

**CERTIFICATE OF HIGHWAY MILEAGE  
YEAR ENDING FEBRUARY 10, 2016**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2016 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	41.16	+0.03 +0.06		41.19	0.000
State Highway	6.575		-0.007	6.568	0.000
<b>Total</b>	<b>64.765</b>			<b>64.788</b>	<b>0.000</b>
* Class 1 Lane	0.000			-	
* Class 4	7.39	+ 0.35		7.74	0.000
* Legal Trail	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.** Adjustments + totals by K. Alley 2/2/2016

- NEW HIGHWAYS:** Please attach Selectmen's "Certificate of Completion and Opening".  
 +0.06 mi CL3 TH-67 (Town Garage) new road  
 +0.35 mi CL4 TH-68 (Town Forest Rd) new road
- DISCONTINUED:** Please attach SIGNED copy of proceedings (minutes of meeting).
- RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).  
 - 0.007 mi US-2 realignment, project FEGC F 028-3(26) C/1 (2013)  
 - 0.03 mi CL3 TH-58 (Porter Rd) due to ↑ and remeasurement (added to certificate by K. Alley 2/2/2016)
- 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: Joe C. Deane, Chris Goldthorn, Jeff Capillon, Bernice Spatney]*

T/C/V Clerk Signature: *[Handwritten signature: Betty Ritter]*

Date Filed: 1/19/16

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: 5/12/2016

Received

JAN 22 2016

Policy, Planning & Intermodal  
Development Division

## Vermont Statutes Annotated

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

#### § 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.

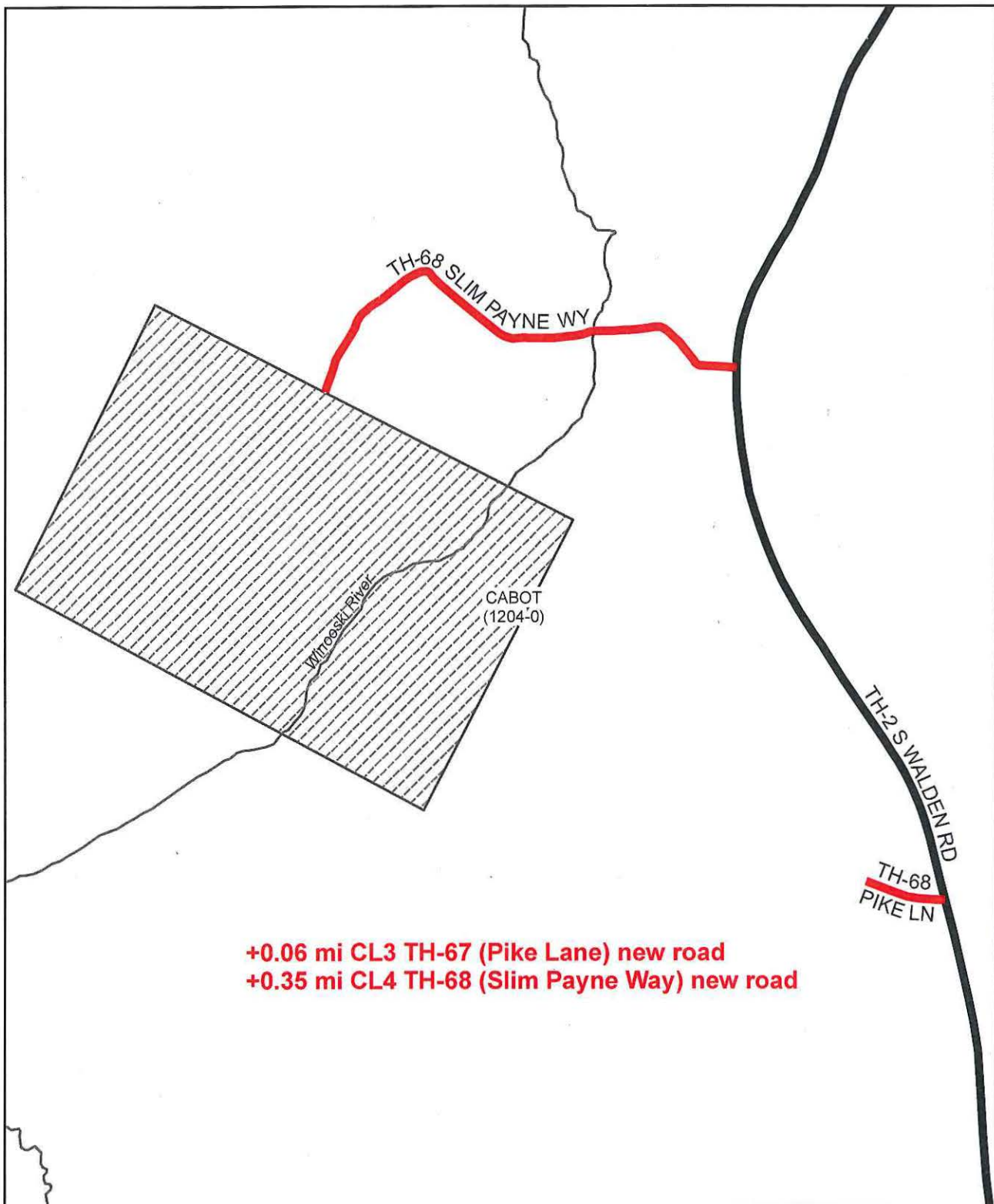
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of 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

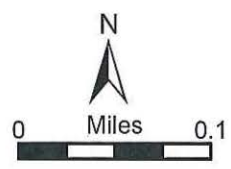
Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at – <http://legislature.vermont.gov/statutes/section/19/003/00305>

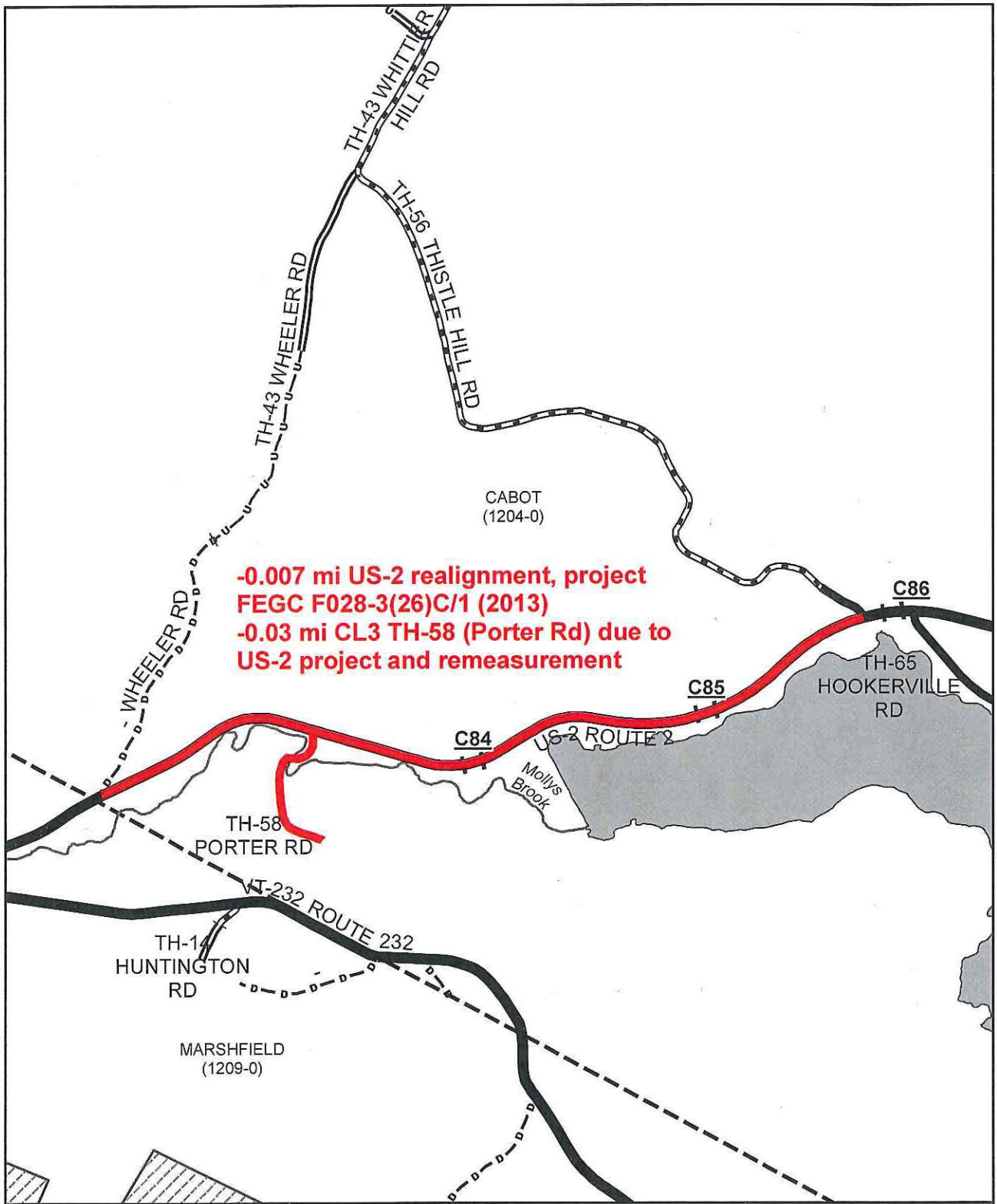
December 2015



**Mileage Certificate Change 2016  
 CABOT (1204-0)**

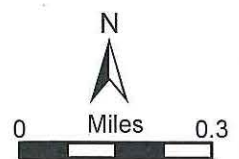
Mapping Section  
 Division of Policy and Planning  
 Vermont Agency of Transportation -- February 12, 2016



