

CERTIFICATE OF HIGHWAY MILEAGE year ending FEB. 10, 1999

Fill out form, make & file COPY with the Town Clerk, & mail ORIGINAL before Feb. 20, 1999 TO:
 Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

We, the Selectmen or Trustees or Aldermen of WATERBURY, WASHINGTON COUNTY
 on an oath state that the mileage of highways, according to Title 19, V.S.A., Sec#305, added
 1985, is as follows:

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

DISTRICT 6

TOWN HIGHWAYS	PREVIOUS MILEAGE	ADDED MILEAGE	SUBTRACTED MILEAGE	* TOTAL	* SCENIC HIGHWAYS
CLASS 1	.000			.000	*
* CL1 LANE	.000			.000	*
CLASS 2	6.290			6.290	*
CLASS 3	34.140			34.140	*
STATE HWY	14.656			14.656	*
TOTAL	55.086			55.086	*
CLASS 4	7.190		0.14	7.050	*

* Class 1 Lane Mileage is NOT added into the total.

PART II - INFORMATION & DESCRIPTION OF CHANGES SHOWN ABOVE.

(1) NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".

(2) DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

T-20: 0.14 mile from Class 4 (discontinued in 1998).

(3) RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meetings).

T-20: 0.14 miles from Class 4 (discontinued in 1998).

(4) SCENIC HIGHWAYS: Please attach copy of order designating/discontinuing Scenic Highways.

PART II - CHECK BOX IF NO CHANGES IN MILEAGES AND SIGN BELOW []

PART III - SIGNATURES - PLEASE SIGN.

SELECTMEN/ALDERMEN/TRUSTEES
 SIGNATURES:

Jacklyn J. Spence

CLERK SIGNATURE: *Emelyn A. Parker*
 Please sign ORIGINAL & return for Transportation signature.

DATE FILED 2-24-1999

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED: *Donald C. Harvey*
 Representative, Agency of Transportation

DATE: 3/1/99

*Tom
McCormack*

JEFFREY P. KILGORE, P.L.C.
ATTORNEY AT LAW
10 South Main Street, P.O. Box 357
Waterbury, Vermont 05676-0357
802-244-5144
toll free 1 877 KILGORE (1 877-545-4673)
fax 802-244-1721
email kilgore@sover.net

September 29, 1998

Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

RE: Town of Waterbury, Road Discontinuance
Portion of T.H. 20, Lower Mill Road, so-called

Dear Office of Attorney General:

At its duly warned meeting on September 8, 1998, the Selectboard of the Town of Waterbury, Vermont viewed the portion of T.H. 20, Lower Mill Road, so-called, warned for discontinuance. On September 21, 1998, the Selectboard voted to discontinue that portion of the Town Highway. Pursuant to Vermont Highway Law, we are sending you a copy of the Board's decision.

If you have any questions about this matter, please feel free to give me a call.

Very truly yours,


Jeffrey P. Kilgore

Enclosure

JPK/br

N:\PRACTICE\WATERBUR\RoadClosing\Notice_Decision.wpd

RECEIVED
SEP 30 1998
ATTORNEY GENERAL'S
OFFICE

**Board of Selectmen
Waterbury, Vermont
Discontinuance of a Portion of Town Highway 20 (Lower Mill Road)**

On Tuesday September 8, 1998 at 6:00 p.m. at the Town Offices located at 51 South Main Street, Waterbury, Vermont, the selectmen met to consider their motion to discontinue a portion of Town Highway 20 (Lower Mill Road) from the west bank of Thatcher Brook to where it intersects with T.H. 19 (Kelly's Road) as shown on "Vermont General Highway Map Town of Waterbury 1986", a distance of approximately 0.14 mile.

The meeting was recessed and the Selectboard and interested members of the public inspected and viewed the portion of the road proposed to be discontinued.

After the inspection, the meeting was reconvened at the municipal offices at approximately 7:00 p.m.

Prior to commencement of the hearing, Edward Steele, Chairman of the Board of Selectmen, recused himself from consideration of the discontinuance of a portion of Town Highway 20 (Lower Mill Road) and turned the meeting over to Selectboard member, Jackie Spence who presided for the remainder of the hearing.

At the hearing several witnesses gave testimony; each were duly sworn. Due notice was given by certified mail to all owners and interested persons at least 30 days before the date of the hearing. The list of all owners and interested persons is attached hereto as Exhibit A.

