

CERTIFICATE OF HIGHWAY MILEAGE  
YEAR ENDING FEBRUARY 10, 2017

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2017 to:  
Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section  
One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of CABOT in WASHINGTON County  
on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,  
added 1985, is as follows:

PART I - CHANGES TOTALS - Please fill in and calculate totals.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000			-	0.000
Class 2	17.030			17.030	0.000
Class 3	41.19			41.19	0.000
State Highway	6.568			6.568	0.000
<b>Total</b>	<b>64.788</b>			<b>64.788</b>	<b>0.000</b>
* Class 1 Lane	0.000			-	
* Class 4	7.74		0.09	7.65	0.000
* Legal Trail	4.53			4.53	

\* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE. Rounding and change description by K. Alley

1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening". 2/25/2017.
2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).  
- 0.09 mi CL4 TH-68 (Town Forest Rd)
4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. [ ]

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

*[Handwritten signatures: Michael J. ...]*

T/C/V Clerk Signature:

*[Handwritten signature: Betty Ritter]*

Date Filed:

January 17 2017

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL:

Signed copy will be returned to T/C/V Clerk.

APPROVED:

*[Handwritten signature]*  
Representative, Agency of Transportation

DATE:

3/30/2017

Vermont Statutes Annotated

19 V.S.A. § 305. Measurement and inspection

Received

FEB 22 2017

Policy, Planning & Intermodal  
Development Division

§ 305. Measurement and inspection

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

(b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.

(c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.

(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.

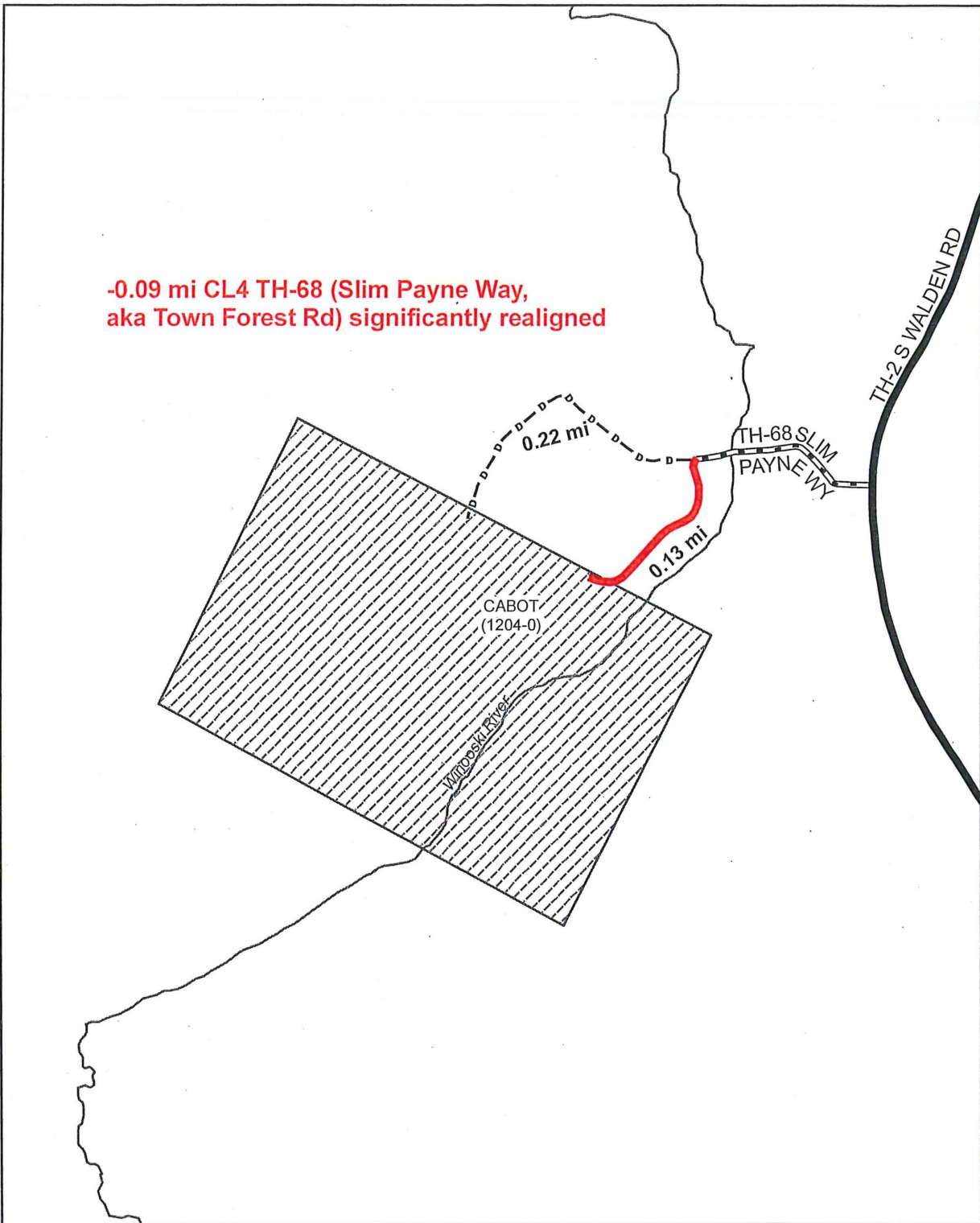
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.

