Docusign Envelope ID: 81EDDE7B-EB01-4006-9E07-EA1C51A65B57

District4, 6CERTIFICATE OF HIGHWAY MILEAGECertcode0903-0YEAR ENDING FEBRUARY 10, 2025

Representative, Agency of Transportation

Received 1/28/2025 VTrans Mapping Section

Fill out form, make and file a copy with the Town Clerk, and submit the Mileage Certificate on or before February 20, 2024 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section via email to: aot.mileagecertificates@vermont.gov or if necessary via mail to: VTrans PPAID - Mapping Section, 219 North Main Street, Barre VT 05641.

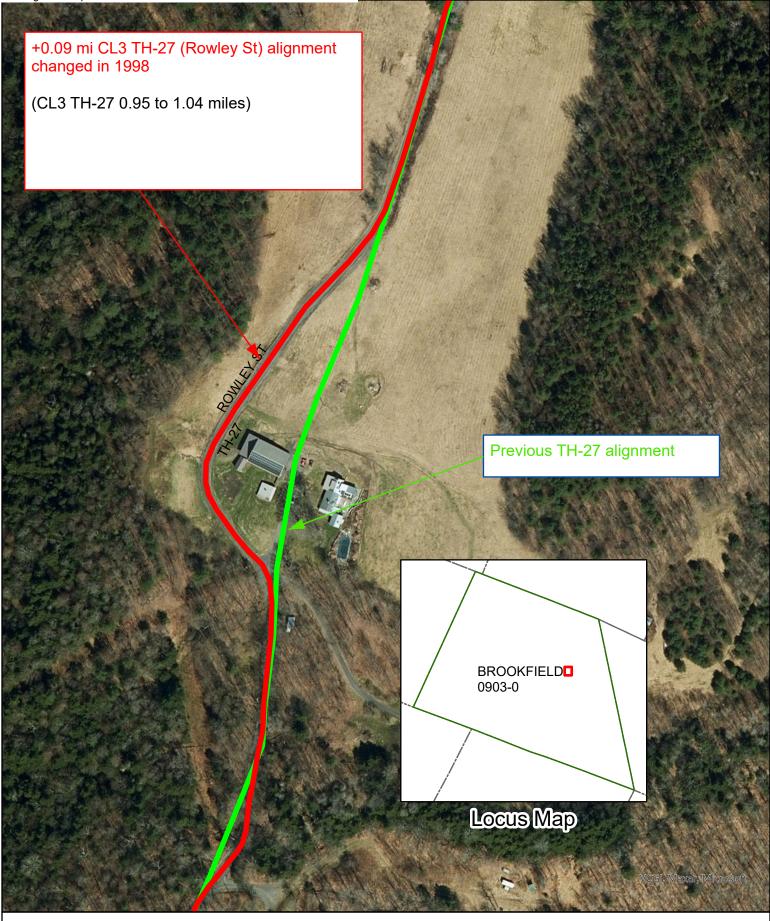
We, the members of the legislative body of BROOKFIELD

in ORANGE

County

on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305, added 1985, is as follows:

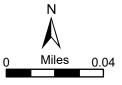
Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000			<u> </u>	0.000
Class 2	19.230			19:23	0.000
Class 3	41.74	0,11	0.64	41.21	0,000
State Highway	23.590			23.59	0.000
Total	84.560			84.03	0.000
* Class 1 Lane	0.000			0	
* Class 4	12.75	0.74		13.49	0.000
* Legal Trail	1.88	0.16		2.04	
				at	19 O'chick 60
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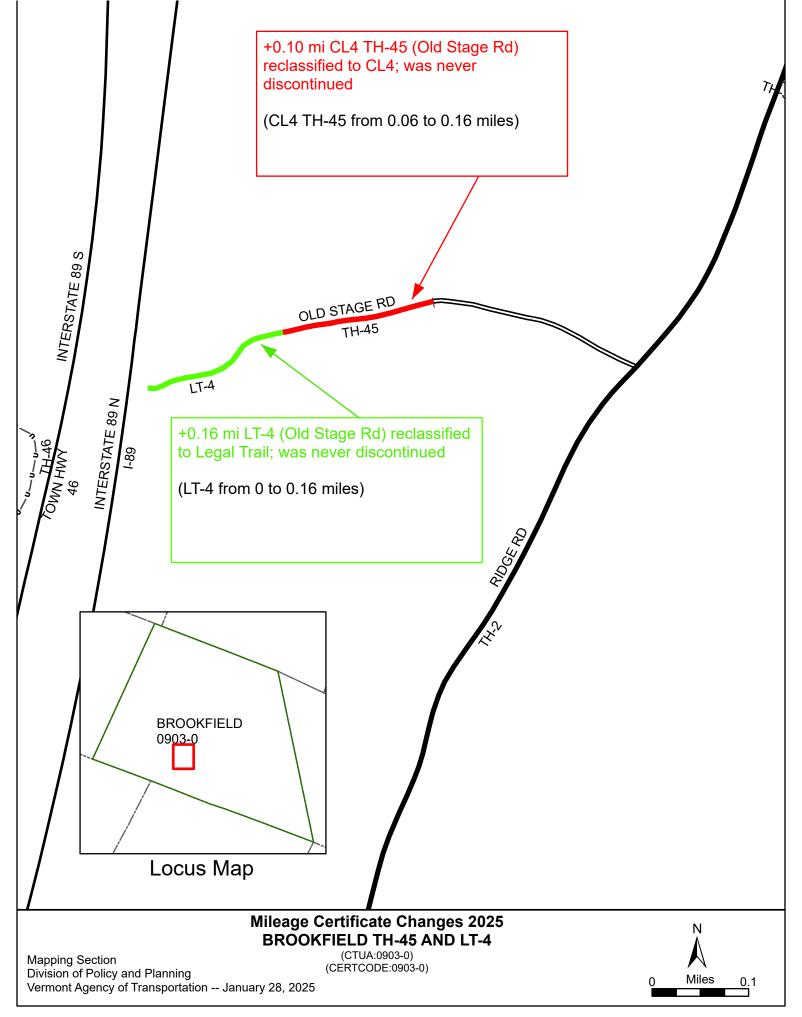