After making the inspection and hearing the witnesses, the Selectboard made the following findings of fact:

1. The notices that were mailed to the interested parties erroneously referred to the Town Highway proposed to be discontinued as Town Highway 21 when in fact it should have been Town Highway 20. In all other respects the name of the town highway and the portion of the town highway proposed to be discontinued as stated in the notice were correct.
2. The portion of Town Highway 20 (Lower Mill Road) proposed to be discontinued is a class 4 highway.
3. There are no residences or commercial establishments located on that portion of Town Highway 20 (Lower Mill Road) proposed to be discontinued.
4. The Town does not currently repair or maintain the portion of Town Highway 20 (Lower Mill Road) proposed for discontinuance.
5. The portion of Town Highway 20 (Lower Mill Road) proposed to be discontinued passes through the property of Philip Baker and John Parker.
6. The bridge and a portion of the road on Mr. Baker's property were used to service two mills located on the east side of the Thatcher Brook.
7. The mills are no longer in existence.
8. The portion of Town Highway 20 (Lower Mill Road) proposed to be discontinued

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- contains bridge abutments on the easterly and westerly side of Thatcher Brook. Connecting the abutments are three steel I-beams which span the Brook. The decking across the steel I-beams was removed 4 or 5 years ago.
9. The bridge has been closed to vehicular traffic for at least ten years.
 10. William Shepeluk, Town Manager and duly sworn, testified it would cost approximately \$3,500 in materials and \$6,000 to \$7,000 in labor to redeck the bridge with hemlock decking and to install wooden side rails.
 11. It would be imprudent to redeck the bridge without examining the structural integrity of the abutments. It would cost approximately \$2,000 to retain an engineer to evaluate the structural integrity of the abutments.
 12. Mr. Parker's property is accessible through Laurel Road (T.H. 21) and Kelly's Road (T.H. 19).
 13. Mr. Baker has access to his property through that portion of T.H. 20 (Lower Mill Road) not to be discontinued as his property boundary is the westerly edge of Thatcher Brook.
 14. Mr. Baker, present at the hearing and duly sworn, agreed to assume all liability for the bridge if the road is discontinued.
 15. Mr. Sayah, Chairman of the Planning Commission, and duly sworn, reminded the Selectboard to consider in its deliberations the provisions in Town Plan which call for the expanding of bicycle and pedestrian transportation networks and the use of class 4 highways for pedestrian and bicycle use. Mr. Sayah also reminded the Selectboard that a survey taken of municipal residents at the time the town plan was adopted indicated strong support of the development of a community recreation path.
 16. A recreation path connecting Stowe Street to Guptil Road would use the portion of Kelly's Road not being discontinued, continue on Laurel Road, and proceed on a proposed right of way across the Country Club of Vermont property.
 17. There could be an issue of whether a right of way for T.H. 20 (Lower Mill Road) in fact exists across the Parker Property to T.H. 19 (Kelly's Road).
 18. There is a steep bank rising from Mr. Parker's property to T.H. 19 (Kelly's Road), over which it could be difficult to lay a recreation path.
 19. An extension of a recreation path across the portion of T.H. 20 (Lower Mill Road) proposed to be discontinued to Route 100 would create an ~~unfair~~ burden upon Mr. Baker's one acre parcel of property.
 20. A recreation path across the portion of Town Highway 20 (Lower Mill Road), proposed to be discontinued, is not an integral part of the network of bicycle and recreation paths within the Town, according to John Barwick, who was duly sworn and a member of Greenpaths, a local organization that has worked to obtain rights of way for recreation and bicycle paths in Waterbury.
 21. The opinion of the Town Manager was that the proposed road discontinuance was in the public good.

Based on the preceding findings, and pursuant to 19 V.S.A. §§708-711, the selectmen find that the public good, necessity and convenience of the inhabitants require that the portion of Town

Findings re: Town Highway 20 (Lower Mill Road)
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Highway 20 (Lower Mill Road) from the from the west bank of Thatcher Brook to where it intersects with T.H. 19 (Kelly's Road) as shown on "Vermont General Highway Map Town of Waterbury 1986", a distance of approximately 0.14 mile be discontinued.

Dated this 21st day of September, 1998 at Waterbury, Vermont.

SELECTMEN OF THE TOWN OF WATERBURY

Edward Steele

Jackie Spence
Jackie Spence

Christopher Palermo
Christopher Palermo

John Vincent
John Vincent

Carol Miller
Carol Miller

Received for recording this 21st day of September, 1998 at 8:50 a.m./p.m.