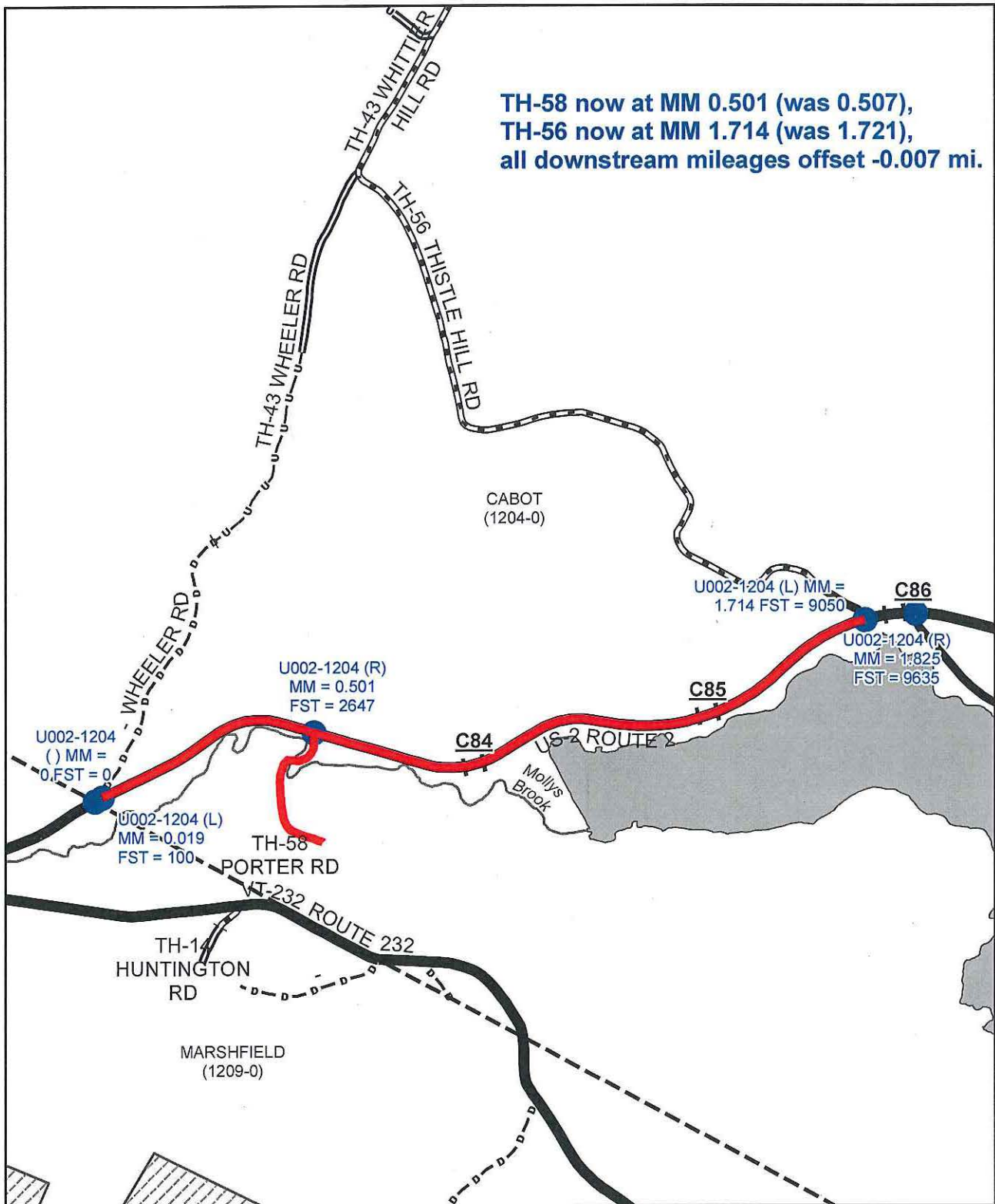


**Mileage Certificate Change 2016  
CABOT (1204-0)**

Mapping Section  
 Division of Policy and Planning  
 Vermont Agency of Transportation -- February 16, 2016

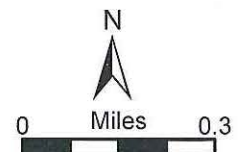


TH-58 now at MM 0.501 (was 0.507),  
 TH-56 now at MM 1.714 (was 1.721),  
 all downstream mileages offset -0.007 mi.



**Mileage Certificate Change 2016  
 CABOT (1204-0)**

Mapping Section  
 Division of Policy and Planning  
 Vermont Agency of Transportation -- February 16, 2016



## Alley, Kerry

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**From:** ZACabot <ZACabot@fairpoint.net>  
**Sent:** Tuesday, February 02, 2016 11:48 AM  
**To:** Alley, Kerry  
**Subject:** Re: Cabot 2016 Certificate of Highway Mileage

Kerry,

Thanks, both are gravel surface roads, The town garage road is - Pike Lane, the Town Forest road will be - Slim Payne Way. They will be sent into e-911.

As for the mapping on route 2 I believe the parcel mapping is accurate and there needs to be a correction to the mapping, do I need to have the board reauthorize the certificate for this year?

Thanks  
Karen

Zoning Administrator - Planner, Town of Cabot PO Box 36, 3084 Main Street Cabot, Vermont 05647 802-563-2279 On 2/1/2016 2:43 PM, Alley, Kerry wrote:

> Attached: CABOT\_TH58\_2016.pdf

> CABOT\_TH58\_closeup\_2016.pdf

> Hi Karen,

>

> Do both of Cabot's new town highways (to the Town Forest and to the Town Garage) have gravel surfaces? Do they have official names that will be given to E-911?

>

> In my enthusiasm to preload the additions of TH-67 and TH-68 onto the 2016 Certificate of Highway Mileage, I neglected to include a change of State Highway mileage: the realignment of US-2 between the Marshfield town line and TH-56, completed in 2013. I therefore hand-wrote the following change onto the certificate: -0.007 mi US-2 realignment, project FEGC F 028-3(26)C/1 (2013).

>

> The realignment of US-2 slightly shortened TH-58 (Porter Rd), so I reviewed the measurement for Porter Rd to determine whether it needed to be adjusted. The realignment of US-2 alone might not have significantly affected the length of Porter Rd, but if the Cabot parcel data correctly indicates its layout (please see the attached maps), then its length would now be 0.32 mi instead of 0.35 mi. Could you confirm for me whether the parcel data accurately indicates the end of Porter Rd, or whether it extends into the farmyard? If we can establish the endpoint via email, I can include this change on the Mileage Certificate as well, otherwise it can be dealt with later and included on next year's Certificate.

>

> Thank you very much for your help!

>

> Kerry

>

>

>

> \_\_\_\_\_  
> Kerry Alley

> AOT Mapping & GIS Specialist

> Vermont Agency of Transportation (VTrans) Kerry.Alley@vermont.gov –

> Please note new email address

> (802) 828-3666

> \_\_\_\_\_

>

>

>

> -----Original Message-----

> From: ZACabot [mailto:ZACabot@fairpoint.net]

> Sent: Thursday, November 19, 2015 11:53 AM

> To: Alley, Kerry<Kerry.Alley@vermont.gov>

> Subject: Emailing: Town Garage Class III RD, Town Forest Class IV RD

>

> Kerry,

>

> Attached are the recorded determinations from the selectboard for our new town highways and landowner notification letters. Will you need anything else?

>

> Thank you.

>

> Karen Deasy

>

> Your message is ready to be sent with the following file or link

> attachments:

> Town Garage Class III RD

> Town Forest Class IV RD

>

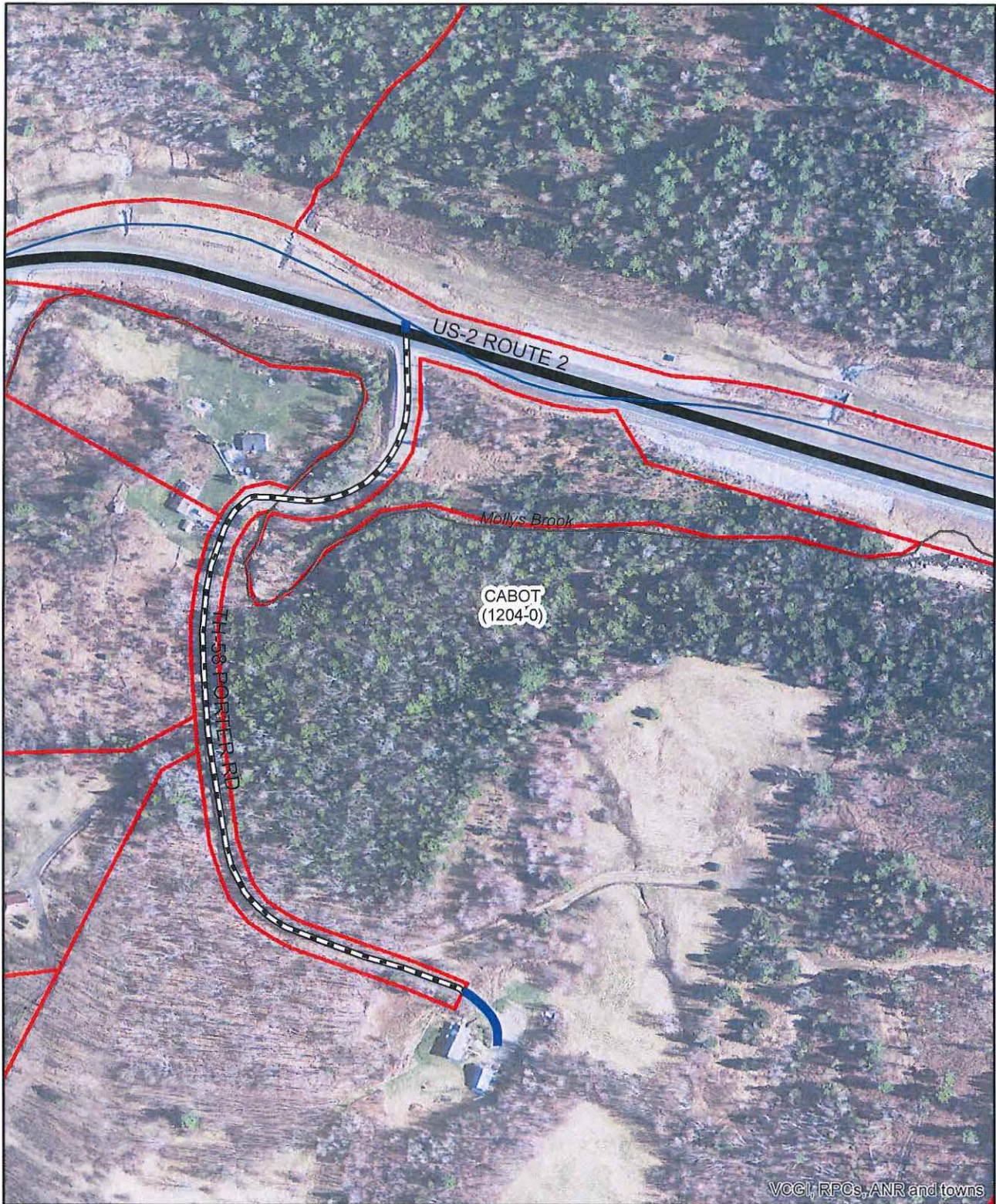
> Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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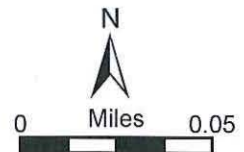
> Zoning Administrator - Planner, Town of Cabot PO Box 36, 3084 Main