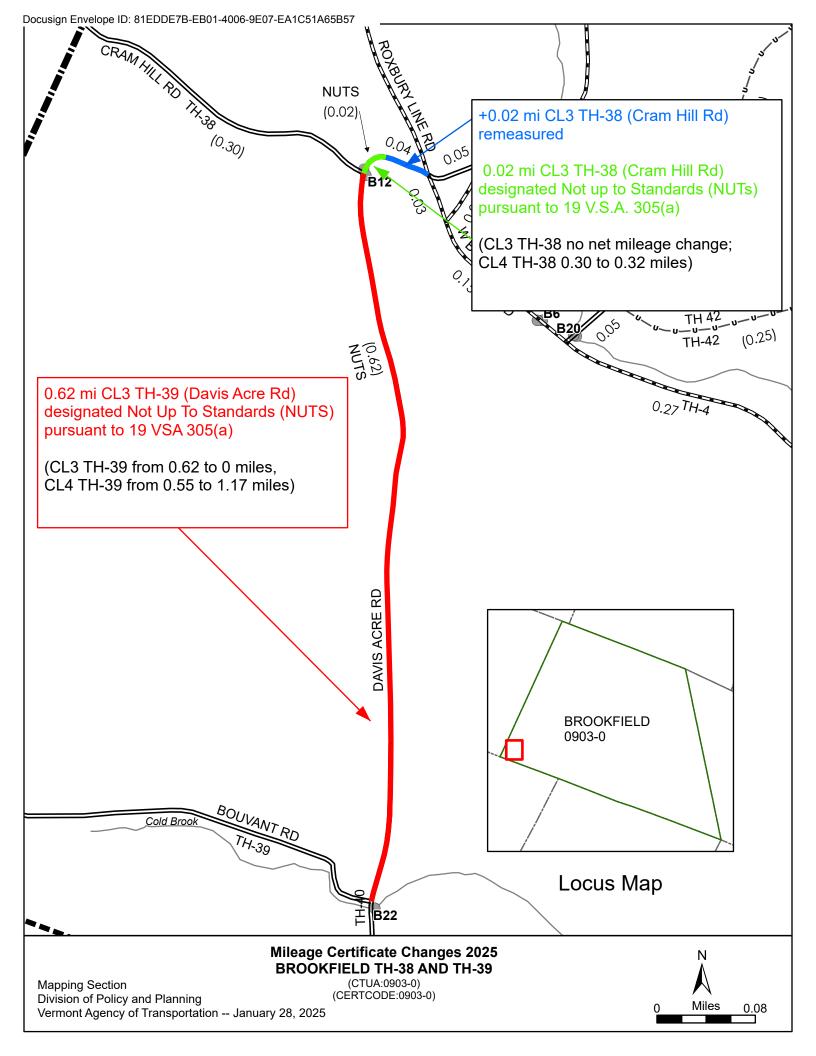
Mileage Certificate Changes 2025

(CTUA:0903-0) (CERTCODE:0903-0)

BROOKFIELD TH-27 Mapping Section Division of Policy and Planning Vermont Agency of Transportation -- January 28, 2025







From:	Stuart Edson
To:	DeAndrea, Pam
Cc:	Croft, Johnathan
Subject:	Re: Documentation needed for reclassification and TH-45 history
Date:	Wednesday, November 13, 2024 12:58:48 PM
Attachments:	image001.png
	image002.png
	image003.png
	image004.png
	image005.png
	image006.png
	image007.png
	jmage008.png
	image009.png
	image010.png
	image011 ppg

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender. Hi Pam,

This all looks good to me. Thanks for your help.

image012.png

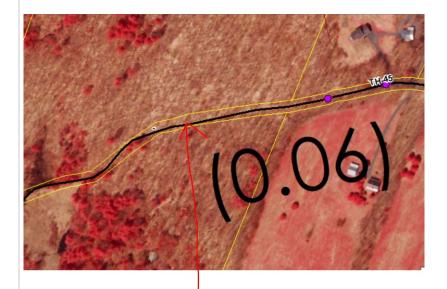
Stuart

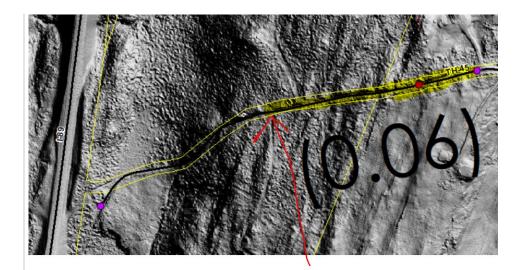
On Tue, Nov 12, 2024 at 9:28 AM DeAndrea, Pam <<u>Pam.DeAndrea@vermont.gov</u>> wrote:

Hi Stuart,

Thank you for speaking with me last week. Per our conversation, the currently mapped Class 3 section of TH-39 (Davis Acre Rd) will be set as Not up to Class 3 Standards (NUTs) and will result in the decrease of Class 3 and increase of Class 4 0.62 miles.

For TH-45 (Old Stage Rd), I have the Class 4 portion extending to the red arrow in the image below, which is 0.16 miles past the driveway seen on the northern side of the road in the NE corner of the image. This spot corresponds with the very evident driveway in the 2nd image below showing the elevation data. I have highlighted the class 4 section in this image and put a red arrow on the driveway location. Please conform this location as the end of the Class 4. The Class 4 mileage for TH-45 will go from 0.06 miles to 0.16 miles. With the rest of the road being legal trail, the Legal trail mileage will be 0.16 miles also.





0.62 mi CL3 TH-39 (Davis Acre Rd) designated Not up to Standards (NUTs) pursuant to 19 VSA 305(a)
+0.10 mi CL4 TH-45 (Old Stage Rd) reclassified to CL4; was never discontinued
+0.16 mi LT-4 (Old Stage Rd) reclassified to Legal Trail; was never discontinued

As we discussed, it would be great to get a copy of the agreement between the Town and the landowner for the turnaround use.

Best,

Pam

Pamela DeAndrea (she/her) | AOT GIS Professional III Policy, Planning & Research Bureau – Mapping Section

Policy, Planning & Intermodal Development Division

Vermont Agency of Transportation

219 N. Main Street | Barre, VT 05641

802-793-7555 phone | pam.deandrea@vermont.gov

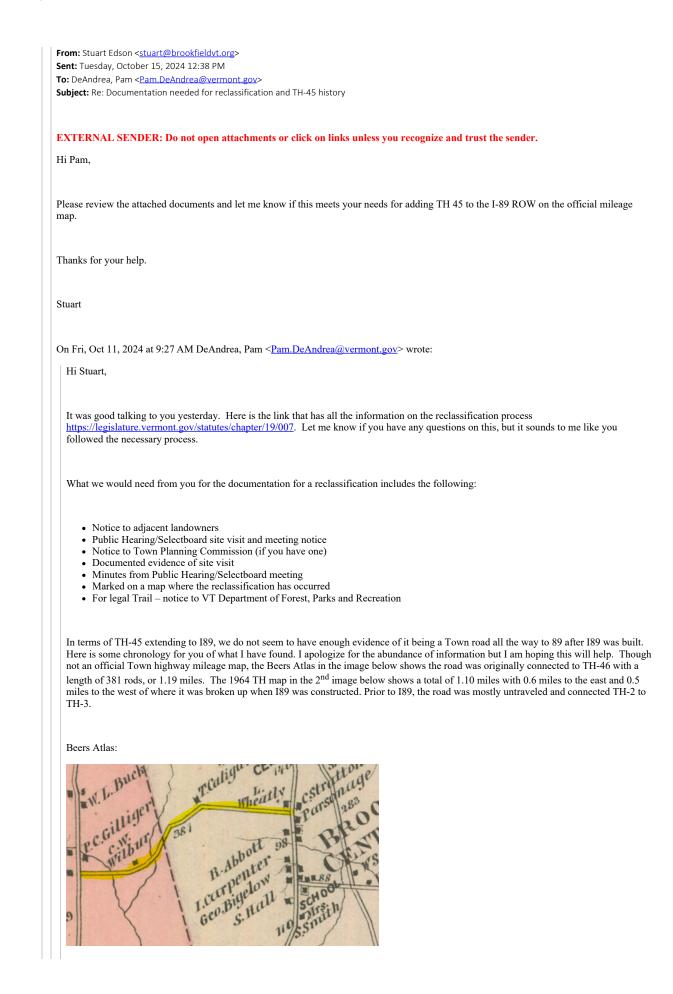
http://vtrans.vermont.gov

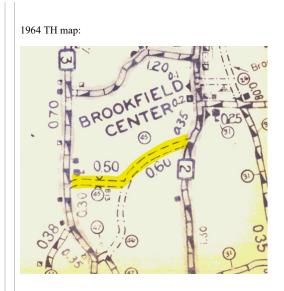


Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. <u>Click here to purchase your Vermont Strong gear</u> or visit <u>DMV.Vermont.gov/VermontStrong23</u>.

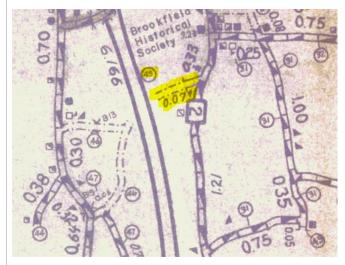
Impacted Vermonters can find resources and referrals by visiting Vermont.Gov/Flood.