(f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description, or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.

(g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate.

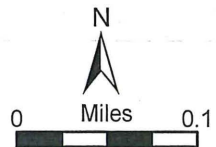
Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at – <http://legislature.vermont.gov/statutes/section/19/003/00305>

December 2016



**Mileage Certificate Changes 2017  
CABOT (1204-0)**

Mapping Section  
 Division of Policy and Planning  
 Vermont Agency of Transportation -- March 30, 2017



## Alley, Kerry

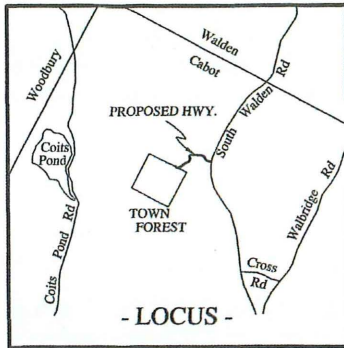
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**From:** Cabot, Zoning Administrator <zacabot@fairpoint.net>  
**Sent:** Wednesday, January 18, 2017 10:08 AM  
**To:** Alley; Alley, Kerry  
**Subject:** Cabot Highway changes  
**Attachments:** cabot330\_20170116\_0001.pdf

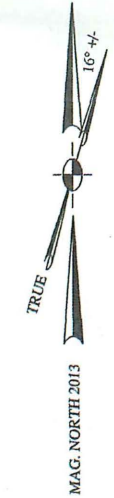
Kerry,

Town Highway 68 has been relocated for easier access to the Town forest. I have attached the revised survey do you need copies of the road acceptance discontinuance?

