vegetation within the WRO is limited to the DRB-approved areas of disturbance. All clearing within the WRO and outside of the area described above is prohibited.
6. Ground manipulation within the WRO is limited to the DRB-approved areas of disturbance. All manipulation within the WRO and outside of the area described above is prohibited.
7. Development shall comply with the current version of the Vermont Agency of Natural Resources *Low-Risk Sike Handbook for Erosion Prevention & Sediment Control* in effect at the time of zoning permit application for construction and Section 327 of the Westford Land Use & Development Regulations, including these stormwater control measures:
  - a. Surface waters, their required buffers, and existing vegetation to be preserved as a condition of approval shall be excluded from any disturbance area.
  - b. Disturbance shall be avoided between October 15 and April 15, unless otherwise allowed by permit amendment or prior administrative officer approval.
  - c. Runoff from above the disturbance area shall be intercepted and directed around the disturbance area into undisturbed vegetated areas.
  - d. Within the disturbance area, water shall be controlled and kept at low velocities to reduce erosion in drainage channels.
  - e. Distributed ground materials, including soil, stone, and vegetation, shall be prevented from leaving the disturbance area.
  - f. Within 48 hours of the conclusion of active construction, any disturbed area with exposed dirt unrelated to access or building construction shall be stabilized by seeding and mulching, stabilization fabric, or sod. Phasing of construction is strongly encouraged to minimize the area that will be disturbed at any one time.
8. Ledge outcropping shall not be disturbed and/or developed.
9. Steep slopes shall not be disturbed and/or developed.
10. All purchasers of property located within the project area and affected by this decision shall be given a copy of this decision prior to conveyance.
11. This project shall be constructed, completed, and operated as set forth in the plans and exhibits as approved by the Development Review Board and on file in the Town Office, and in accordance with the conditions of this approval.
12. By acceptance of this decision, the Applicant authorizes the Administrative Officer of the Town to access the property at reasonable times for the purpose of ascertaining compliance with the Westford Land Use & Development Regulations and conditions of this permit.
13. This decision shall run with the land and will be binding upon and enforceable against the Applicant and all successors and assigns.
14. No changes, erasures, modifications, or revisions other than those required by this decision shall be made on the DRB approved documents after approval, unless said documents are first resubmitted to and approved by the Development Review Board.

**Westford Development Review Board - Notice of Decision  
Westford Conservation Commission / WRO Conditional Use Approval**

---

Dated at Westford, Vermont, this 28<sup>TH</sup> day of AUGUST 2025.

By   
Matt Wamsganz  
Westford Development Review Board

Board members participating in writing this decision: Peter Armata, Bill Cleary, Andrew Collier, Jesse Lebreque, Francois Ross, and Matt Wamsganz.

**DRB Vote Summary**

Dennis Angiono	ABSENT
Peter Armata	APPROVE
Bill Cleary	APPROVE
Andrew Collier	APPROVE
Jesse Lebreque	APPROVE
Francois Ross	APPROVE
Matt Wamsganz	APPROVE

Vote to approve: 6 – 0.

**30 Day Appeal Information:**

An "interested person," who has participated in this proceeding, may appeal this decision to the Vermont Superior Court – Environmental Division within 30 days of the date this decision was signed. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. See V.S.A. Title 24, Chapter 117, and Section 4465b for clarification on who qualifies as an "interested person."

Notice of the Appeal, along with applicable fees, should be sent by certified mail to the Vermont Superior Court – Environmental Division. A copy of the notice of appeal should also be mailed to the Town of Westford Development Review Board at 1713 Vermont Route 128, Westford, VT 05494. Please contact the Vermont Superior Court for more information on the filing requirements, fees, and current mailing address.

Application Rec'd 9/2/25

Fee: \$85.00 (new)  
\$40.00 (culvert replacement w/ changes)  
No charge (culvert replacement same length)

TOWN OF WESTFORD APPLICATION FOR ACCESS PERMIT

Applicant Jonathan + Tammy Brown Phone # 802-598-3691

Mailing Address 67 Covey Rd Westford

Location of Property: South of 67 Covey Rd Parcel # 06CNO06

Intended use of access:  Driveway (single family dwelling)  
(Please check one)  Private Road to serve \_\_\_ homes  
 Commercial Establishment

The undersigned requests an Access Permit to allow thd (contractor) to construct an access in accordance with Vermont Department of Highways Standards to serve the applicant's property, located on the West side of Town Highway No. 14 (The local name for this road being Covey Rd.) The proposed access will be located approximately 4 miles (feet or miles) from the intersection of this road with Cambridge Rd. The applicant agrees to maintain said access and culvert, if needed, adhere to the directions, restrictions and conditions forming a part of this permit.

Dated at 11:25 this 2 day of September, 2025  
Signature of Applicant [Signature] Tammy E. Brown

ACCESS PERMIT

NOTICE:

This permit is issued in accordance with Title 19, Section 1111(b), V.S.A. relative to all highways within the control and jurisdiction of the Town of Westford. The issuance of this permit does not release the applicant from any requirements of statutes, ordinances, rules and regulations administered by other governmental agencies. The permit will be effective upon compliance with such of these requirements as are applicable and continue in effect for as long as the present land use continues. Any change from the present land use will require a new permit. This permit is issued subject to the directions, restrictions and conditions contained herein and on the reverse of this form and any attachments hereto, and covers only the work described in this application, and then only when the work is performed as directed. Violations are subject to the penalties set forth in Title 19, Section 1111(b), V.S.A. of fines of not less than \$100 nor more than \$10,000 for each violation.