From: Stuart Edson <<u>stuart@brookfieldvt.org</u>> Sent: Friday, November 8, 2024 8:15 AM To: DeAndrea, Pam <<u>Pam.DeAndrea@vermont.gov</u>> Subject: Re: Documentation needed for reclassification and TH-45 history EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender. Good morning Pam, Just checking in to see if you have had a chance to look over the documents I sent regarding TH 45? Also, I am wondering if there is a way to obtain current shape files for town roads? I have an older copy (2018) which is a bit confusing. It shows class 2-4 as expected, but also shows the other AOT classes (i.e class. 51 and 52 for I-89). Is there something simpler just showing classes 1-4? Having a GIS for our roads would help me in my review process of all our roads. Thanks, I look forward to hearing from you. Stuart On Thu, Oct 17, 2024 at 2:09 PM DeAndrea, Pam < Pam.DeAndrea@vermont.gov > wrote: Thank you Stuart, I will look these documents over and let you know, Pam Pamela DeAndrea (she/her) | AOT GIS Professional III Policy, Planning & Research Bureau - Mapping Section Policy, Planning & Intermodal Development Division Vermont Agency of Transportation 219 N. Main Street | Barre, VT 05641 802-793-7555 phone | pam.deandrea@vermont.gov http://vtrans.vermont.gov AGENCY OF TRANSPORTATION Help raise money for Vermonters impacted by flood damage and show your Vermont pride with Vermont Strong and Tough Too license plates and socks. Click here to purchase your Vermont Strong gear or visit DMV.Vermont.gov/VermontStrong23. Impacted Vermonters can find resources and referrals by visiting Vermont.Gov/Flood.



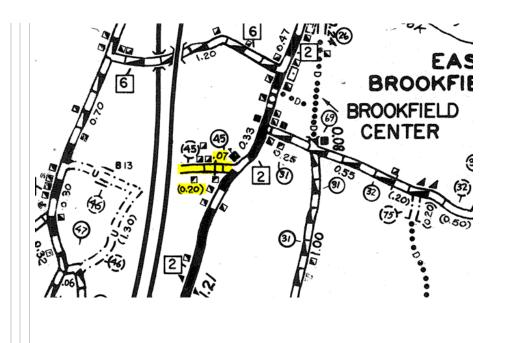


In 1971, after I89 was constructed and separated the road, there was only 0.07 Class 3 traveled miles designated for TH-45 and the rest was untraveled (see image below).



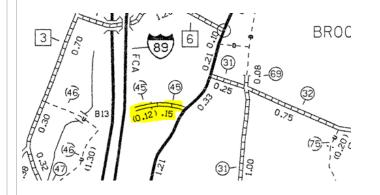
In 1973, with Act 63, the Town reported 0.20 miles of Class 4 to VTrans for TH-45 (see attached Act 63 documentation and the 1986 TH map below). If the untraveled section extended all the way to I89, it should have been much more than 0.20 miles.

1986 TH map:



In 1988, 0.08 of the CL4 miles were reclassified to CL3, thus having 0.15 miles Class 3 and 0.12 Class 4 at this time (see 1987 letter, 1988 mileage certificate attached and the image below from the 1994 map).

1994 TH map:



In 2003, 0.12 miles was reclassified to Class 3 up to Tim Hill's driveway (see attached Mileage Certificate from 2003 and image below), which is shown with a red arrow in the second image below. The distance to that driveway is really only about 0.21 miles, so I am wondering if a remeasure was done after that to make the Class 3 0.21 miles and Class 4 0.06 miles. What is a little confusing is that in 1986, the Town did an inventory (attached). The inventory notes that Class 3 extends up to 0.27 miles. The inventory also indicates that there should be 0.11 miles of Class 4 at which point the road becomes private at the location of a small dwelling to the south.

2003 TH map:



In 2015, my supervisor, Johnathan Croft, sent a letter to the road foreman stating,

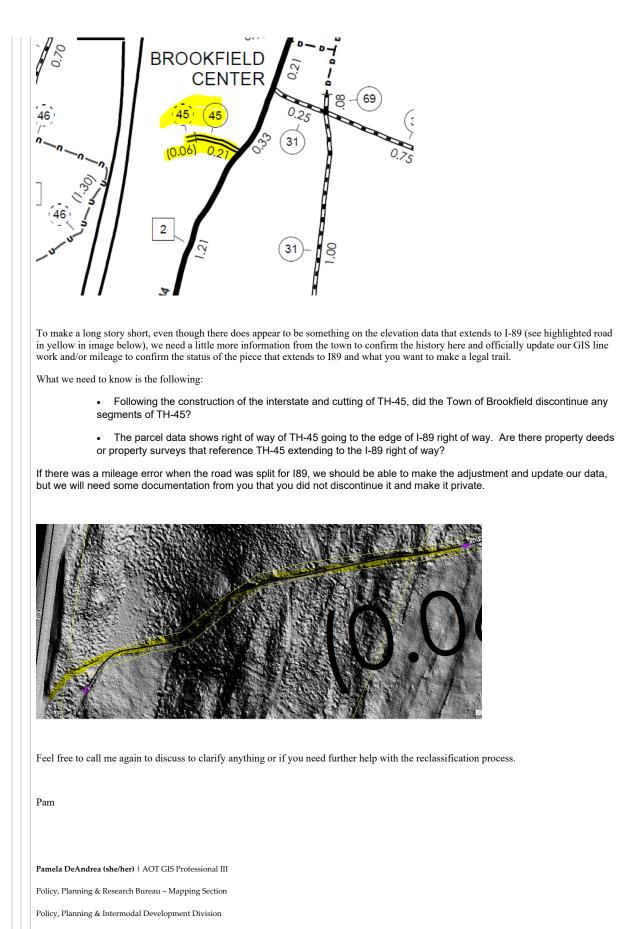
"The highway seems to have ended at the edge of the right of way from the project plans (see enclosed), but the current measure of 0.27 miles does not extend far enough west to make this connection now. I am uncertain what changes may have occurred in the measurement between the building of I-89 and defining of the highway classification system in 1973.

A rough measure of the road from TH-2 (Ridge Road) to the interstate right of way is 0.53 miles, which includes the existing 0.27 mile section of class 3 town highway."

I have also attached this letter and the project plans for I89 from 1965.

In 2017, the mileage of TH-45 was broken up into 0.21 miles of Class 3 and 0.06 miles of Class 4 due to a reclassification of 0.06 miles from Class 3 to Class 4 (see attached mileage certificate from 2017 and the 2017 TH map image below).

2017 TH map:



Vermont Agency of Transportation

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Impacted Vermonters can find resources and referrals by visiting Vermont.Gov/Flood.

Town of Brookfield Old Stage Road (TH #45) May 2024

Background

1. In 2022 questions were raised by several property owners that abut Old Stage Road as to the status of the western end of the road as it does not appear on the Town Highway Map.

2. Following research by the Town Attorney, Michael Monte Esq., it was determined that:

a) The roadway is apparent in the field

b) The Town began the process to discontinue the western end of TH #45 but never completed the process. Mr. Monte presented the results of these findings at a properly warned Public meeting held on October 16, 2023 at the Town office. Several Property Owners that abut Old Stage Road were in attendance. Mr. Monte stated that the Right-of-Way of Old Stage Road (TH #45) remains intack from its intersection with Ridge Road to the Interstate Right-of-Way.

3. The current Town Highway Map does not show the western end of Old Stage Road and as such the classification of this section of the roadway is undefined.

4. On May 15, 2024, the Town Selectboard, accompanied by four of the property Owners abutting Old Stage Road, conducted a site inspection of TH #45.

5. On May 15, 2024, a Public Hearing was held at the Brookfield Town office to receive public comment on the proposed classification of Old Stage Road. This Public Hearing was recessed, reconvened and concluded on May 27, 2024 at the Brookfield Town office (minutes attached).