Thanks  
Karen



- NOTES-**
- 1) THE LOCATION OF ALL OBJECTS SHOWN ON THIS PLAT, AS WELL AS ALL BEARINGS AND DISTANCES GIVEN BETWEEN POINTS, IS BASED ON A CLOSED 'TOTAL STATION' TRAVERSE WITH A CLOSURE OF 1:29,278. THE BEARINGS ARE BASED ON MAGNETIC NORTH AS OBSERVED AT THE SITE ON OCTOBER 21, 2013.
  - 2) THE PROPOSED TOWN HIGHWAY CENTERLINE IS DESCRIBED BY NUMBERED COURSES (SEGMENTS), WHICH ARE SHOWN IN THE TABLE SO NAMED. COURSES 1 THROUGH 8 APPROXIMATE THE CENTER OF AN EXISTING WOODS ROAD, OVER WHICH THE TOWN CURRENTLY HOLDS A RIGHT OF WAY DEEDED TO THE TOWN OF CABOT BY P.R. AND EMMA PIKE IN VOLUME 30 PAGE 372 (6/25/1946) OF THE CABOT LAND RECORDS. COURSES 9-16 APPROXIMATE THE CENTER OF A NEWLY CONSTRUCTED GRAVEL ROAD BED.
  - 4) CAPPED IRON RODS (5/8" REBAR) WERE PLACED ALONG THE NORTHERLY PROPOSED RIGHT-OF-WAY LIMITS INTERMITTENTLY, AND ROD-TO-ROD TIE COURSES PROVIDED. THE TIE COURSES ARE FOR PURPOSES OF MATHEMATICAL CLOSURE AND RECOVERY ONLY. THE CLASS IV HIGHWAY RIGHT-OF-WAY LIMITS ARE TO BE ONE AND ONE HALF RODS (24.75') FROM AND PARALLEL TO THE CENTERLINE.



**CENTERLINE COURSES**

Course	Bearing	Distance
L1	N71°06'05"W	126.3'
L2	N 54°34'35" W	17.3'
L3	N 22°25'35" W	97.0'
L4	N 34°15'00" W	80.6'
L5	N 79°20'10" W	96.7'
L6	N 75°54'30" W	133.4'
L7	N 88°02'10" W	67.5'
L8	N 79°11'20" W	62.0'
L9	S 54°18'20" W	39.8'
L10	S 1°21'50" E	70.0'
L11	S 20°33'30" W	67.2'
L12	S 46°01'45" W	47.7'
L13	S 78°54'20" W	92.4'
L14	S 61°15'10" W	212.6'
L15	S 82°22'40" W	75.6'
L16	N 46°16'35" W	80.3'

SHAUN BROOKS  
DEED REFERENCES  
BOOK 78 PAGE 616 12/21/2012  
" 46 " 537 8/4/1993

CABOT TOWN FOREST  
DEED REFERENCES  
BOOK 21 PAGE 427 12/7/1907  
" 16 " 496 4/7/1880

PLAT ENTITLED "BOUNDARY SURVEY OF LAND DEDICATED AS THE CABOT TOWN FOREST CABOT, VERMONT" DATED DEC, 2013 BY RUSSELL BROWN LAND SURVEYING

Cabot, Vermont Town Clerk's Office  
on 8/11/16 at 11:02 am  
Received the foregoing instrument for record.  
A True Copy.

Attest: *Rachel Selin*, Asst. Clerk

Repro, Winooski, VT hereby certifies this map was reproduced according to state specifications.

*CF Jigal*

- LEGEND**
- L10 PROPOSED CENTERLINE SEGMENT (# 10)
  - LIMIT OF SOUTH WALDEN ROAD RIGHT OF WAY
  - EDGE OF GRAVEL OR ROAD BED (SEE NOTE 2)
  - 5/8" REBAR SET WITH CAP
  - CONCRETE NAIL SET IN CENTERLINE INTERSECTION
  - UNMARKED POINT

**-CERTIFICATION-**

I HEREBY CERTIFY THAT THE EXISTING BOUNDARY LINES SHOWN HEREON ARE BASED ON AND CONSISTENT WITH THE APPLICABLE DEEDS AND MONUMENTATION TO THE BEST OF MY KNOWLEDGE AND BELIEF.



