



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Select Board Hybrid Hearing Minutes
November 23, 2021

Board members present: Mica Cassara, Chair, Lynda DesLauriers, Paula Gervia, Janet Metz (4:17 p.m.), Andrew Pond

Board members absent: None

Also present: William O'Brien, F. Joseph O'Brien, Petitioner, George Dion & Julie Dion; property owners. Rob Fields; A. Johnson, Tim Hanson (virtual),

Clerk: Amy Grover

- 1. Call to Order:** The hearing was called to order at 4:09 p.m. by Mica Cassara with a quorum of 4 members present. The hearing start time was delayed due to being "Zoom Bombed" by multiple virtual attendees seeking to disrupt the hearing. The meeting was ended for all to stop the Zoom Bomb, and restarted a few minutes later.
- 2. Additions Or Deletions to The Agenda:**
Additions: Warrant signatures requested. Warrants signed.
Deletions: None.
- 3. Public Comment (not related to agenda items):** None
- 4. Public Hearing:** Mica Cassara read the hearing notice for the record:

The Town of Bolton Select Board will meet to address a petition from F. Joseph O'Brien, filed under 19 V.S.A. § 958, proposing the laying out of a right-of-way by the Select Board for the removal of lumber across the land of George and Julie Dion, located at 2634 Stage Road (Tax Map #05-0032634) in the Town of Bolton. The 31.6 acre O'Brien property to be logged is located off of Stage Road, also in the Town of Bolton (Tax Map #05-0032580).

The Select Board will meet at the Bolton Town Office at 2:00 p.m. on Tuesday, November 23, 2021 and then conduct a site visit at 2634 Stage Road and the O'Brien property, before returning to the Town Office for a formal hearing on the petitioned request, scheduled for 4:00 p.m..

This process is authorized by 19 V.S.A. § 958. Due notice is being given to petitioner, F. Joseph O'Brien, landowners George and Julie Dion, adjoining property owners and other interested persons by certified mail, and by three public postings of the site visit and hearing, at least thirty days prior to the hearing.

With respect to the site visit:

No testimony will be taken on the site visit, other than for the petitioner, landowner or their representatives, to point out the location of the proposed route and other geographical features that may be important to the parties, but evidence of what is seen at the site visit shall be made a part of the record at the hearing.

All attendees at the hearing were present at the preceding site visit with the exception of Tim Hanson. Noted at the site visit:

- The logging/woods road leading from Stage Road, uphill on the Dion property, and the boundary with the O'Brien property.
- The woods road continues onto the O'Brien property from the Dion property, providing logging access.
- The landing on the O'Brien property where logs are stockpiled.
- The location of the permitted O'Brien sugar house.
- The topography of the O'Brien property which includes steep slopes, which appears to inhibit other access options.

- The location of Maureen Matthews' property, home, and easement in relation to the road used for access.
- The location of the A. Johnson deeded easement, access, and log landing in relation to the O'Brien property, the impact to the Dions' development plans for their property, and the lack of access across the log landing when logging is underway by A. Johnson.
- The location of a small shack and trailer left behind by the previous owner of the Dion property, Joji Filmore, on the A. Johnson log landing.

Mica Cassara opened the hearing for testimony.

- George Dion immediately stated that:
 - Due to the information he had received at the site visit with respect to the development plans of his property, he was requesting a 90 day extension of the hearing so that his family could seek legal guidance to identify and address multiple questions and issues regarding development of their property, which they became aware of for the first time at the site visit; notably, the A. Johnson log landing easement.
 - The family needed to fully understand their legal options and issues to determine if they wanted to continue to "fight," or possibly work toward a mutually beneficial agreement (i.e., sell the property, boundary line adjustment, sell an easement).
 - During those 90 days, he would allow the O'Brien family access to their property, by walking on the woods road on the Dions' property and parking their vehicles at the gate.
 - The O'Briens had had 5 years to prepare for this hearing, they had only owned the property for 6 months and only had 2 weeks to prepare.
- Joe O'Brien stated that he was uncertain how he wanted to respond on the spot and was open to finding a mutually beneficial agreement.
- Amy Grover noted the process allowed for the hearing to be continued to a specific date and time.
- William O'Brien noted he was the family member primarily on the property during the day, his physical limitations, and asked for permission to drive to their property, not park at the gate.
 - George Dion said permission was being given to park at the gate and walk to their property.
 - Joe O'Brien noted getting firewood with the vehicle on Stage Road was not an option, and that vehicles parked at the gate will trigger phone calls to Mr. Dion, and asked to drive to their property.
 - William O'Brien noted he was unsure what damage a small truck would do in comparison to the large A. Johnson logging vehicles, and recognized this was a highly unusual situation, they did not want to burden the town, and they did not object to a 90-day deferral.
- Andrew Pond asked if 90 days was a reasonable amount of time, that there was no guarantee the BSB would render a decision today, in fact it was likely there would not be a decision made today, and that access was being offered.
- Group discussion on holiday timeframe, time to find a competent attorney, a process for keeping open communication between the O'Briens and Dions (between those parties, no town involvement), that access with parking at the gate was offered, was accepted, that the O'Briens would provide vehicle information to the Dions, and that a hearing continuation was amendable to both parties.
- William O'Brien asserted that that the removal of lumber, wood, and other material, such as the production of maple syrup – all fall under the same statute, the same authority. (Note: the BSB did not address this assertion prior to the hearing continuation.) He added that the family's forest management activities were outlined in the forest management plan the BSB required the O'Briens to create 5 years ago and include firewood and maple syrup production.

- Andrew Pond stated he would make a motion to continue the hearing. Brief group discussion on timing, 60 days vs 90 days, BSB elections in March 2022, impact of a shift in members during the petition process.
- Andrew Pond noted that at the request of both parties, and at a count of 84 days, he made the motion “to continue the hearing to Tuesday, February 15, 2022, at 6 p.m.” Janet Metz seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- 6. **Closing:** Paula Gervia made the motion “to close the meeting.” Janet Metz seconded. There was no further discussion. All were in favor and the motion passed (5-0) at 4:33 p.m.

Attest: Amy Grover, Clerk

Minutes are unofficial until approved. These minutes were read and approved by the Bolton Select Board on December 6, 2021.