Findings

1. Old Stage Road, Town Highway #45 (TH #45) is approximately 0.54 miles in length, connecting to the east with Ridge Road and terminating in the west at the Interstate 89 Right-of-Way. Currently, starting from east to west, 0.21 miles are designated as Class 3 Town Highway, 0.06 miles as Class 4 Town Highway and 0.27 miles as undefined. The Right-of-Way is three rods for the entire length.

2. Class 3 Town Highways are maintained by the Town year round, Class 4 Town Highways are maintained as passable during the summer months.

3. There are five properties that abut the Class 4 and undefined sections of the roadway. Two of these properties abut the undefined section only which represents the only access to a public Right-of-Way for these properties.

4. There are no year round residences on the undefined section of this roadway. There is one seasonal camp which the Owners indicated their intent to convert this into a year round residence.

5. All three of the Property Owners who abut the Class 4 and undefined section of the roadway, expressed their desire to have the Class 4 section extended approximately 575 feet to the existing access driveway to the West's camp. This would provide frontage to all properties abutting Old Stage Road on either the Class 3 or Class 4 section of the roadway.

6. The current condition of the Old Stage Road between the end of the existing Class 4 section and the Wests' driveway (575 ft) is passable and would not require any upgrade by the Town at this time to meet Class 4 standards.

7. Class 4 roadways are not eligible to receive State aid and or State or Federal emergency aid in the event of a disaster such as the July 2023 storm. Class 1, 2 and 3 Town Highways are eligible under these programs.

8. The Town Plan recommends that Class 4 Town Highways should remain Class 4 unless there is an advantage to the Town to alter their classification.

9. There are multiple residences within the Town of Brookfield that are on Class 4 Town Highways.

10. Old Stage Road to the west of the West's driveway to the Interstate Right-of-Way is not currently passable and would require significant work to bring this section of roadway up to Class 4 standards.

11. By statue, Town Highways not designated as Class 1, 2 or 3 Town Highways are considered Class 4 Town Highways unless otherwise designated by the Selectboard.

12. Trails are not Highways. A Class 4 Town Highway shall have a minimum 3 rod Right-of-Way. A Trail may have a Right-of-Way less than 3 rods.

13. Trails are public Right-of-Ways that can be used for recreational purposes such as walking, hiking, etc.

14. Trails are not required to be maintained by the municipality.

15. Classifications can be altered provided the municipality follows and completes the legal process to do so.

Conclusions and Recommendations

1. Maintain the Class 3 segment of Old Stage Road (TH #45) as is, NO CHANGE.

2. Classify 575 fee of the currently unclassified segment of Old Stage Road (TH #45) to Class 4 Town Highway from the end of the current Class 4 segment, west.

3. Enter into a written agreement with the Wests to permit the Town to use their driveway at the end of the new Class 4 segment as a turn around when engaged in maintenance of the roadway.

4. Classify the remainder of the currently unclassified segment as Trail.

5. The Town shall notify the Vermont Agency of Transportation of its findings and formerly request that the Classification of Old Stage Road be reflected on the official Town Highway map, starting from east to west, as follows:

0.21 miles	Class 3
0.17 miles	Class 4
<u>0.16 miles</u>	Trail
0.54 miles	Total

6. Copy to be filed in the Town Land Records and provided to the adjoining Property Owners to Old Stage Road.

Dated this 27th day of May 2024 Brookfield Selectboard

John Bensor

Stuart Edsor

NKLOR

Keith Sprague

Laura Rochat

Curtis Koren

Town of Brookfield Selectboard Meeting Monday May 27, 2024 6:30 pm Brookfield Town Office, 40 Ralph Road, Brookfield, VT

MINUTES

Present: John Benson, Selectboard Chair; Stuart Edson, Curtis Koren, Keith Sprague, Laura Rochat member of the Selectboard. Vicki Blanchard, Administrative Assistant. Carol Monness, Town Clerk; Amy Ingrassia, Assistant Treasurer. Don and Tamara West, Steve Hill, Lew Stowell, Linda Kelly, Josh Jonestein, Tony Sferlazza.

- A. Call to Order Mr. Benson called the meeting to order at 6:30 pm
- B. Adjustments to Agenda none
 - Public Comments Mr. Edson asked that the Selectboard begin by finalizing the Old Stage Road (TH 45) project. Mr. Benson read a letter with the Background, Findings, Conclusions and Recommendations on the Reclassification of the Old Stage Road (TH 45). All owners approved, and Mr. Benson gave Don and Tamara West a draft Agreement granting the Town permission for the Town Road Crew to turn around in their driveway.
 - Jeffrey Wood Tax Sale property Carol Monness reported that two people would like to purchase this parcel. However, Mr. Benson pointed out that since Mr. Wood left no will, sale of the property will have to go through probate court. Ms. Monness will speak with Michael Monte for more information on how to handle this.
 - 3. Postage Metter Ms. Monness presented costs of leasing vs purchasing a Postage Meter and will continue her research.
 - 4. Linda Kelly requested a Letter of Endorsement from the Brookfield Selectboard in support of BCP's (Brookfield Community Partnership) application for grant funding through the recently announced Vermont Trust Initiative. This grant would go toward renovating the Town Hall so

it could be used year-round. The Board agreed to support the grant application with said letter.

Ms. Kelly also asked the Board to write a letter acknowledging that to date, and as existed on December 8, 2023 there is insufficient "no parking" signage in Brookfield Pond Village along the western side of Stone Road to warn residents and visitors of the no parking restriction from the corner of VT State Highway 65 and Stone Road proceeding north along Stone Road for 0.25 miles. She has been in touch with the State Transportation office about this. Mr. Benson declined to provide such a letter, pointing out that Stone Road is under the jurisdiction of the town, not the State, and that it is illegal to park along Vermont town roads unless all four wheels are outside of the travel lanes. He asked Ms. Kelly to have the person she spoke with from the State be in touch directly with him.

- Lew Stowell reported that the Public Safety Committee has been talking with Sheriffs from both Orange and Windsor Counties and feels that it would be best to sign a contract with Windsor. The Selectboard will go over contracts from both Counties and make a decision at their next meeting.
- 6. Josh Jonestein, one of the two new owners of Green Trails Inn, stopped in to share renovation plans and let the Board know that he is following all State codes and regulations. Mr. Benson recommended that he contact Brookfield Fire Chief Kevin Wheatley for a walk through of the Inn to familiarize the Fire Department in the event of a call.
- c. Payroll and AP Warrants May 27, 2024 Ms. Koren made a motion to accept the May 27, 2024 Payroll and AP Warrants as presented for a total of \$28,651.15, the largest payments being made to Sullivan Powers and Company for the Audit in the amount of \$8,354.10. Mr. Edson seconded the motion which carried unanimously 5-0-0
- D. Highway Report- Mr. Sprague reported that the crew was working on grading the roads and putting up road signs.
- E. New Business none
- F. Old Business none

- G. Meeting Minutes May 13, 2024 Mr. Edson made a motion to accept the May 13, 2024 minutes as presented. Ms. Rochat seconded the motion which carried unanimously 5-0-0
- H. Other Proper Business Larry Brassard submitted an estimate for a car repair to the Board.
- I. Status Report none
- J. Adjournment Mr. Edson made a motion to adjourn at 8:12 pm. Ms. Koren seconded the motion and there being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,

Vicki Blanchard Administrative Assistant

Low Rht C. C. C. C. M.

Docusign Envelope ID: 81EDDE7B-EB01-4006-9E07-EA1C51A65B57 Line of TH 45 (Old Stage Rd.) May 15, 2024 and May

27, 2024.

May 15th Hearing

Present: John Benson, Selectboard Chair, Keith Sprague, Laura Rochat, Curtis Koren, Stuart Edson, Selectboard members; Don & Tamara West, Linda Park, Steve Hill, abutting property owners.

Hearing was called to order at 6:30 pm.

Selectboard Chair Benson outlined the procedure as to public evidentiary hearing, followed by closed deliberative session of the Selectboard. Hearing will then be recessed until 6:15 pm May 27th, 2024 for final decision.