> Street Cabot, Vermont 05647 802-563-2279



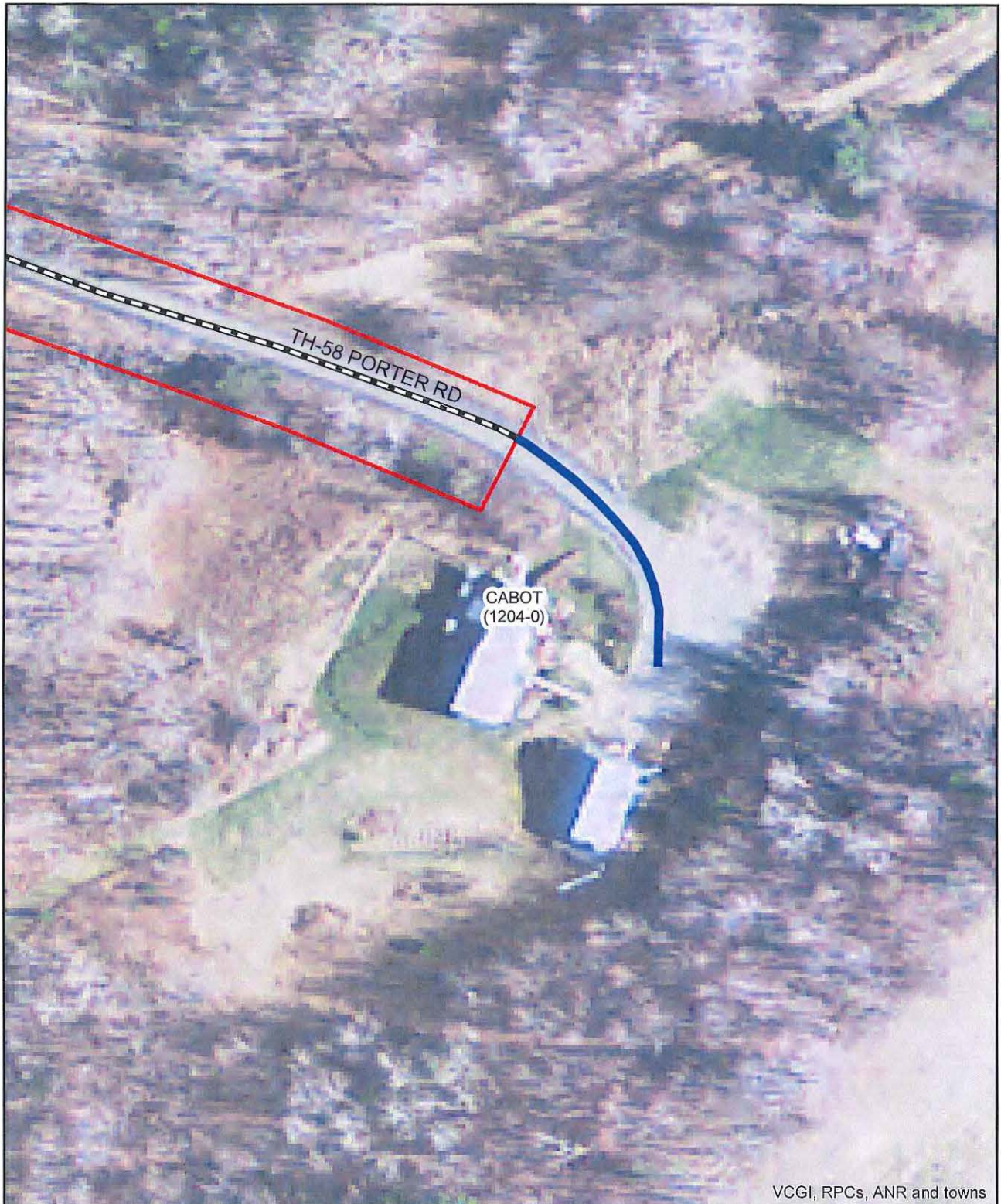
**Mileage Certificate Change 2016  
CABOT (1204-0)**

Mapping Section  
Division of Policy and Planning  
Vermont Agency of Transportation -- February 1, 2016



CABOT\_TH58\_2016.pdf

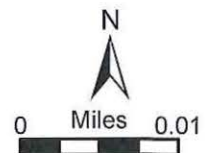




VCGLI, RPCs, ANR and towns

### Mileage Certificate Change 2016 CABOT (1204-0)

Mapping Section  
Division of Policy and Planning  
Vermont Agency of Transportation -- February 1, 2016



CABOT-TH58\_closeup-2016.pdf

# US-2 Cabot

	<u>2013 Plans</u>	<u>FST</u>	<u>MM</u>		<u>Was</u>
98+00 - 22 =	9778	∅	∅	T/L	∅
98+00 + 59 =	9859	71 ~ 100	0.019	POT 0.482 Disc. old	(0.019)
<del>98+59 =</del>	9929	151	0.029	0.472 Disc.	100
<del>124+25 =</del>	12425	2647	0.501	1.213 TH-58	(0.507) 2675
177+00 + 1128 =	19828	9050	1.714	TH-56	(1.721) 9085

measure tool

Δ = 35'  
= 0.007 mi.

# STATE OF VERMONT AGENCY OF TRANSPORTATION



INDEX OF SHEETS  
SEE SHEET 2

RECORD PLANS	
CONTRACTOR:	WINTERSSET, INC. - LYNDONVILLE, VT
RESIDENT ENGINEER:	JON DAY
CONSTRUCTION BEGAN:	APRIL 22, 2011
CONSTRUCTION COMPLETE:	DECEMBER 4, 2013
RECORD PLANS BY:	JON DAY & C. PIERCE
I HEREBY CERTIFY THAT ALL THE CONSTRUCTION REQUIRED BY THIS SET OF DRAWINGS HAS BEEN ACCOMPLISHED AS INDICATED HEREIN.	
BY:	<i>Jon Day</i> RESIDENT ENGINEER
DATE:	05-12-14
NOTE: Any further information concerning final quantities, amounts or other details relative to this project may be found at Central Files in the electronic archives.	

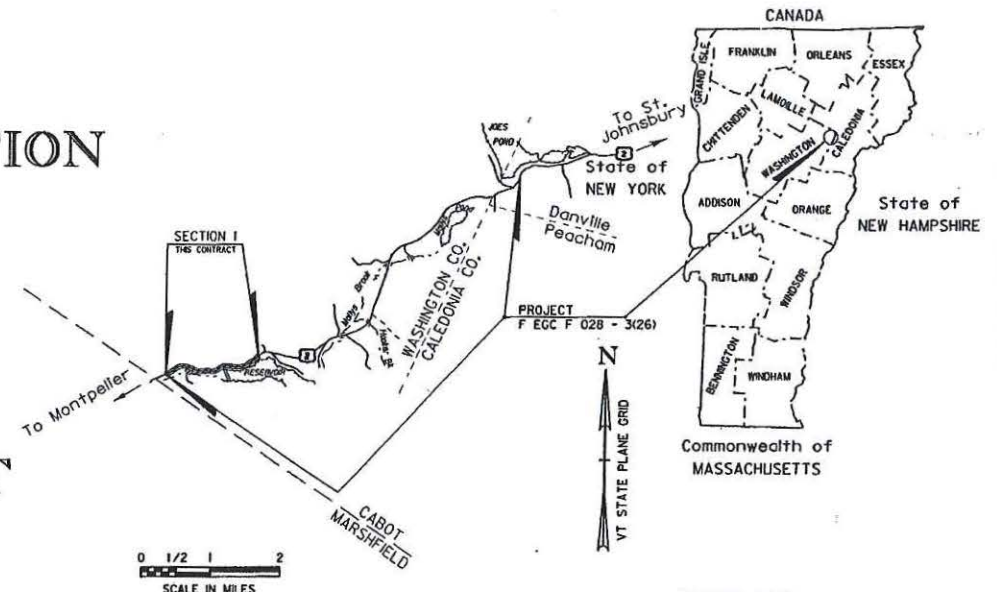
## PROPOSED IMPROVEMENT TOWNS OF CABOT AND EAST MONTPELIER COUNTY OF WASHINGTON U.S. ROUTE 2 PRINCIPAL ARTERIAL

ROADWAY LOCATION: BEGINNING AT A POINT ON U.S. ROUTE 2, IN THE TOWN OF CABOT, APPROXIMATELY 0.042 MILES EASTERLY OF THE MARSHFIELD - CABOT TOWN LINE AND EXTENDING IN AN EASTERLY DIRECTION APPROXIMATELY 1.458 MILES.