**SURVEY OF CENTERLINE OF ALTERNATE PROPOSED CABOT TOWN HIGHWAY CABOT, VERMONT**

SCALE:	1" = 100'
DATE:	JULY, 2016
SURVEYED:	R W B
DRAFTED:	R W B

**Russell Brown**  
Land Surveying

PROJECT # 16-188

cabot 330.20170116.0001.pdf

THIS 7 DAY OF December A.D. 2016  
AT 10 O'CLOCK 00 MINUTES A M AND  
RECEIVED CABOT RECORDS BOOK 84 PAGE 568-570  
ATTEST Nichelle Selen ASST. CLERK

TOWN OF CABOT  
SELECTBOARD

In the matter of a Town Highway )  
Running from South Walden Road )  
and continuing in a west by southwest )  
direction along a newly established )  
right-of-way and roadbed to its terminus )  
at the Cabot Town Forest )

Return of Selectboard  
Minutes, Findings, Conclusion and Decision

On Thursday, November 17, 2016, the Cabot Selectboard met, pursuant to public and personal notice, to take evidence and conduct a site visit to determine whether a new Class-Four Town Highway should be laid out over a newly established right-of-way recently deeded to the Town by the underlying landowner, Shaun Brooks. Mr. Brooks has petitioned for the Town to accept this new road as a replacement for the Town's existing right-of-way access to the Town Forest, a public road currently classified as TH 68, which runs to the north and east of the newly established right-of-way, and which Mr. Brooks has petitioned to have discontinued by the Town as a public right-of-way. Both Mr. Brooks and the Town intend for the Town and the general public to use the newly established right-of-way to access the Town Forest.

The Board met at 2 p.m. at the site where the new right-of-way is located. The Board, along with Town Zoning Administrator and Road Commissioner Karen Deasy and interested land owner Shaun Brooks walked the length of the new road from South Walden Road to the Town Forest. The newly constructed road bed was clear and evident on the Ground. The Town had previously ordered Russell Brown to survey the road. Said survey is attached to this decision as Exhibit A. The Board found that this survey was consistent with the road as it appears on the ground.

Beginning again at 3:00 p.m., the Board opened the hearing. The Board then heard testimony from Shaun Brooks and Karen Deasy in her capacity as Town Road Commissioner. Mr. Brooks testified as to the accuracy of the survey for the new Town Highway, confirmed that it ran west along the existing Town Highway 68 from South Walden Road for approximately 665.42 feet until it turned south and ran approximately 636.13 feet to the Town Forest. Mr. Brooks testified that he had constructed and deeded this road bed to the Town for use as a public road and as access to the Town Forest. He seeks no compensation for this new road apart from the discontinuance of the existing town highway on his property that lies beyond the new road and a right of first refusal from the Town, should it decide to sell the Town Forest. He further stated that the entire road bed lay on his property, and that he had no objections to the Town using it as a public, class four highway. Ms. Deasy also confirmed the accuracy of the survey, commented on the quality of the road as a class four highway, and she spoke of the need for a public road to connect to the Town Forest. Ms. Deasy confirmed it was in the

public good to have access to the Town Forest and that the new road met those standards and was essential if the Town discontinued the existing Town Forest. Ms. Deasy stated that if approved, the Town would switch the Town Highway designation 68 from the existing road to this new public highway.

Based on the site visit and the hearing, the Selectboard finds:

1. The new Town Forest Road proposed to become a town highway is intact, traversable and has no present impediments to travel. It meets the Town's current class four road standards.
2. The road bed of the new Town Forest Road is consistent with the Russell Brown Survey dated July 2016, which is attached to this decision and shall be filed in the land records.
3. The new Town Forest Road has been deeded to the Town with express purpose of becoming a class four public highway and primary access for the public to the Town Forest.
4. If the existing Town Highway to the Town Forest is discontinued, as has been petitioned, the new Town Forest Road is the sole established means of access to the 40-acre town forest.
5. The new Town Forest Road has been deeded to the Town and constructed by the underlying land owner for the Town and the general public to use to access the Town Forest.
6. Access to the Town Forest is important and in the public good for the public to be able to use the Town Forest for recreational activities and to enjoy an asset owned and managed by the Town for its citizens.
7. The Town has a vested interest in continuing access to the town forest, to ensuring the road access to the town forest is maintained, kept open, and that the public and citizens of Cabot are guaranteed access to this town asset to enjoy and use.
8. Mr. Brooks seeks no further compensation from the Town for deeding and constructing this roadbed than the discontinuance of the existing town highway beyond the new road and a right of first refusal should the Town decide to sell the Town Forest, which has been executed by the Town.