Edson read the formal warning as follows:

"The Brookfield Selectboard is proposing to reclassify the following section of road from 'Unclassified' to 'Trail':

• 0.27 miles of Old Stage Road (TH 45), starting 0.27 miles west of its intersection with Ridge Road, beginning at the end of the current Class 4 section of TH 45 and ending at the Interstate 89 Right of Way.

The purpose of this reclassification is to establish and verify classification of this section of road so as not to landlock existing parcels of land. No change to the maintenance or existing condition of this roadway is proposed as a part of the reclassification."

Edson mentioned that emails had been received from all three property owners present that their preference is to have TH 45 classified as Class 4 to the West's second driveway rather than Trail to the I-89 ROW.

Don West stated that it was his wish to have TH 45 classified as Class 4 to his second driveway, stating concerns for access to his camp by emergency vehicles.

Steve Hill asked for a description of the difference between a Class 4 road and a Trail. Benson explained that it is the town's responsibility to maintain a Class 4 as passible, but not year round, while a Trail does not need to be maintained.

Don West stated that he would like a gate put up at his property line.

Steve Hill asked if both the Class 4 and Trail would maintain a 3 rod right of way, confirmed by Benson.

Docusign Envelope ID: 81EDDE7B-EB01-4006-9E07-EA1C51A65B57

second driveway.

Benson asked Don West if it was his intention to become a year-round resident at his camp at some point, confirmed by Don West.

Steve Hill asked if a bank would give a loan to property only accessed by a Trail, Benson replied that would be up to the lending institution.

Don West also stated that having TH 45 classified as Class 4 to his second driveway would allow for a better place for vehicles to turn around, noting that the current end of Class 4 does not have a place to turn around.

Motion was made by Benson to recess hearing until 6:15, Monday May 27th, 2024, seconded by Edson, passed unanimously 5-0-0.

Hearing recessed at 6:59 pm.

May 27th Hearing

John Benson reopened the hearing at 6:15 pm. The Chair asked if the Board had sufficient information to render a decision. Each Board member responded yes. John Benson closed the hearing. Following a brief deliberation, the findings and Conclusions were then read.

Respectfully submitted.

Stuart Edson Selectboard

Docusign Envelope ID: 81EDDE7B-EB01-4006-9E07-EA1C51A65B57 ~ \D RECLASSIFICATION SIGN-IN SHEET

	MAY 15, 2024 5:30 PM	
NAME	ADDRESS	PHONE
DonaldWest	351 Shanipsid Lake Rd	860-712-7141
Tamara West	351 Shonipsid Lake Rd 351 Shonipsit Lake Rd	860 - 841 - 7157
Linda Park	168 Pattrell Kel Durwich, VT	802.649-88171
Steve Hill	200 old StageRd. Brody	Std 802-279-8629
	·	

•

AGREEMENT

eld Town Clerks Office Minutes which the foregoing is a

Parties to the Agreement:

This Agreement is between Donald and Tamara West, who own property at 435 Old Post Road in Brookfield, and the Town of Brookfield, with its primary place of business at 40 Ralph Road, Brookfield, VT.

Purpose of the Agreement:

The purpose of this Agreement is to facilitate the Town's ability to maintain Old Stage Road, Town Highway #45 by allowing the Town to utilize the access/driveway to the West's property as a turnaround for Town vehicles when performing road maintenance. The drive or access is located at the western end of the Class 4 section of roadway established by the Town Selectboard on May 27, 2024.

Agreement:

Donald and Tamara West herein grant permission to the Town of Brookfield the use of their driveway/access, as noted above, for use by the Town of Brookfield vehicles/equipment as a turn around when performing maintenance activities on Old Stage Road, Town Highway #45. We understand and agree, that this agreement will run in perpetuity with the land and will be entered into the Town Land Records as such.

Dated this 27th day of May 2024.

Property Owners:

Donald West

Tamara West

Witness:

Town Selectboard:

Selectboard Town of Brookfield, VT PO Box 463 Brookfield, VT 05036

Park Revocable Trust 768 Pattrell Rd. Norwich, VT 05055

9/18/23

Dear Linda,

The Brookfield Selectboard would like to officially inform you of an upcoming special informational meeting to allow the towns' attorney, Mike Monte, to present his findings on the status of the right of way for the portion of TH 45 (Old Stage Rd.) west of the existing designated Class 4 road and give abutting property owners the opportunity to voice any questions or concerns about these findings.

As an abutter to TH 45 and an affected property owner to the right of way in question we would invite and encourage you to attend.

The hearing will be held at the Brookfield Town Office, 40 Ralph Rd., Brookfield, VT 05036 on Monday, October 16th at 6:30 PM.

Sincerely,

Selectboard, Town of Brookfield, VT

On Wed, Aug 23, 2023 at 4:34 PM Michael D. Monte <<u>Mike@monteandmonte.net</u>> wrote:

Hi Stuart and John,

The Ancient Roads law only applied to Unidentified Corridors, and one part of the definition of UC's is that they "are not otherwise clearly observable by physical evidence of their use as a highway or trail". In other words, if you can see that it's a road, it is not a UC and was not automatically discontinued by failure to list it on the highway map. (Note that the VT Supreme Court has held that it had to be observable as a road in July of 2010 when the Ancient Roads law took effect.) In speaking with Stuart, it seems that the road was (and still is) visible as a road at least as far as the West & Park properties.

If Old Stage wasn't discontinued through the Ancient Roads law, then it would have had to be discontinued by vote of the Selectboard after a duly warned meeting. I understand Stuart has found the warning for the meeting, but no minutes have been found. In the absence of proof of a vote, it is my opinion that the road was not discontinued.

A later statement that a board member believed the road to be discontinued is not sufficient, as that belief could be based on Pam's memo, rather than a recollection of a vote.

The biggest problem is that we have no Selectboard minutes from April or May of 1981. I think it would be wise to reach out to the affected landowners, to see if they received copies and kept them. Also, is there any chance a Selectboard Member from that time frame is still around? It's a long shot...

In the absence of evidence that there was a vote to discontinue, and with the Ancient Roads not being applicable, I think Old Stage remains a Town Highway. From the old highway maps Stuart summarized, it appears it may be 1.1 miles long.

Mike

Michael D. Monte, Esq. Law Offices of Monte & Monte, P.C. PO Box 686 Barre, VT 05641 Phone 802-476-6671 Fax 802-476-6673 Mike@MonteAndMonte.net

Docusign Envelope ID: 81EDDE7B-EB01-4006-9E07-EA1C51A65B57	22.
District 4,6 CERTIFICATE OF HIGHWAY MILEAGE	
YEAR ENDING FEBRUARY 10, 2003	-
Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before Februa to: VT Agency of Transportation, Technical Services Division, Drawer 33, Montpelier, VT	
We, the Selectmen or Aldermen or Trustees of BROOKFIELD in ORANGE	County
on an oath state that the mileage of highways, according to Title 19, V.S.A, Sec #305, added	BBOGRAMODEVELOPMENT

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-	0.000
*	Class 1 Lane	0.000			- 0 -	
	Class 2	19.180			19.18	0.000
	Class 3	37.620	1.34		38.96	0.000
	State Highway	23.590		1	23.59	0.000
*	Class 4	17.170		1.83	15,34	0.000
	Total	80.390		8	120.03	0.000
	* Class 1 Lane M	ileage and Class 4	is NOT includ	led in total.	1.12223	

PART II - INFORMATION AND 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). <u>1H</u> 30, 49 MILES GASS 4 /

3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting). RECLASSIFIED CLASS 4 TO CLASS 3 : TH 45 .12 MILES TH 12 IMILE, TH 59 .22^{MI}FUNCTIONALLY CLASS 4 IMPROVED TO CLASS 3 4-SCENICHIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways. TH 30 .49 MILES PISCONTINUED (THROWN P)

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. []
PART III - SIGNATURES - PLEASE SIGN.
Selectmen/Aldermen/Trustees Signatures: Willion Chun
Clerk Signature: Jore Bllbodref Date Filed: 3/4/63 Please sign ORIGINAL and return it for Transportation signature
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.
APPROVED: Michael Eling DATE: 3/6/03

Representative, Agency of Transportation

Board of Selectmen Meeting Town Clerk's Office – Town of Brookfield, VT June 26, 2000 – 7:30 P.M.