LENGTH OF ROADWAY 7700.00 FEET = 1.458 MILES  
LENGTH OF PROJECT 7700.00 FEET = 1.458 MILES

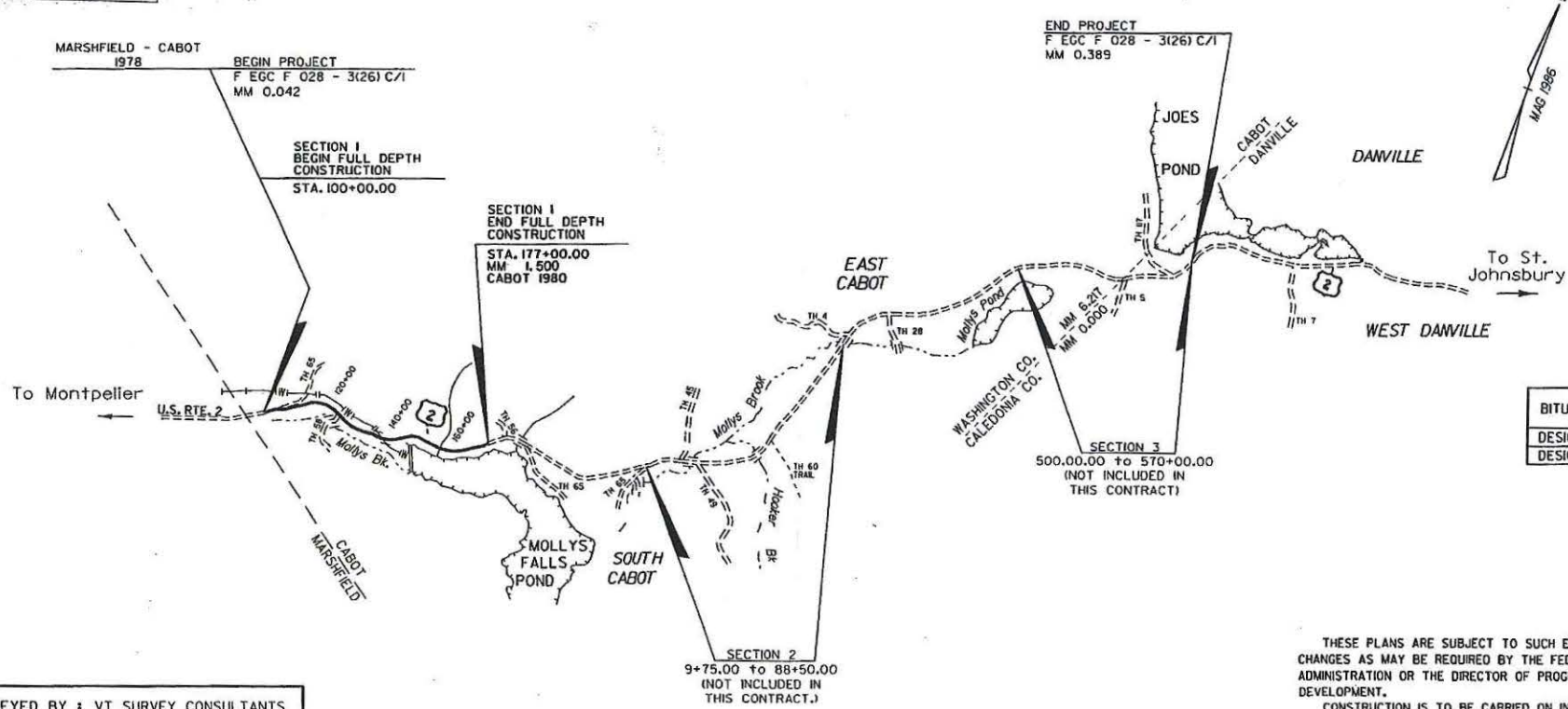
MITIGATION LOCATION: LOCATED IN THE TOWN OF EAST MONTPELIER ON COBURN ROAD, NEAR THE PLAINFIELD TOWN LINE, A 35.5 ACRE SITE WEST OF US ROUTE 2 AND BOUNDED ON THE WEST BY THE WINOOSKI RIVER.

PROJECT DESCRIPTION: PROJECT INVOLVES RECONSTRUCTION AND WIDENING OF A PORTION OF U.S. ROUTE 2, INCLUDING GRADING, DRAINAGE, SUBBASE, PAVEMENT, RELATED WORK, PENSTOCK REPLACEMENT, STREAM RELOCATION, PRECAST BOX CULVERT AND WETLAND MITIGATION SITE.



**TRAFFIC DATA**

2010 AADT	= 3500
2030 AADT	= 4200
2030 DHV	= 470
2030 ADTT	= 640
D	= 56%
T	= 12%
V	= 50 mph
2010 - 2030 ESAL'S	= 2,614,000 (DESIGN LANE)
2010 - 2050 ESAL'S	= 6,091,000 (DESIGN LANE)



QUALITY ASSURANCE PROGRAM: LEVEL I

CONVENTIONAL SYMBOLS	
COUNTY LINE	
TOWN LINE	
LIMITS OF ACCESS	
POINT OF ACCESS	
FENCE LINE	
STONE WALL	
TRAVELED WAY	
GUARD RAIL	
RAILROAD	
SURVEY LINE	
CULVERT	
POWER POLE	
TELEPHONE POLE	
TREES	
CONTROL OF ACCESS	
PROPERTY LINE	
R.O.W. TAKING LINE	
SLOPE RIGHTS	
TOP OF CUT	
TDE OF SLOPE	

SURVEYED BY: VT SURVEY CONSULTANTS  
SURVEYED DATE: APRIL, 1986

**DATUM**  
VERTICAL NGVD - 1929  
HORIZONTAL N/A

BITUMINOUS CONCRETE SUPERPAVE MIXTURE DESIGN CRITERIA	
DESIGN LANE/DESIGN LIFE ESAL	1,463,840
DESIGN NUMBER OF GYRATIONS	65

THESE PLANS ARE SUBJECT TO SUCH ENGINEERING CHANGES AS MAY BE REQUIRED BY THE FEDERAL HIGHWAY ADMINISTRATION OR THE DIRECTOR OF PROGRAM DEVELOPMENT.

CONSTRUCTION IS TO BE CARRIED ON IN ACCORDANCE WITH THESE PLANS AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION DATED 2006, AS APPROVED BY THE FEDERAL HIGHWAY ADMINISTRATION ON JUNE 15, 2006 FOR USE ON THIS PROJECT, INCLUDING ALL SUBSEQUENT REVISIONS AND SUCH REVISED SPECIFICATIONS AND SPECIAL PROVISIONS AS ARE INCORPORATED IN THESE PLANS.

DIRECTOR OF PROGRAM DEVELOPMENT	
APPROVED:	<i>Ken Robie</i> DATE 11/5/10
PROJECT MANAGER:	KEN ROBIE
PROJECT NAME:	CABOT - DANVILLE
PROJECT NUMBER:	F EGC F 028 - 3(26) C/1
SHEET 1 OF 250 SHEETS	

001.417

**EPSC NOTES:**

1. SEDIMENT CONTROL MEASURES (SILT FENCE, ETC.) TO BE INSTALLED PRIOR TO INITIATION OF PRIMARY EARTH DISTURBING ACTIVITIES.
2. SLOPES 1:3 OR GREATER TO BE MATTED WITH GEOTEXTILE EROSION MATTING.
3. TYPE II STONE STABILIZATION TO BE USED IN AREAS WITH SLOPES OF 1:1 OR AS SHOWN ON THE PLANS.
4. DISTURBED AREAS THAT ARE NOT BENE PAVED OR STABILIZED WITH STONE SHALL BE SEEDED AND PROTECTED WITH EITHER EROSION MATTING (AS SHOWN) OR STRAW MULCH AT THE STANDARD RATE OF 2 TONS/ACRE.
5. MAXIMUM CONCURRENT EARTH DISTURBANCE IS 2 ACRES.
6. ALL AREAS OF DISTURBANCE MUST HAVE TEMPORARY OR FINAL STABILIZATION WITHIN 7 DAYS OF THE INITIAL DISTURBANCE. AFTER THIS TIME, ANY DISTURBANCE IN THE AREA MUST BE STABILIZED AT THE END OF EACH WORK DAY. THE FOLLOWING EXCEPTIONS APPLY:
  - a) STABILIZATION IS NOT REQUIRED IF WORK IS TO CONTINUE IN THE AREA WITHIN THE NEXT 24 HOURS AND THERE IS NO PRECIPITATION FORECAST FOR THE NEXT 24 HOURS.
  - b) STABILIZATION IS NOT REQUIRED IF THE WORK IS OCCURRING IN A SELF-CONTAINED EXCAVATION (e.g. - NO OUTLET) WITH A DEPTH OF 2 FEET OR GREATER.
7. PERMANENT STABILIZATION MEASURES TO BE IN PLACE WITHIN 48 HOURS AFTER FINAL GRADES ARE ACHIEVED.
8. LIMITS OF DISTURBANCE TO BE SHOWN WITH 4" WIDE PROJECT DEMARCATION FENCE (PDF), OR BARRIER FENCE IN SENSITIVE AREAS, AS SHOWN ON THE PLANS OR DIRECTED BY THE ON-SITE PLAN COORDINATOR.
9. SILT FENCE NOT TO RUN ACROSS CONTOURS OR IN AREAS OF CONCENTRATED FLOW. ACTUAL PLACEMENT OF SILT FENCE TO BE REVIEWED IN THE FIELD AT THE TIME OF INSTALLATION.
10. EPSC MEASURES SHALL BE INSPECTED BY OR UNDER THE DIRECTION OF THE ON-SITE PLAN COORDINATOR AT LEAST ONCE EVERY 7 CALENDAR DAYS AND AS SOON AS POSSIBLE BUT NO LATER THAN 24 HOURS AFTER ANY STORM EVENT WHICH GENERATES A DISCHARGE OF STORMWATER RUNOFF FROM THE CONSTRUCTION SITE.
11. SEE EPSC DETAIL SHEETS FOR INSTALLATION & MAINTENANCE INFORMATION ON EPSC MEASURES SHOWN ON THIS PLAN.
12. TO THE EXTENT POSSIBLE SWALES TO BE STABILIZED PRIOR TO DIRECTING STORMWATER TO THEM.
13. SPECIFIC EPSC MEASURES SHOWN ON THIS PLAN ARE BASED ON AN INITIAL ASSESSMENT OF EXPECTED PROJECT CONDITIONS. THROUGHOUT THE CONSTRUCTION PROCESS, THE ON-SITE PLAN COORDINATOR SHALL MONITOR THE EFFECTIVENESS OF THESE MEASURES GIVEN THE ACTUAL FIELD CONDITIONS, AND SHALL MAKE MODIFICATIONS TO THE PLAN, AS NECESSARY, IN ORDER TO COMPLY WITH THE PROVISIONS OF THE CCP.