Based on these findings, the Selectboard makes the following conclusions of law and decision:

- A. The standard for reviewing a proposal to lay out a highway is the public good, necessity and convenience of the inhabitants. 19 V.S.A. § 710.

- B. There is substantial evidence to support a conclusion that the standard is met in this case.
- C. The proposed road bed will provide the Town and the general public with consistent and reliable access to an important town asset, the Town Forest.
- D. This newly constructed road has been deeded to the Town to replace an existing, long-standing access road that Mr. Brooks has petitioned to end.
- E. To that end, Mr. Brooks has built and deeded this right-of-way to the Town for the express use as a class four road.
- F. Mr. Brooks, by agreement, seeks no further compensation apart from the discontinuance of the old road and the execution of a right of first refusal, which the Town has caused to be executed. Such discontinuance has been noticed and approved on the same date as this decision. The right of first refusal has similarly been granted by the Town and executed as a document.
- G. With this concurrent discontinuance, the new Town Forest Road is the sole means of egress and ingress to the Town Forest.
- H. As a result, the Selectboard concludes as a matter of law that no damages attach.

Therefore, the Cabot Selectboard concludes under 19 V.S.A. §§ 711 and 712 that a new highway should be laid out along the proposed route; that the road shall be a class 4 road; that this is essentially the conversion of a private road held by the Town into a public road; and that no further damages follow. The Selectboard orders that the road be laid out and filed in accord with the provisions of 19 V.S.A., chapter 7.

Aggrieved persons interested in this decision may appeal this decision to the Washington Superior Court, pursuant to 19 V.S.A. § 740 within 30 days of the decision.

Dated this 6 day of <sup>December (12/7)</sup>~~November~~, 2016, at Cabot, Vermont.

CABOT SELECTBOARD

John C. Doney  
Michael J. Hogan  
Ed Doney

Received for recording this 6 day of <sup>December</sup>~~November~~, 2016.

Attest: Betty Ritter  
 Cabot Town Clerk



TOWN OF CABOT  
SELECTBOARD

In the matter of Discontinuing a )  
Highway Running from the present )  
South Walden Road and continuing in )  
a northwesterly direction along an )  
established right-of-way roadbed )  
to its terminus at the Cabot Town Forest )

Return of Selectboard  
Minutes, Findings, Conclusion and Decision

On Thursday, November 17, 2016, the Cabot Selectboard met, pursuant to public and personal notice, to take evidence and conduct a site visit to determine whether an existing public highway (TH 68) created in 2014 over an existing right-of-way held by the Town since 1946, which has been used by the Town and the general public to access the Town Forest, should be discontinued.

The Board met at 2 p.m. at the site where the current Highway (hereinafter, the "Town Forest Road") is located. The Board, along with Town Zoning Administrator and Road Commissioner Karen Deasy and interested land owner Shaun Brooks walked the length of the Town Forest Road from South Walden Road to the Town Forest. A survey of the road has previously been filed in the Cabot Land Records at survey plat 307. In preparation for this discontinuance and accompanying laying out of a new Town Highway, the Town has ordered Russell Brown to survey the existing road and its replacement, said survey is attached to this decision as exhibit A.