DIRECTIONS, RESTRICTIONS AND CONDITIONS:

- Suitable culvert to be furnished and installed by applicant. Galvanized or plastic pipe at least fifteen inches (15") diameter, thirty feet (30') long, unless other wise instructed by Town Road Foreman. Conformance to the enclosed sketch required.
- Access must be installed according to *Section 320 of the Westford Land Use & Development Regulations* and as close to a 90 degree angle as possible to \_\_\_\_\_ Road and level for 20'.
- Additional conditions: \_\_\_\_\_
- Approval of this permit does not relieve the applicant from obtaining any other required State or local permits.

Culvert: 15" - 30ft Required  Not required  Initials SC Date 9/3/25

Dated at Westford, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Town Selectboard Chair \_\_\_\_\_

Inspected by [Signature] (Road Foreman) Date: 9/3/25

- A 20<sup>ft</sup> Culvert already exists as a field access  
- Just needs to be replaced to meet standards

# Westford, Vermont



9/2/2025, 11:39:10 AM

1:4,514

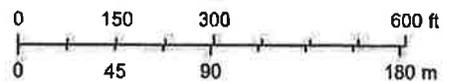
2024 Color Imagery (30 cm)

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

Housing Points

- Single Family

- Tax Parcel Boundary
- River or Stream Centerline
- Road Centerline
- Class 2 or 3
- Private



Chittenden County RPC, VCGI, Esri, Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, VCGI and Sanborn Map Company

**OWN OF WESTFORD HIGHWAY DEPT.  
ROAD SCHEDULE  
August 28, 2025 – September 11, 2025**

Work to be done.

- Grade roads.
- Add gravel to some roads.
- Haul in Staymat.
- Change a cross culvert on Plains Road

Work completed.

- Graded South end of Old Stage Rd., Allen Irish Rd., Bill Cook Rd., Brookside Rd., North end of Woods Hollow Rd., Cambridge Rd., Learned Dr. and Plains Rd.
- Used the new skid steer and harley rake to spread 30 loads of gravel on Woods Hollow Rd. in the area we had ditched and stone lined to finish the (GIA) Grant project.
- Cold patched potholes on Westford Rd.
- Cleaned the outlets of a few cross culverts.
- Cleaned up some brush and cut a few trees.
- Summit Contracting finished final mowing for this year.
- Finished hauling in Winter sand.
- Hauled in some Staymat.
- The new Skid Steer was delivered.

Approved at the \_\_\_\_\_ Selectboard Meeting.

Application Rec'd \_\_\_\_\_

Fee: \$85.00 (new)

\$40.00 (culvert replacement w/ changes)

No charge (culvert replacement same length)

**TOWN OF WESTFORD APPLICATION FOR ACCESS PERMIT**

Applicant Peter H. Girr Phone # 716-578-1073

Mailing Address 162 Machia Hill Road, Westford, VT 05494

Location of Property: 162 Machia Hill Road Parcel # 10GR001

Intended use of access:  Driveway (single family dwelling)  
(Please check one)  Private Road to serve \_\_\_\_\_ homes  
 Commercial Establishment

The undersigned requests an Access Permit to allow \_\_\_\_\_ (contractor) to construct an access in accordance with Vermont Department of Highways Standards to serve the applicant's property, located on the westerly side of Town Highway No. LT-4 (The local name for this road being Goodrich Trail.) The proposed access will be located approximately 800 feet (feet or miles) from the intersection of this road with Machia Hill Road. The applicant agrees to maintain said access and culvert, if needed, adhere to the directions, restrictions and conditions forming a part of this permit.

Dated at 0900, this 19th day of February, 20 25.

Signature of Applicant Peter H. Girr *Peter H. Girr*

**ACCESS PERMIT**

**NOTICE:**

This permit is issued in accordance with Title 19, Section 1111(b), V.S.A. relative to all highways within the control and jurisdiction of the Town of Westford. The issuance of this permit does not release the applicant from any requirements of statutes, ordinances, rules and regulations administered by other governmental agencies. The permit will be effective upon compliance with such of these requirements as are applicable and continue in effect for as long as the present land use continues. Any change from the present land use will require a new permit. This permit is issued subject to the directions, restrictions and conditions contained herein and on the reverse of this form and any attachments hereto, and covers only the work described in this application, and then only when the work is performed as directed. Violations are subject to the penalties set forth in Title 19, Section 1111(b), V.S.A. of fines of not less than \$100 nor more than \$10,000 for each violation.

**DIRECTIONS, RESTRICTIONS AND CONDITIONS:**

- Suitable culvert to be furnished and installed by applicant. Galvanized or plastic pipe at least fifteen inches (15") diameter, thirty feet (30') long, unless other wise instructed by Town Road Foreman. Conformance to the enclosed sketch required.
- Access must be installed according to *Section 320 of the Westford Land Use & Development Regulations* and as close to a 90 degree angle as possible to \_\_\_\_\_ Road and level for 20'.
- Additional conditions: \_\_\_\_\_
- Approval of this permit does not relieve the applicant from obtaining any other required State or local permits.

Culvert: Required \_\_\_\_\_ Not required \_\_\_\_\_ Initials \_\_\_\_\_ Date \_\_\_\_\_

Dated at Westford, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Town Selectboard Chair \_\_\_\_\_

Inspected by \_\_\_\_\_ (Road Foreman) Date: \_\_\_\_\_