RSRSHFIELD - CABOT  
1978

STA. 100+00.00

BEGIN PROJECT F028-3(26)  
SECTION I  
MATCH EXISTING

**EROSION MATTING**  
101+67 ~ 109+50    104+30 ~ 110+00

**BARRIER FENCING**  
100+00 ~ 110+00 RT

**SILT FENCING, WOVEN WIRE REINFORCED**  
100+50 ~ 110+00 RT

**PROJECT DEMARCATION FENCING**  
100+00 ~ 110+00 LT

**TEMP. STONE CHECK DAMS**  
100+00 ~ 110+00 LT

**CONSTRUCT DRIVES**

LT. 100+40 - APRON ONLY

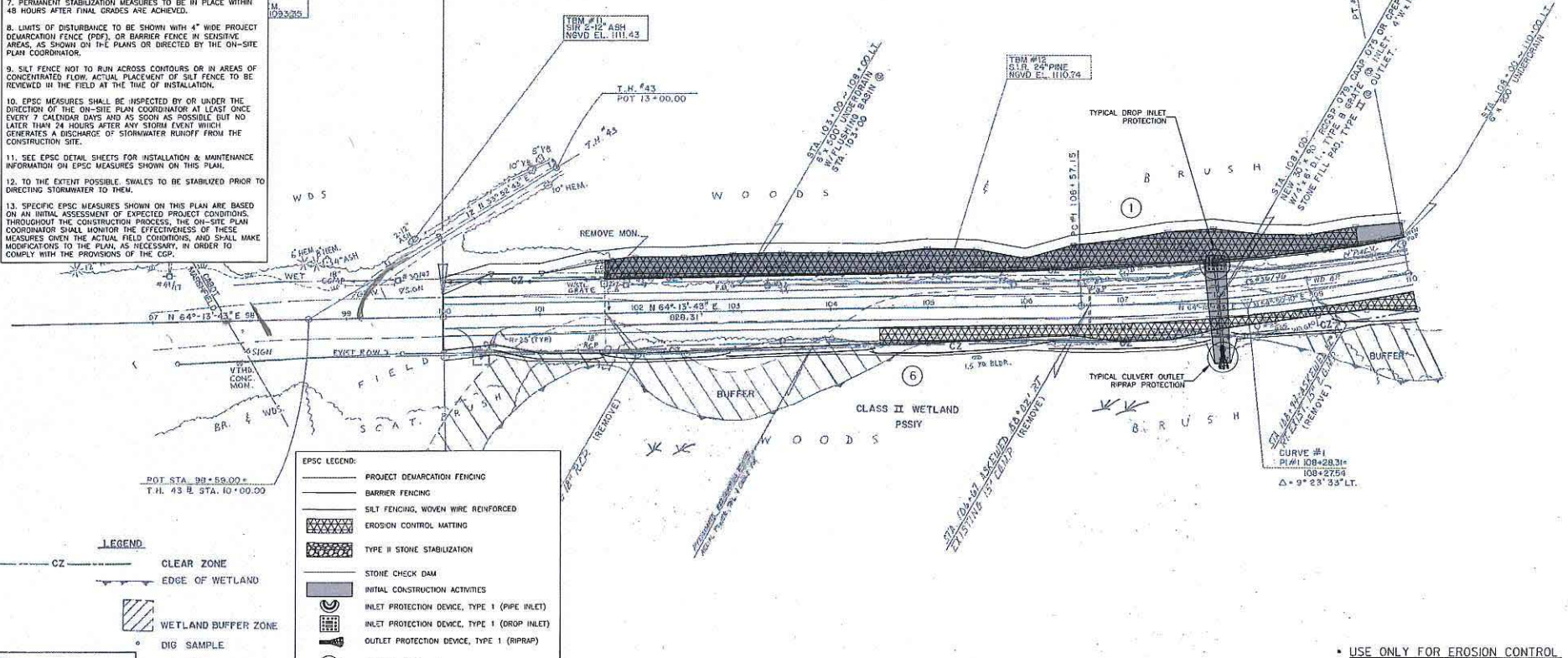
RT.

REV. NO.	DATE	BY	REASON	SHEET NO.	TOTAL SHEETS
I	VT				

**INLET PROTECTION, TYPE I (DROP INLET)**  
108+00 LT

**OUTLET PROTECTION, TYPE I (RRPAP)**  
108+00 RT

**Curve Data #1**  
 $\Delta = 9^{\circ}23'33''$  LT.  
 $D = 2^{\circ}45'00''$   
 $R = 2083.48'$   
 $T = 171.16'$   
 $L = 341.55'$   
 $E = 7.02'$   
 BANK = 0.050 FT/FT



**EPSC LEGEND:**

- PROJECT DEMARCATION FENCING
- BARRIER FENCING
- SILT FENCING, WOVEN WIRE REINFORCED
- EROSION CONTROL MATTING
- TYPE II STONE STABILIZATION
- STONE CHECK DAM
- INITIAL CONSTRUCTION ACTIVITIES
- INLET PROTECTION DEVICE, TYPE I (PIPE INLET)
- INLET PROTECTION DEVICE, TYPE I (DROP INLET)
- OUTLET PROTECTION DEVICE, TYPE I (RRPAP)
- SUBAREA (>0.5 ac)

**DATUM**

VERTICAL: NGVD - 1929

HORIZONTAL: N/A

**PROJECT NAME:** CABOT-DANVILLE

**PROJECT NUMBER:** FECC F 028-3(26) C/1

**FILE NAME:** d78d058fr.m.dgn

**PLOT DATE:** 13-OCT-2010

**PROJECT LEADER:** K. ROBBE

**DRAWN BY:** I. SHEA

**DESIGNED BY:** I. SHEA

**CHECKED BY:** S. MENARD

**EPSC LAYOUT SHEET I**

SHEET 48 OF 250

048.tif

STEEL BEAM GUARD RAIL  
167+00 ~ 173+37.5 RT

SCARIFYING PAVEMENT  
169+25 ~ 172+75

EROSION MATTING  
167+00 ~ 169+50 172+15 ~ 173+00  
172+50 ~ 175+50

TYPE II STONE STABILIZATION  
167+00 ~ 172+25 RT  
TEMP. STONE CHECK DAMS  
167+00 ~ 176+50 LT

INLET PROTECTION, TYPE I (CULVERT)  
170+20 LT  
173+64 LT

OUTLET PROTECTION, TYPE I (RIPRAP)  
170+20 RT  
173+64 RT

MELT  
173+37.5 ~ 173+75 RT.

CONSTRUCT THROUGHT  
167+00 ~ 169+00 LT., 16' W.

PROJECT DEMARCATION FENCING  
167+00 ~ 173+00 LT

BARRIER FENCING  
173+00 ~ 177+00 RT

SILT FENCING, WOVEN WIRE REINFORCED  
167+00 ~ 177+00 RT

EPSC LEGEND:

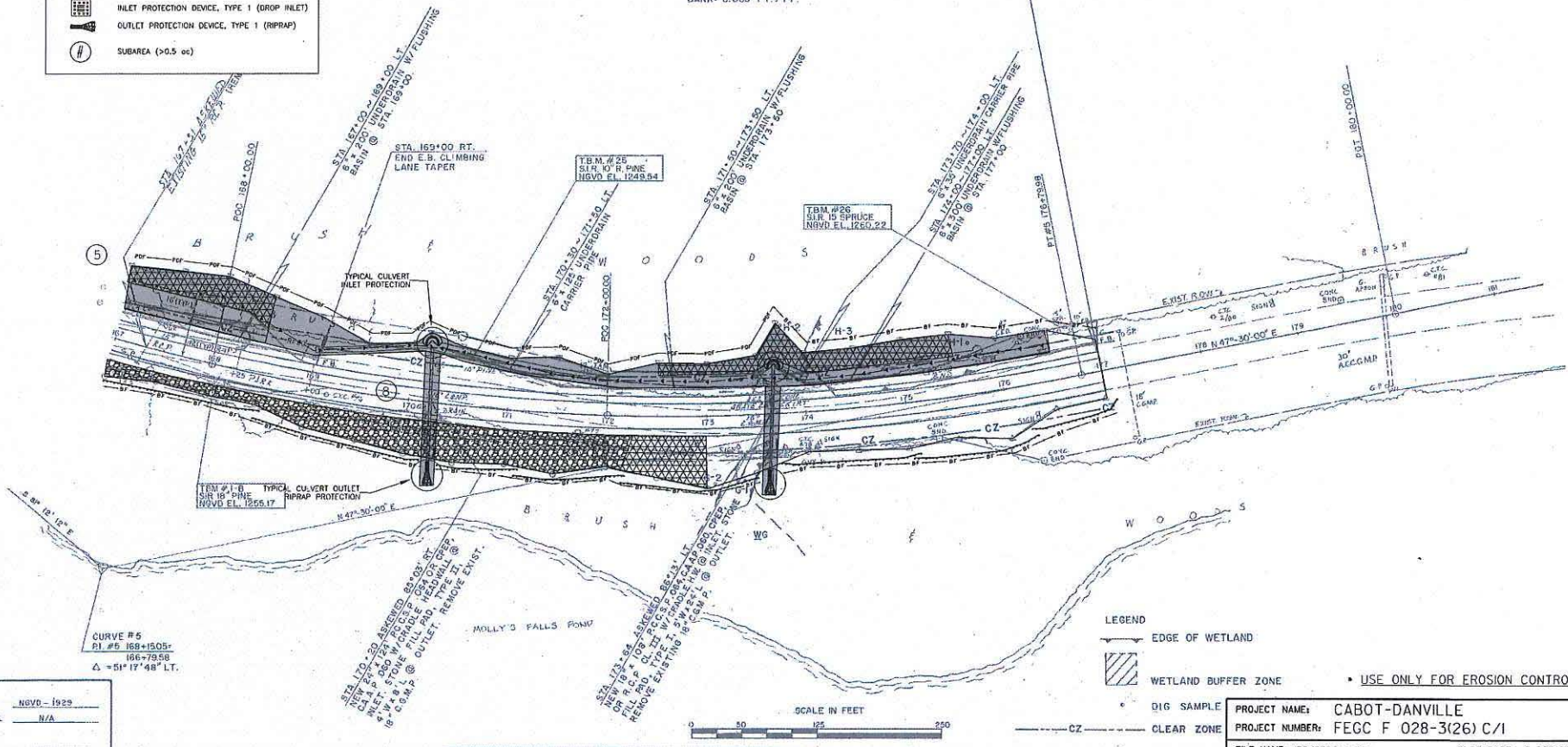
	PROJECT DEMARCATION FENCING
	BARRIER FENCING
	SILT FENCING, WOVEN WIRE REINFORCED
	EROSION CONTROL MATTING
	TYPE II STONE STABILIZATION
	STONE CHECK DAM
	INITIAL CONSTRUCTION ACTIVITIES
	INLET PROTECTION DEVICE, TYPE I (PIPE INLET)
	INLET PROTECTION DEVICE, TYPE I (DROP INLET)
	OUTLET PROTECTION DEVICE, TYPE I (RIPRAP)
	SUBAREA (>0.5 ac)

CURVE DATA #5  
 $\Delta = 51^{\circ}17'48"$  LT.  
 $D = 2^{\circ}45'00"$  LT.  
 $R = 2083.48'$   
 $T = 1000.40'$   
 $L = 1869.33'$   
 $E = 227.75'$   
 $BAHKG = 0.050$  FT./FT.