	MAR	6 2003
PR	OGRAM	DEVELOPMENT

Present: John Sprague, Bill Johnson, and Jeff Kimmel

1. Bob and Ruth Small of West Brookfield appeared before the Board to express concerns about the Board's earlier decision to rename both South and North Wits Bridge roads to simply Witts Bridge road for the entire length. They wanted to ensure that the E911 system implementation would be absolutely clear as to what portions of the road might be impassable, especially during the Winter, and that the E911 maps would clearly identify appropriate access routes. In addition, they asked the Board whether signs could be placed at both ends of Witts Bridge road to indicate that the road was not a through road.

The Board explained how the E911 maps would show address locations and the detail inherent to the maps, along with describing the training necessary to work with the E911 system. The Board also determined that the placement of "Not a Through Street" signs was an excellent suggestion and promised to install the signs.

2. The Board agreed to Tim Hill's request to upgrade a portion of Old Stage Road from a Class 4 road to a Class 3 road. The portion affected leads to Mr. Hill's driveway.

There was no further business, and the meeting was adjourned at 8:15 p.m.

For the Selectboard:

From:	DeAndrea, Pam
То:	"Stuart Edson"
Subject:	RE: Th-39 history
Date:	Monday, November 18, 2024 12:00:00 PM
Attachments:	image001.png
	image002.png
	image003.png
	image004.png
	image005.png
	image006.png
	image008.png
	image009.png
	image010.png
	image011 ppg

Thank you Stuart,

Pam

Pamela DeAndrea (she/her) | AOT GIS Professional III Policy, Planning & Research Bureau – Mapping Section Policy, Planning & Intermodal Development Division Vermont Agency of Transportation 219 N. Main Street | Barre, VT 05641 802-793-7555 phone | pam.deandrea@vermont.gov http://vtrans.vermont.gov



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From: Stuart Edson <stuart@brookfieldvt.org>
Sent: Monday, November 18, 2024 11:51 AM
To: DeAndrea, Pam <Pam.DeAndrea@vermont.gov>
Subject: Re: Th-39 history

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender. Hi Pam,

I'm assuming that the mention of Town Road 41 is just a typo. TH-41 is in West Brookfield and nowhere near the Hooper's property. I found no deed which leads me to believe that based on the VLCT blurb and lawyers letter, they did not think a deed was needed.

Two of the three SB members are still in town, as are the Hoopers, so I could try and reach out to them if you think that would help. I'm guessing they won't remember what appears to be a typo, but could possibly add some clarification.

I also did not find any formal discontinuance of the original road through the dooryard.

Stuart

On Mon, Nov 18, 2024 at 9:47 AM DeAndrea, Pam <<u>Pam.DeAndrea@vermont.gov</u>> wrote:

Thank you Stuart,

I have a couple of questions for you regarding the documents. The letter from the attorney mentioned Town Road 41 being Rowley Rd., not TH-27. Is this just a typo or was the lawyer referring to TH-41.

Also, are the Selectboard minutes referring to TH-27 in #4? But then there was no deed based on the attorney letter? I think we just need some explanation for what occurred.

Thank you,

Pam

Pamela DeAndrea (she/her) | AOT GIS Professional III Policy, Planning & Research Bureau – Mapping Section Policy, Planning & Intermodal Development Division Vermont Agency of Transportation 219 N. Main Street | Barre, VT 05641 802-793-7555 phone | pam.deandrea@vermont.gov http://vtrans.vermont.gov



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From: Stuart Edson <<u>stuart@brookfieldvt.org</u>> Sent: Friday, November 15, 2024 3:02 PM To: DeAndrea, Pam <<u>Pam.DeAndrea@vermont.gov</u>> Subject: Re: Th-39 history

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender. Hi Pam,

Apologies that I again replied from my personal email. This is back to my town email where it should be...

I was unable to find anything re TH 39 being reclassified so will move toward getting that process started. As to TH 38 I'm guessing that we will want to maintain the section we plow (from TH 4 / TH 38 to the curve) as Class III and reclassify the rest as Class IV along with TH 39.

I have found some info on the realignment of TH 27 (attached) but unsure if that will be enough for you to make the change. Note that the realignment only affected one property owner.

Please let me know what you think.

Thanks for all your help,

Stuart

PS I think I have opened a can of worms here trying to sort this all out!

On Fri, Nov 15, 2024 at 11:57 AM DeAndrea, Pam <<u>Pam.DeAndrea@vermont.gov</u>> wrote:

Hi again Stuart,

Yes, I found the evidence that it used to follow the driveway. If you look at the 1962 imagery below, there is no road to the west of the buildings, just farm field and I have highlight where the road used to be. If there is an certificate of completion or something else of an official laying out of the new alignment would also be great for our records. The parcel data follows the new alignment, which leads me to believe there has to be a survey

somewhere for the parcel contractor to have generated that ROW (See 2 image below). The yellow lines in the 2^{nd} image represent the parcel lines and the blue highlighted line is how we have the road aligned in our current data.

1962 imagery:



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<

Best,

Pam Pamela DeAndrea (she/her) | AOT GIS Professional III Policy, Planning & Research Bureau – Mapping Section Policy, Planning & Intermodal Development Division Vermont Agency of Transportation 219 N. Main Street | Barre, VT 05641 802-793-7555 phone | pam.deandrea@vermont.gov http://vtrans.vermont.gov



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From: Stuart Edson <<u>stuart.edson@gmail.com</u>> Sent: Friday, November 15, 2024 11:44 AM To: DeAndrea, Pam <<u>Pam.DeAndrea@vermont.gov</u>> Subject: Re: Th-39 history

You don't often get email from stuart.edson@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender. Pam,

TH 27 for sure used to go on the driveway alignment. I'll see what I can find on the timing and if there is a survey.

Stuart

On Fri, Nov 15, 2024 at 9:53 AM DeAndrea, Pam <<u>Pam.DeAndrea@vermont.gov</u>> wrote:

Thank you Stuart,

Yeah I just looked at the curve on TH-38 that we have mapped as Class 3 and according to this Bing street view (Bing Maps - Directions, trip planning, traffic cameras & more), this looks like it is pretty narrow to be Class 3 so we will mark that as NUTs also for now. I will look into TH-27 and if you could find out if the road used to go where the driveway is, that would be good to know. If it was re-aligned at some point from the driveway, we should really have the survey of the realignment to make the change. If the road has always made that bend, then I can just make the change and let you know if there needs to be a mileage update.

Thanks!

Pam

Pamela DeAndrea (she/her) | AOT GIS Professional III Policy, Planning & Research Bureau – Mapping Section Policy, Planning & Intermodal Development Division Vermont Agency of Transportation 219 N. Main Street | Barre, VT 05641 802-793-7555 phone | pam.deandrea@vermont.gov http://vtrans.vermont.gov



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From: Stuart Edson <<u>stuart@brookfieldvt.org</u>> Sent: Friday, November 15, 2024 9:14 AM To: DeAndrea, Pam <<u>Pam.DeAndrea@vermont.gov</u>> Subject: Re: Th-39 history

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Pam,

Thanks for this historical information. I will look in our files to see if I can find anything else. If not, I will most certainly include this in my general review and move forward with getting this changed.