Beginning again at 3:00 p.m., the Board opened the hearing. The Board then heard testimony from Shaun Brooks and Karen Deasy in her capacity as Town Road Commissioner. Mr. Brooks testified that he was seeking to have the current town highway discontinued from a point approximately 665.42 west of South Walden Road (where a newly constructed public right-of-way turns to the south) all the way to the terminus of the existing Town Forest Road at the boundary between the Town Forest and the Brooks property. Mr. Brooks testified that this segment of the road runs only on his property and serves no other houses or lands, apart from the Town Forest. He also testified that the public and the Town would be able to access the Town Forest from the newly created right-of-way that he had constructed and deed to the Town for the express purpose of creating a new access road to the Town Forest. Mr. Brooks stated that current road has created problems for him because individuals using the road will often veer off the highway onto his property and that there had been a history of theft and vandalism resulting from such trespasses. The new road, Mr. Brooks testified will run away from his house and fields and ensure his privacy. Ms. Deasy confirmed Mr. Brooks' testimony and his concerns. She stated that the Town was satisfied with the new right-of-way, which was being laid out as a public highway at the same meeting. She stated that with the new road, the old segment was no longer necessary. It was her understanding that the

Town would, in fact, swap the TH number 68 from the current road and assign it to the new road. Ms. Deasy stated that no loss of access for the public or any hardship would accompany this discontinuance.

Based on the site visit and the hearing, the Selectboard finds:

1. The existing Town Forest Road was established by order of the Selectboard of Cabot in January 2014 and again in November 2015.
2. The existing Town Forest Road runs close to the cabin and fields of Shaun Brooks.
3. Mr. Brooks has testified that users of the road have strayed from the highway and have inadvertently, and in some cases, purposely, trespassed on his property.
4. To remove this problem, Mr. Brooks entered an agreement in 2014 with the Town to construct a new right-of-way to the Town Forest that would avoid Mr. Brooks' house and fields.
5. Mr. Brooks has constructed this new road to the satisfaction of the Town and has deeded an easement to the Town to use this road as a class four town highway in perpetuity.
6. With the new Town Forest Road, the existing highway is a redundancy and no longer necessary or a convenience of the inhabitants of Cabot to use and maintain.
7. The public good no longer requires this road as a public highway.
8. Mr. Brooks has petitioned the Town to discontinue this road as a public highway.
9. No other household is served by this road.
10. This discontinuance is a partial discontinuance and does not include the section of the existing Town Forest Road that lies between South Walden Road and the turn off where the new road segment begins.
11. This point of discontinuance begins approximately 665.42 feet west of South Walden road where a gate has been erected. The discontinuance follows the old road bed of the so-called "woods road" across the land of Brooks, as shown in Attachment A, until it terminates at the Town Forest boundary, a point, approximately 445.31 feet due west of the newly constructed Town Forest parking area.

Based on these findings, the Selectboard makes the following conclusions of law and decision:

- A. The standard for reviewing a proposal to discontinue a highway is the public good, necessity and convenience of the inhabitants. 19 V.S.A. § 710.
- B. There is substantial evidence to support a conclusion that the standard is met in this case to discontinue the highway.
- C. The road itself serves no residences apart from Mr. Brooks' property.
- D. The road is no longer needed as a public access road to the Town Forest with the construction and laying out of the new Town Forest Road.
- E. As a result, the Selectboard concludes as a matter of law that the Town Forest Road, which was laid out in 2014 and 2015 is no longer needed as a public highway and should be discontinued.

Therefore, the Cabot Selectboard concludes under 19 V.S.A. §§ 711 and 712 that the segment of the current Town Forest Road (TH 68) herein described shall be discontinued and shall cease to serve as a class-4 public road. The Selectboard orders this discontinuance in accord with the provisions of 19 V.S.A., chapter 7.

Aggrieved persons interested in this decision may appeal this decision to the Washington Superior Court, pursuant to 19 V.S.A. § 740 within 30 days of the decision.

Dated this 20<sup>th</sup> day of <sup>December</sup> ~~November~~ 2016, at Cabot, Vermont.

*John C. [Signature]*

CABOT SELECTBOARD

*Michael J. [Signature]*

*[Signature]*

Received for recording this 20 day of <sup>December</sup> ~~November~~ 2016.

Attest: *Betty [Signature]*  
Cabot Town Clerk