PLG. NO.	STATE	FILE NO.	FILE NO.	DATE	DATE	TOTAL SHEETS
1	VT					



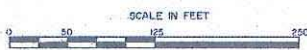
STA. 177+00.00  
 END PROJECT F028-3(26) CABOT 1980  
 SECTION I  
 MATCH EXISTING



DATUM

VERTICAL	NGVD - 1929
HORIZONTAL	N/A

CURVE #5  
 PI #5 168+15.05'  
 166+79.58'  
 $\Delta = 51^{\circ}17'48"$  LT.



LEGEND

	EDGE OF WETLAND
	WETLAND BUFFER ZONE
	DIG SAMPLE
	CLEAR ZONE

• USE ONLY FOR EROSION CONTROL

PROJECT NAME:	CABOT-DANVILLE
PROJECT NUMBER:	FEGC F 028-3(26) C/1
FILE NAME:	d78d058frm.dgn
PROJECT LEADER:	K. ROBBIE
DESIGNED BY:	L. SHEA
EPSC LAYOUT SHEET	6
PLOT DATE:	13-OCT-2010
DRAWN BY:	I. SHEA
CHECKED BY:	S. MENARD
SHEET	53 OF 250

53.tif

Koson Busine - Cabot  
Midge Calibrator

Town of Midge -  
Vidge Mileage

563 - ~~539~~  
131

Warrant Maintenance District

Molly - Braintree -

728-9787

Call Body

(802) 233-4070

Boban Harris -

10.83

1.73

0.1

1.214

0.488

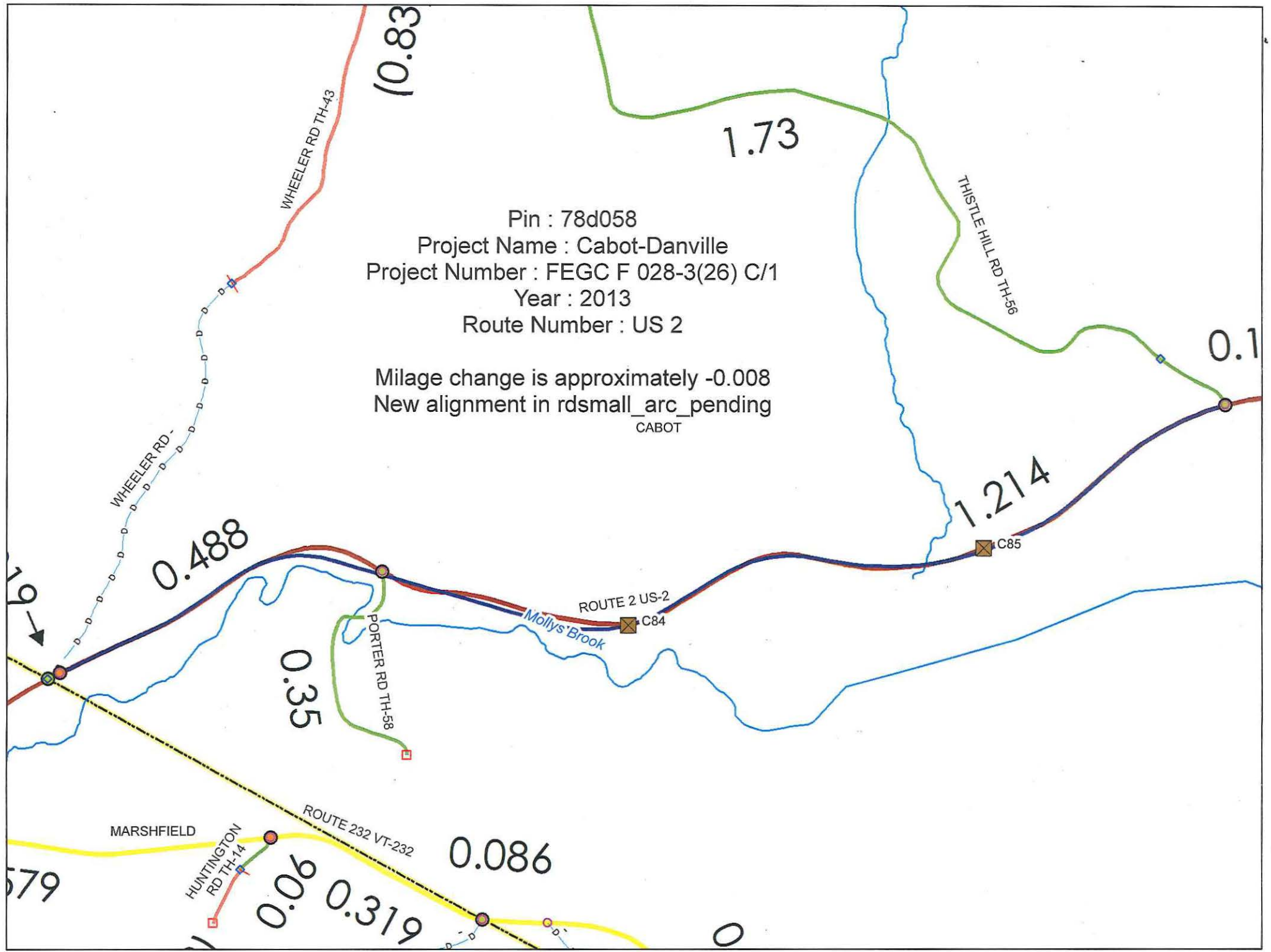
0.35

0.086

0.06  
0.319

Pin : 78d058  
Project Name : Cabot-Danville  
Project Number : FEGC F 028-3(26) C/1  
Year : 2013  
Route Number : US 2

Milage change is approximately -0.008  
New alignment in rdsmall\_arc\_pending  
CABOT



## Alley, Kerry

---

**From:** ZACabot <ZACabot@fairpoint.net>  
**Sent:** Thursday, November 19, 2015 11:53 AM  
**To:** Alley, Kerry  
**Subject:** Emailing: Town Garage Class III RD, Town Forest Class IV RD  
**Attachments:** Town Garage Class III RD.pdf; Town Forest Class IV RD.pdf; 151117152849\_0001.pdf

Kerry,

Attached are the recorded determinations from the selectboard for our new town highways and landowner notification letters. Will you need anything else?

Thank you.

Karen Deasy

Your message is ready to be sent with the following file or link attachments:

Town Garage Class III RD  
Town Forest Class IV RD

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

--

Zoning Administrator - Planner, Town of Cabot PO Box 36, 3084 Main Street Cabot, Vermont 05647 802-563-2279



CABOT TOWN CLERK'S OFFICE  
RECEIVED FOR RECORD/DISCHARGE  
THIS 18 DAY OF November A.D. 20 15  
AT 9 O'CLOCK 00 MINUTES A M AND  
RECEIVED CABOT RECORDS BOOK 82 PAGE 723-724  
ATTEST Nichelle Seelen, ASST. CLERK

TOWN OF CABOT  
SELECTBOARD

In the matter of a Town Highway )  
Running from the present )  
South Walden Road and continuing in )  
a northerly direction to its terminus )  
at the Cabot Town Garage )

Return of Selectboard  
Findings, Conclusion and Decision

On Monday, November 9, 2015, the Cabot Selectboard met, pursuant to public and personal notice, to take evidence and conduct a site visit to determine whether a new, Class-Three Town Highway should be laid out to give access to the new Town Garage off of South Walden Road. All land involved with this proposed road is owned by the Town of Vermont.

The Board met for a short time at 2:30 p.m., at the site where the current right-of-way is located. The Board, along with Town Road Commissioner Karen Deasy walked the length of the road from South Walden Road to the site of the Town Garage. The Town has had the proposed road surveyed, and said survey is attached to this decision as Exhibit A.

Beginning again at 3:30 p.m., the Board heard testimony from Karen Deasy about the road. Ms. Deasy testified that the road had been laid out in conformance with the survey and that all proper permits had been obtained from the Town and State. Ms. Deasy testified that the purpose of the road was to provide public access to the Town Garage and Town land. An abutting neighbor testified that he had concerns about a drainage culvert that he maintains to keep his property from flooding. While Mr. Paquin did not indicate a problem with the proposed road, he did want to make sure that he would have the ability to keep his drainage culvert cleared. Ms. Deasy stated that she did not believe this would be a problem for the Town. The minutes of this hearing are attached and incorporated into this decision as Exhibit B.

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

1. The Road to the Town Garage that is proposed to become a town highway is intact, traversable and has no present impediments to travel.
2. This Road is the sole established means of access to the Town Garage and surrounding land.
3. The Town is prepared to maintain this road and has constructed it in conformance with the Town Class-Three Road standards.
4. The Town has vested interests in continuing access to the Town Garage and surrounding land, to ensuring Town vehicles have clear and unfettered access from the Garage to other public roads, and a to ensuring the public and citizens of Cabot are guaranteed access to this town asset to enjoy and use.