Another couple of things that are jumping out are TH 38 (Cram Hill Rd.) where the Class III does not extend around the corner where it connects to TH 39 (I'll send details later) and this obvious error of alignment on TH 27 (Rowley Rd.). I'll research when this was done, but I think it's been that way since I have lived here (26 years).



As an aside I am totally frustrated with imagery server connections while working in QGIS - hit or miss if it works on any given day.

Thanks for your help!

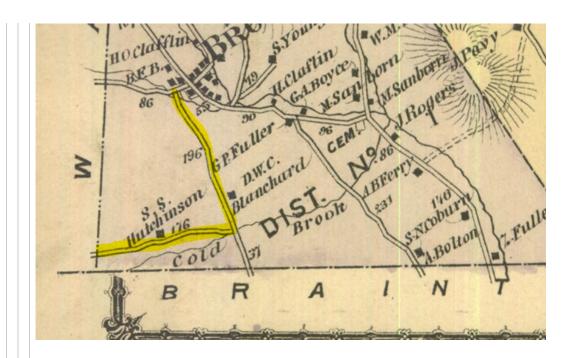
Stuart

On Thu, Nov 14, 2024 at 4:41 PM DeAndrea, Pam < Pam.DeAndrea@vermont.gov > wrote:

Hi Stuart,

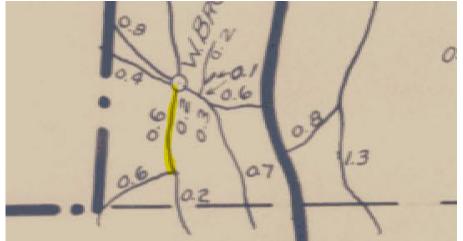
I wanted to get back to you on the history of TH-39 (Davis Acre Rd). Looking at Beers map for the Town (dated 1877), though not a map of legal TH mileage, it shows that the road was traveled long ago and the north/south trending section had a length of 196 rods (0.61 miles), which is very close to our currently mapped 0.62 miles (see image below).

Beers Atlas:

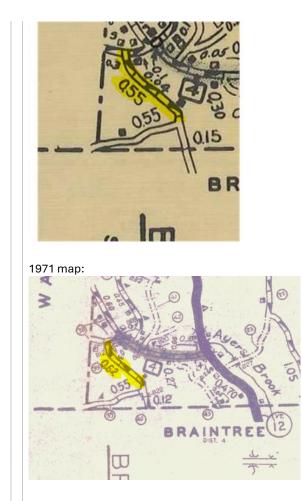


The first Town Highway map from 1931, shows the road as traveled at 0.6 miles (see image below). In 1941, the mileage changed from 0.6 miles to 0.55 miles (see 2nd image below). In 1971, the mileage changed to 0.62 (see 3rd image below).

1931 map:

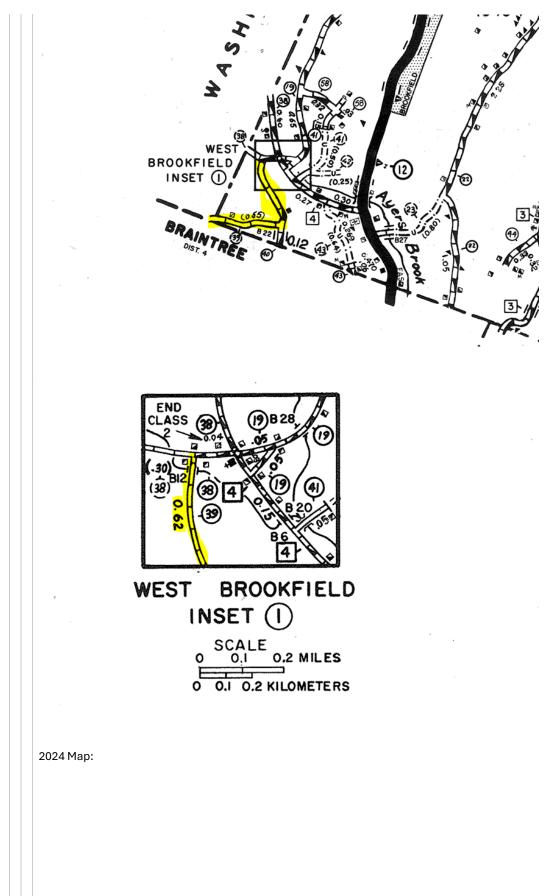


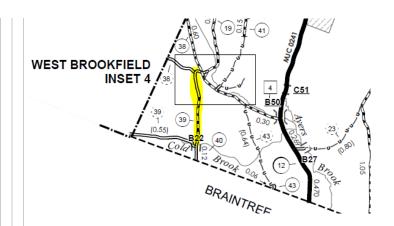
1941 map:



As part of Act 63 in the mid-1970s, the east-west part of TH-39 became Class 4, but the north-south section remained Class 3. If this had always been Class 4, the Town should have reported it as a Class 4 road at that time, but it was not. Please see attached Act63 documentation and maps below from 1986. The map remains the same way today as it was in 1986 except for addition of gravel surface type in the southern portion (see 3rd image below).

1986 maps:





I have attached the Road Inventory from 1986 that shows only the east-west section as Class 4, but what is interesting is there is a note on the Class 3 section past the house at 0.12 miles that it is not maintained during the winter. This must be why you thought it has always been Class 4, but it never was legally reclassified as such. If the Town reclassified this section of TH-39 at some point after the mid-70's when Act 63 occurred, we never received the documentation.

Best,

Pam

Pamela DeAndrea (she/her) | AOT GIS Professional III Policy, Planning & Research Bureau – Mapping Section Policy, Planning & Intermodal Development Division Vermont Agency of Transportation 219 N. Main Street | Barre, VT 05641 802-793-7555 phone | pam.deandrea@vermont.gov http://vtrans.vermont.gov



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MILLER TONELLI & GREGG ATTORNEYS 4 RANDOLPH AVENUE P. O. BOX 207 RANDOLPH, VERMONT 05060

KAREN MILLER CAROLYN TONELLI

DAVID H. GREGG, JR. OF COUNSEL

March 24, 1998

William Johnson, Chair Brookfield Selectboard Brookfield, VT 05036

RE: Town Road 41, Rowley Road

Dear Bill:

As we discussed on the phone today, we both agree that no deed is required from either the Town or the Hoopers to move Town Road 41. Enclosed is a copy of the information from VLCT I saved regarding this matter. It confirms our opinion that no deed need be filed. It does set out, however, that certain filings need to be made in the Town Clerk's office. I will assume that you will take care of that.

Thank you for your kind assistance. Of course, if you need anything further regarding this matter please let me know.

Sincerely,

Carolyn Tonelli

Encl. Cc: Don and Allison Hooper dcr hooper.1bj TELEPHONE (802) 728-9411 FAX (802) 728-4403

ASK THE LEAGUE

A monthly column of questions asked by VLCT members and answered by the League's legal and research staff.



After petition by landowners, the selectboard completed all of the required statutory procedures for laying out a new public highway. As a final step, will each property owner affected by the roadway be required to transfer title to his/her land by deed to the town?

No. Title 19 Chapter 7 provides special standards for the laying out of a public highway. These requirements are quite clear as to notice, site inspection, public hearing, survey, notice to landowners to vacate the land, the opening of a highway, alternate methods of assessing damage and judicial appeal. However, nowhere do they provide for an actual deed transfer between the affected landowners and the legislative body of the town. The answer to this question is found in Vermont case law which provides, "A dedication of a road as a highway is the setting apart of the land for public use, and may be either express or implied from the acts of the owner. It need not be evidenced by any writing or by any form of words, but may be shown by evidence of the owner's conduct, provided his intention, which is the essential element, clearly appears." <u>Springfield v. Newton</u>, 115 Vt. 39, 45 (1947).