Evelyn H. Parker
Evelyn Parker
Town Clerk

N:\PRACTICE\WATERBUR\RoadClosing\Findings_TH20.wpd

I hereby certify that the foregoing is a true copy
as appears in Book 159 Page 450-452 B
of the Waterbury records.

Evelyn H. Parker Town Clerk

Date: September 25, 1998

WATERBURY TOWN CLERK'S OFFICE

RECEIVED FOR RECORD

September 22 A.D. 1998

AT 02 O'CLOCK 45 MINUTES P. M.

AND RECORDED IN BOOK 159 PAGE 450-452

RECORDS OF Deeds + A+B

ATTEST Nicole H. Boyden
Assistant TOWN CLERK

EXHIBIT A OWNERS AND INTERESTED PARTIES.

Philip G. Baker
P.O. Box 612
Waterbury, VT 05676

Ed Steele, Trustee
RD 2 Box 796
Waterbury, VT 05676

Wheeler Engineering
Rt 100 Stowe Rd.
Waterbury Center, VT 05677

John K. Parker
P.O. Box 6
Starksboro, VT 05487

Thrush Investments, Ltd.
c/o Mtn. Associates
P.O. Box 9
Stowe, VT 05672

Ada D' Andrea
S.ET.IM.M. S.A.
Corso San Gottardo, 84
6830 Chiasso, Switzerland

Stanley E. Wells
Rd 2 Box 45
Waterbury, VT 05676

Vermont State Employees Credit Union
144 State St.
P.O. Box 67
Montpelier, VT 05602

Village of Waterbury
51 South Main Street
Waterbury, VT 05676

Philip G. Baker
P.O. Box 612
Waterbury, VT 05676

Frederick D. Abraham

RR 1 Box 2080
Waterbury Center. VT 05677

Chittenden Trust Co. d/b/a Chittenden Bank
80 South Main Street
Waterbury, VT 05676

Village of Waterbury
51 South Main Street
Waterbury, VT 05676

PMG Associates
RD 2 Box 64
Waterbury, VT 05676

Chittenden Trust Co. d/b/a Chittenden Bank
80 South Main Street
Waterbury, VT 05676

Radio Vermont, Inc.
P.O. Box 55
Waterbury, VT 05676

Frederick A. Grout and Priscilla A. Grout
RD 2 Box 70
Waterbury, VT 05676

Union Bank
P.O. Box 667
Morrisville, VT 05661

Green Mountain Power Corp.
P.O. Box 1000
Burlington, VT 05402

Bell Atlantic Legal Dept.
185 Franklin St.
Boston, MA 02107

Office of the Attorney General
109 State Street.
Montpelier, VT 05609-1001

Donald D. Farnham and Patricia A. Farnham

P.O. Box 551
Waterbury, VT 05676

Rural Development/ Farmer's Home
Administration
89 Main Street- 3rd Floor City Center
Montpelier, VT 05602
Attn: Sue Poland

Coffin's TV and Rental
Rd 2 Box 37
Waterbury, VT 05676

Village of Waterbury

51 South Main Street
Waterbury, VT 05676

Conrad Motyka Commissioner
Department of Forest Parks and Recreation
103 South Main Street
Waterbury, VT 05671-0605

Charles Sayah, Chairman
Town of Waterbury
Planning Commission
P.O. Box 9
Waterbury, VT 05676

NOTICE

On its own motion and in accord with 19 V.S.A. §§708-711, The Selectmen of the Town of Waterbury will meet on Tuesday, September 8, 1998 at 6:00 P.M. o'clock p.m. at the municipal offices located at 51 South Main Street for the purposes of examining the premises and hearing the persons interested with respect to the discontinuance of parts of two town highways: (i) T.H. 21 (Lower Mill Road, so-called) from the west bank of the so-called Thatcher Brook to where it intersects with T.H. 19 (Kelly's Road, so-called), approximately 0.25 mile and (ii) ~~T.H. 19 (Kelly's Road, so-called) from approximately 0.13 mile from where it intersects with Laurel Road, so called, (T.H. 21), with the common boundary of the property of the Country Club of Vermont, and the property of Gerald Fay and Kelly Fay approximately 0.87 mile to its terminus on the Country Club of Vermont property.~~ It is anticipated that the meeting will be promptly recessed for an inspection of the premises followed by the taking of testimony the Town offices.

Dated: August 3, 1998

SELECTMEN OF THE TOWN OF WATERBURY