5. Nothing in the establishment of this road would hinder or prevent neighboring properties from continuing to use their property in a manner consistent with their established uses.

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 Town has physically created a well-established roadbed. The use of this roadbed will provide access and will not interfere in any way with the uses established on neighboring properties.
- D. All property involved in the present decision is owned by the Town of Cabot. Therefore, no damages need be awarded.

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 3 road, and that no 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 17<sup>th</sup> day of November 2015, at Cabot, Vermont.

CABOT SELECTBOARD

*James J. Smith, Chairman*  
*Bernard Spatney*  
*Frank DeLuca*  
*John D. [unclear]*

Received for recording this 18<sup>th</sup> day of November 2015.

Attest: *Betsy Ritter*  
Cabot Town Clerk

TOWN OF CABOT  
SELECTBOARD

CABOT TOWN CLERK'S OFFICE  
RECEIVED FOR RECORD/DISCHARGE  
THIS 18 DAY OF November A.D. 2015  
AT 9 O'CLOCK 00 MINUTES A M AND  
RECEIVED CABOT RECORDS BOOK 92 PAGE 21-722  
ATTEST Michelle Selem, ASST. CLERK

In the matter of a Town 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  
Findings, Conclusion and Decision

On Monday, November 9, 2015, 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 an existing right-of-way held by the Town since 1926 and which has been used by the Town and the general public to access the Town Forest (hereinafter the "Town Forest Road").

The Board met for a short time at 2 p.m., at the site where the current right-of-way is located. The Board, along with Town Tree Warden, Roland "Slim" Payne, Sr. and interested land owner Shaun Brooks walked the length of the Town Forest Road from South Walden Road to the Town Forest. The 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 and introduced the minutes and prior testimony that it took on this particular road on January 29, 2014.<sup>1</sup> The Board then heard testimony from Roland "Slim" Payne, Sr., the Town Tree Warden, Karen Deasy, the Town Road Commissioner, Shaun Brooks, who owns the land over which the road runs, and from two neighbors. Mr. Payne adopted his prior January 2014 testimony about the history and use of the road as well as its necessity as the sole, established point of access to the Town Forest. Mr. Payne said nothing had occurred between the January 2014 hearing and the present hearing that would cause him to alter or to change his testimony. Ms. Deasy confirmed the accuracy of the survey, commented on the quality of the road, and spoke of the need for a Class-Four road to connect to the Town Forest. Mr. Brooks testified that he did not dispute the Town's right to use the right-of-way but was concerned with protecting his private property. Mr. Brooks further testified that he believed that making the private easement into a public road would put a burden on his property. The two neighbors testified that they used the town forest and have walked the road but questioned the need to turn it into a public road. A third neighbor, Frederick Pike did not testify but submitted a written objection to the public road. The minutes and exhibits of this hearing are attached and incorporated into this decision as Exhibit B.

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

1. The Town Forest Road proposed to become a town highway is intact, traversable and has no present impediments to travel.
2. The Town Forest Road is the sole established means of access to the 40 acre town forest.

<sup>1</sup> This road was the subject of an initial road hearing in January 29, 2014 and an April 2014 Return of Selectboard Decision. That Decision was effectively put on hold pending an agreement with the landowner to find and create an alternative route that was satisfactory to the Town. That Agreement expired in April 2015. The Board has elected to re-hear this matter but incorporates the prior hearing and findings within this process as the facts and underlying purpose remain the same. The Board's 2014 Decision and its accompanying Minutes are hereby incorporated into this decision as Exhibit C.

3. The Town Forest Road has been used by the Town and the general public since 1926 to access the town forest.
4. The town forest was originally a woodlot but has also been used by the town for public recreation including hiking, snow shoeing, bird watching, and other low impact activities. Since January 2014, these recreational activities have continued.
5. In each instance the public has used the Town Forest Road to access the Town Forest.
6. The Town has, in the past, maintained and performed work on the right-of-way.
7. During 2013, the Town Forest Road was blocked to the general public by the gate installed by Mr. Brooks.
8. Although Mr. Brooks has voluntarily kept the gate open for the past several months, the Town's strong interest remains in providing open and unfettered access to the town forest to the public and citizens of the Town.
9. The Town has invested and intends to continue to invest money in the town forest by installing a parking area, improving trails, and doing plantings.
10. 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.

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 prior existence of the right-of-way and evidence of its long-standing use by the Town and the public has physically created a well-established roadbed.
- D. The prior existence and long-standing use also mean that this action is essentially the conversion of a private road to a public road.
- E. In such cases, no damages attach to such a conversion as a matter of law. *Prince v. Town of Braintree*, 64 Vt. 540 (1892).
- F. No evidence has been presented that this conversion would deprive Mr. Brooks of any benefit of his labor or would cause substantial or unjust damages.
- G. 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 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 17 day of November, 2015, at Cabot, Vermont.

CABOT SELECTBOARD

John "Jack" Domb  
Chair, Selectboard  
Sumner Shapley  
Let Doney

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_

Received for recording this 17 day of November, 2015.

Attest: [Signature]  
Cabot Town Clerk

Betty Ritter  
Town Clerk - Treasurer  
Michelle Leclerc  
Assistant Clerk - Treasurer

**TOWN OF CABOT**  
PO Box 36  
Cabot, Vermont 05647

Office (802) 563-2279  
Fax (802) 563-2423

October 21, 2015

David Gage  
2155 Route 14 South  
East Montpelier, VT 05651

SUBJECT: Town Forest Road and Town Garage Road

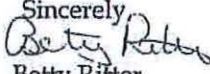
Dear Mr. Gage:

As abutting landowner to subject property we are advising you of the Notice of Public Hearing regarding these roads. I am listing below the meeting time and date. Please call if you have any questions.

**Cabot Selectboard Notice of Public Hearing**

The Town of Cabot Select Board will hold a public hearing on Monday, November 9, 2015 at 3:00 P.M. in the Willey Building to discuss a proposed conversion of the right-of-way- easement from South Walden Road to the Town Forest into a Class 4 Road and the Town Highway Garage Road under the provisions of Title 19; the public hearing will be preceded by a site visit at the Town Forest at 2:00 p.m. then proceed to Town Highway Garage Road.

After the visit to both sites, we will commence back to the Town Office Meeting Room (2<sup>nd</sup> floor).

Sincerely,  
  
Betty Ritter  
Cabot Town Clerk

Betty Ritter  
Town Clerk - Treasurer  
Michelle Leclerc  
Assistant Clerk - Treasurer

**TOWN OF CABOT**  
PO Box 36  
Cabot, Vermont 05647

Office (802) 563-2279  
Fax (802) 563-2423

October 21, 2015

Stephen Cox  
Patricia Brochu-Cox  
P. O. Box 142  
Cabot, VT 05467

SUBJECT: Town Forest Road and Town Garage Road

Dear Stephen and Patricia:

As abutting landowner to subject property we are advising you of the Notice of Public Hearing regarding these roads. I am listing below the meeting time and date. Please call if you have any questions.

**Cabot Selectboard Notice of Public Hearing**

The Town of Cabot Select Board will hold a public hearing on Monday, November 9, 2015 at 3:00 P.M. in the Willey Building to discuss a proposed conversion of the right-of-way- easement from South Walden Road to the Town Forest into a Class 4 Road and the Town Highway Garage Road under the provisions of Title 19; the public hearing will be preceded by a site visit at the Town Forest at 2:00 p.m. then proceed to Town Highway Garage Road.

After the visit to both sites, we will commence back to the Town Office Meeting Room (2<sup>nd</sup> floor).

Sincerely,  
  
Betty Ritter  
Cabot Town Clerk

Betty Ritter  
Town Clerk - Treasurer  
Michelle Leclerc  
Assistant Clerk - Treasurer

**TOWN OF CABOT**  
PO Box 36  
Cabot, Vermont 05647

Office (802) 563-2279  
Fax (802) 563-2423

October 21, 2015

Grace Cookson  
655 Oak Hill Road  
Northfield, NH 03286

SUBJECT: Town Forest Road and Town Garage Road

Dear Ms. Cookson:

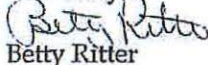
As abutting landowner to subject property we are advising you of the Notice of Public Hearing regarding these roads. I am listing below the meeting time and date. Please call if you have any questions.

**Cabot Selectboard Notice of Public Hearing**

The Town of Cabot Select Board will hold a public hearing on Monday, November 9, 2015 at 3:00 P.M. in the Willey Building to discuss a proposed conversion of the right-of-way- easement from South Walden Road to the Town Forest into a Class 4 Road and the Town Highway Garage Road under the provisions of Title 19; the public hearing will be preceded by a site visit at the Town Forest at 2:00 p.m. then proceed to Town Highway Garage Road.

After the visit to both sites, we will commence back to the Town Office Meeting Room (2<sup>nd</sup> floor).

Sincerely



Betty Ritter

Cabot Town Clerk



Betty Ritter  
Town Clerk - Treasurer  
Michelle Leclerc  
Assistant Clerk - Treasurer

**TOWN OF CABOT**  
PO Box 36  
Cabot, Vermont 05647

Office (802) 563-2279  
Fax (802) 563-2423

October 21, 2015

Randy Searles  
2639 South Walden Road  
Cabot, VT 05647

SUBJECT: Town Forest Road and Town Garage Road

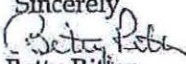
Dear Mr. Searles:

As abutting landowners to subject property we are advising you of the Notice of Public Hearing regarding these roads. I am listing below the meeting time and date. Please call if you have any questions.

**Cabot Selectboard Notice of Public Hearing**

The Town of Cabot Select Board will hold a public hearing on Monday, November 9, 2015 at 3:00 P.M. in the Willey Building to discuss a proposed conversion of the right-of-way- easement from South Walden Road to the Town Forest into a Class 4 Road and the Town Highway Garage Road under the provisions of Title 19; the public hearing will be preceded by a site visit at the Town Forest at 2:00 p.m. then proceed to Town Highway Garage Road.

After the visit to both sites, we will commence back to the Town Office Meeting Room (2<sup>nd</sup> floor).