The right-of-way, however, must also be actually "accepted" by the town. This is done through the process of the legislative body having selected, surveyed, aligned and, in some cases, having completed the construction of the new highway (19 V.S.A. §701 (1)(5)). Additionally, the town must "recognize" the rightof-way as a town highway by keeping it maintained and in good repair.

Some paperwork is required. Within 60 days after the selectboard examines the property and holds a public hearing, it is required to return the original petition with a report of its findings and of the manner of notifying the parties, together with the survey, to the town clerk's office for recording (19 V.S.A. §711). The final document to be recorded in the land records is the board's official "acceptance" or certificate of completion

(Continued next page)

ASK -(Continued from previous page)

(19 V.S.A. §715). This document is prepared once the highway construction is completed and the road opened for public use. Within six days from the date it is recorded, the board must deliver a copy of this certificate to each person whose land was taken by the highway. If the property owner is unknown, a copy must be given to the current occupant of the land, if any. All of this, however, is subject to appeal should any of the affected landowners or petitioners disagree with the selectboard's decicion on the assessment of damages or beessity of laying out the highway.

If a property owner places an obstruction, such as a granite block wall, within a town highway right-ofway and the town does not require its

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V

CERTIFICATE OF COMPLETION AND OPENING OF A HIGHWAY FOR PUBLIC TRAVEL

Pursuant to Title 19 V.S.A. Section 15, as amended, this is to certify that the following described section of Town Highway #41 in the Town of Brookfield was completed and open for public travel on $\underline{September 1}$, 1998.

DESCRIPTION OF RIGHT OF WAY

This certification concerns the diversion of Town Highway #27, a class three (3) highway, as follows:

1. Beginning at a point on existing Town Highway #27 (Rowley Road) at the corner of the property line separating the land and premises currently of Donald and Allison Hooper to the north and lying on both sides of Town Highway 27, from the lands and premises currently of John and Janet Wheatley to the south and on the westerly side of Town Highway 27, and land and premises currently of W. Pelinski to the south and on the easterly side of Town Highway 27. Said point is more particularly described as lying northerly of the intersection of Town Highway 27 and Town Highway 29, a distance of approximately 0.85 miles.

2. Thence running in an arc a distance of approximately 650 feet, in a generally northwesterly by northerly by northeasterly around the milk house and barn on the Hooper property to a point where the new Town Highway #27 connects with the existing Town Highway #27.

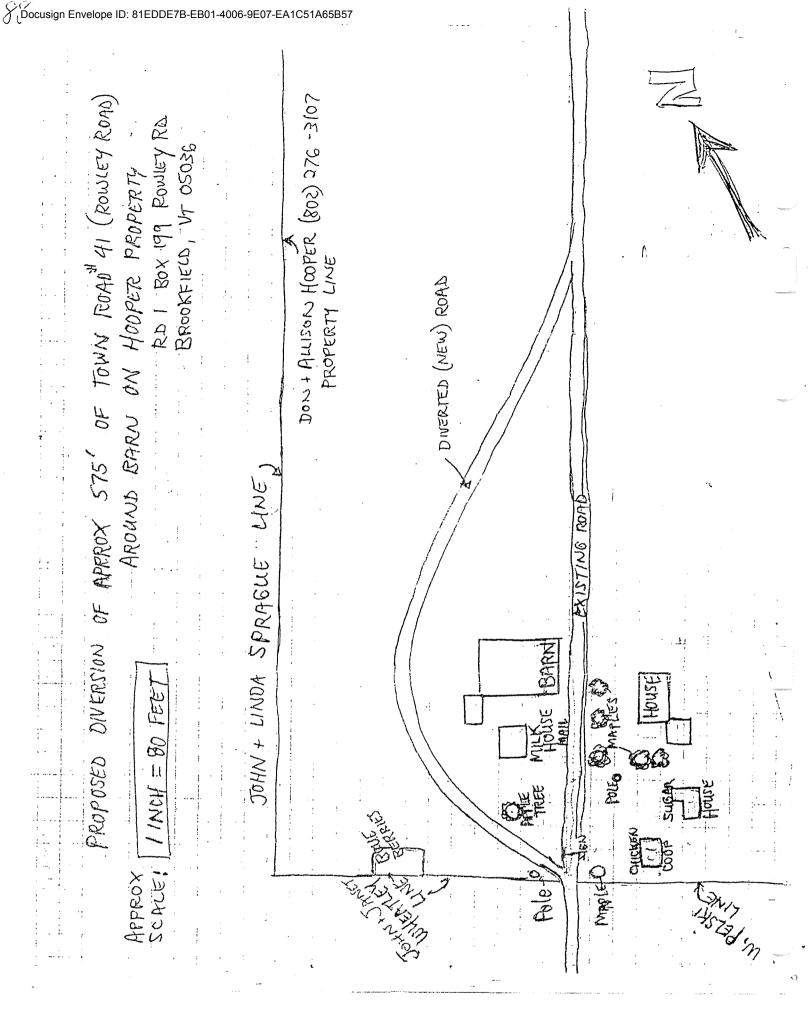
That portion of Town Highway #27 between the beginning point described in number 1 above and ending point described in number 2 above, and running in a northerly direction a distance of approximately 520 feet, and is hereby discontinued.

Dated at the Town of Bro	okfield, County of Orange and State of Vermont, on
September 14	, 1998.
	Town of Brookfield Board of Selectmen
	1000 ··································
	alletter form
	William Johnson
•	

Jefter

ohn Sprague

dcr hooper.cer



Brookfield Town Clerk's Office received for record September 15, 1998 at 8 o'clock 00 minutes A.M. the instrument of which the foregoing is a true copy. \sim Jown Clerk Attest

Board of Selectmen Meeting Town Clerk's Office – Town of Brookfield, VT March 23, 1998 – 7:30 P.M.

Present: John Sprague, Bill Johnson, and Jeff Kimmel

- 1. The board discussed potential candidates for Town Forester, and will try to locate someone to fill the position.
- 2. The board approved and signed a liquor license application for the Green Trails Inn.
- 3. John Sprague offered to look into Fiscal Year 1999 grant programs available from the state Agency of Transportation. He suggested that funding could be used for bridge and culvert projects in town along with paving along the Ridge Road.
- 4. John Sprague reported that he asked Don Hooper to deed a right of way to the town for the portion of new road that he is having built on his property. John said that, following the new deed, the town will discontinue the old right of way.
- 5. The board had a short discussion on the status of bids for repair/renovation of the Library and Town Clerk's Office. The board is waiting on one more bid, and will decide soon on which bid to accept.
- 6. Jeff Kimmel agreed to contact Stuart Kinney and determine the schedule for Mr. Kinney to do clean-up work on Bear Hill and in West Brookfield. The town is paying for the work with a grant for the state AoT and Federal Emergency Management Agency in the wake of the January 1998 ice storm. Jeff will also obtain a certificate of insurance from Mr. Kinney.
- 7. The board voted to approve Pat Nash's request to hold over her vacation days remaining from 1997.

There was no further business, and the meeting was adjourned at 8:45 p.m.

For the Selectboard: Board of Selectmen Meeting Town Clerk's Office – Town of Brookfield, VT April 13, 1998 - 7:30 P.M.

Present: Bill Johnson and Jeff Kimmel

- 1. The board noted that the town did receive a check for \$11,953 from the state AoT and Federal Emergency Management Agency. Stuart Kinney has completed much of the clean-up work resulting from the January 1998 ice storm, and reported that he will submit bills as he completes portions of the work. Mr. Kinney also reported that he rented a large chipper to help move the work along.
- 2. Bill Johnson is putting together an application for deferral of a permit under Act 249 for the proposed gravel pit to be built on John and Janet Wheatley's property. The Wheatley's attorney, Carolyn Tonelli, asked that the town complete the application.

There was no further business, and the meeting was adjourned at 8:40 p.m.

For the Selectboard: Well

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~

FORM 6 HPS REV. 1971						E	ROA	AD INVENTORY FORM	
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