Sincerely  
  
Betty Ritter  
Cabot Town Clerk

Betty Ritter  
Town Clerk - Treasurer  
Michelle Leclerc  
Assistant Clerk - Treasurer

**TOWN OF CABOT**  
PO Box 36  
Cabot, Vermont 05647

Office (802) 563-2279  
Fax (802) 563-2423

October 21, 2015

Denis Jacques  
Michael Jacques  
9 Jacques Street  
Barre, VT 05641

SUBJECT: Town Forest Road and Town Garage Road

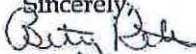
Dear Denis and Michael:

As abutting landowner to subject property we are advising you of the Notice of Public Hearing regarding these roads. I am listing below the meeting time and date. Please call if you have any questions.

**Cabot Selectboard Notice of Public Hearing**

The Town of Cabot Select Board will hold a public hearing on Monday, November 9, 2015 at 3:00 P.M. in the Willey Building to discuss a proposed conversion of the right-of-way- easement from South Walden Road to the Town Forest into a Class 4 Road and the Town Highway Garage Road under the provisions of Title 19; the public hearing will be preceded by a site visit at the Town Forest at 2:00 p.m. then proceed to Town Highway Garage Road.

After the visit to both sites, we will commence back to the Town Office Meeting Room (2<sup>nd</sup> floor).

Sincerely,  
  
Betty Ritter  
Cabot Town Clerk

Betty Ritter  
Town Clerk - Treasurer  
Michelle Leclerc  
Assistant Clerk - Treasurer

**TOWN OF CABOT**  
PO Box 36  
Cabot, Vermont 05647

Office (802) 563-2279  
Fax (802) 563-2423

October 21, 2015

TO: IJ and Erin Paquin  
2816A South Walden Road  
Cabot, Vermont 05647

SUBJECT: Town Forest Road and Town Garage Road

Dear Mr. and Mrs. Paquin

As abutting landowners to subject property we are advising you of the Notice of Public Hearing regarding these roads. I am listing below the meeting time and date. Please call if you have any questions.

**Cabot Selectboard Notice of Public Hearing**

The Town of Cabot Select Board will hold a public hearing on Monday, November 9, 2015 at 3:00 P.M. in the Willey Building to discuss a proposed conversion of the right-of-way- easement from South Walden Road to the Town Forest into a Class 4 Road and the Town Highway Garage Road under the provisions of Title 19; the public hearing will be preceded by a site visit at the Town Forest at 2:00 p.m. then proceed to Town Highway Garage Road.

After the visit to both sites, we will commence back to the Town Office Meeting Room (2<sup>nd</sup> floor).

Sincerely,



Betty Ritter  
Cabot Town Clerk

Betty Ritter  
Town Clerk - Treasurer  
Michelle Leclerc  
Assistant Clerk - Treasurer

**TOWN OF CABOT**  
PO Box 36  
Cabot, Vermont 05647

Office (802) 563-2279  
Fax (802) 563-2423

October 21, 2015

Shaun Brooks  
P. O. Box 30  
St. Albans, VT 05481

SUBJECT: Town Forest Road and Town Garage Road

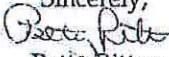
Dear Mr. Brooks:

As abutting landowner to subject property we are advising you of the Notice of Public Hearing regarding these roads. I am listing below the meeting time and date. Please call if you have any questions.

**Cabot Selectboard Notice of Public Hearing**

The Town of Cabot Select Board will hold a public hearing on Monday, November 9, 2015 at 3:00 P.M. in the Willey Building to discuss a proposed conversion of the right-of-way- easement from South Walden Road to the Town Forest into a Class 4 Road and the Town Highway Garage Road under the provisions of Title 19; the public hearing will be preceded by a site visit at the Town Forest at 2:00 p.m. then proceed to Town Highway Garage Road.

After the visit to both sites, we will commence back to the Town Office Meeting Room (2<sup>nd</sup> floor).

Sincerely,  
  
Betty Ritter  
Cabot Town Clerk

## Alley, Kerry

---

**From:** Croft, Johnathan  
**Sent:** Wednesday, July 15, 2015 2:31 PM  
**To:** 'ZACabot'  
**Cc:** Alley, Kerry; Trunzo, Michael  
**Subject:** RE: Cabot Town Highway maps

Good afternoon Karen,

Thank you for the feedback. We will work to add these shields onto the map and make the corrections. I expect Kerry will be able to make the necessary updates and send you out new maps.

We can also schedule a time to come and inventory the new highways off TH-2 off the South Walden Road. Michael Trunzo oversees our inventory work and can schedule a time to come and look at the new highways.

Please feel free to contact me with any questions or comments regarding the town highway maps, or mapping in general.

Johnathan Croft  
VTrans Mapping Section  
(802) 828-2600

-----Original Message-----

**From:** ZACabot [<mailto:ZACabot@fairpoint.net>]  
**Sent:** Wednesday, July 15, 2015 2:25 PM  
**To:** Croft, Johnathan  
**Subject:** Cabot Town Highway maps

Johnathan,

On Cabot's Town Highway map THWY 30 is not labeled it is off THWY 35.  
and Common Road THWY 52 is not labeled, THWY 40 has also disappeared.

These sections were on the village highway map. We will also have at least one if not two new roads to add next year both will be off THWY 2 South Walden Road. Will these need to be measured and inspected prior to January?

Thanks  
Karen Deasy

Zoning Administrator - Planner, Town of Cabot PO Box 36, 3084 Main Street Cabot, Vermont 05647 802-563-2279

**DRAFT**  
**SPECIAL HEARING - TOWN FOREST ROAD**  
**Monday, November 8, 2015 at 3:00 PM**

The Selectboard did meet as warned at the Willey Building on Monday, November 8, 2015 at 3:00 p.m. Those attending were Selectboard members Jack Daniels, Fred Ducharme, Ted Domey & Bernie Shatney; Dan Richardson, Cabot Town Attorney, Roland "Slim" Payne, Cabot Tree Warden, Sr. Shawn Brooks, I. J. Paquin, Erin Paquin, William Wheeler, Karen Deasey, Leonia Pike, and Betty Ritter, Town Clerk/Treasurer.

1. The Chair, Jack Daniels, called the meeting to order at 3:00 p.m. and the agenda was distributed.
2. The Chair then reviewed the agenda and noted that the Minutes from the Special Hearing held on January 29, 2014 will be included as part of the record and stated that if there was any new evidence to add to the first hearing, it will be added as part of this process.  
  
Dan Richardson administered an oath to Jack and asked if there were any significant changes to the road since January, 2014. Jack stated that parts of the road seem to be harder to navigate due to ruts. He stated that he would not drive his car on the road which he was able to do last year.
3. Jack then introduced Roland "Slim" Payne, Cabot Tree Warden. Dan Richardson swore in "Slim". Slim identified himself as the Tree Warden for the past 10 years and was familiar with the road for over 20 years. Mr. Richardson asked Slim if he thought the road was the same. He felt that it was close to the same, but perhaps a few more ruts.
4. Karen Deasey, Road Commissioner then was sworn in. Karen submitted two maps to include one showing the survey of the road and the other being a Town Highway map.
5. Shawn Brooks was then sworn in and stated that he was not disputing that the Town should have a right of way to the Town Forest, but that he was opposed to having it classified as a Class IV Road. The reason behind this was due to people coming up the road and going on his property where he has had vandalism in the past when it was not gated. He also stated that he felt that he complied with everything the Town asked him to do. The only reason he put the gate up was to protect his property.
6. Leonia Pike spoke after being sworn in and said that she has walked this road for approximately 8-10 years going into the Town Forest to walk around and she has never had any problems. She stated that if the town is going to make it a Class IV Road we may be asking for trouble from people dumping trash to possible drug problems. She is quite happy the way it is now.
7. Both I. J. and Erin Paquin were sworn in. They are landowners adjacent to the Town Forest and were concerned as to who would patrol the area and what happens with all of the trash and debris that may collect on the road. Their concern was also about kids coming up the road and underage drinking and any drug problems.
8. Jack thanked everyone for their attendance and their input and then recessed the meeting to enter into deliberative session.
9. Following Deliberative Session, Fred moved that the Selectboard approve the designation of the access road leading from the South Walden Road to the Town Forest as a Class 4 Road. Ted seconded the motion. The motion passed 3 to 1 with Bernie voting against the motion.

10. Fred moved that we adjourn the meeting, seconded by Bernie. Motion carried.

Respectfully submitted:

Betty Ritter, Town Clerk and Treasurer

**Cabot Select Board  
Notice of Public Hearing**

10/7/15

The Town of Cabot Select Board will hold a public hearing on Monday, November 9, at 3 p.m., in the Willey Building to discuss a proposed conversion of the right-of-way easement from South Walden Road to the Town Forest into a Class 4 Road and the Town Highway Garage Road under the provisions of Title 19; the public hearing will be preceded by a site visit at the Town Forest at 2 p.m., then proceed to Town Highway Garage Road.

Betty Ritter, Town Clerk

✓  
**INVOICE**

Date
10/29/15

**The Hardwick Gazette**

P.O. Box 367  
42 South Main Street  
Hardwick, VT 05843

Bill To

Town of Cabot  
P.O. Box 36  
Cabot, VT 05647

(802) 472-6521  
ads@thehardwickgazette.com

Date	Description	Kind	Col. Inches	Rate	Ad Cost	Amount
09/30/15	Balance forward					253.75
10/07/15	Select Board Public Hearing	Display	3.5	7.25	25.38	279.13
10/21/15	PMT #26579				-253.75	25.38
10/28/15	Snow Plowing	Display	4	7.25	29.00	54.38

BR  
gms

Due in 30 days	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	<b>Total</b>
\$54.38	\$0.00	\$0.00	\$0.00	\$54.38



**DRAFT**  
**SPECIAL HEARING - TOWN GARAGE ROAD**  
**Monday, November 8, 2015 at 4:00 PM**

The Selectboard did meet as warned at the Willey Building on Monday, November 8, 2015 at 4:00 p.m. Those attending were Selectboard members Jack Daniels, Fred Ducharme, Ted Domey, & Bernie Shatney; Dan Richardson, Cabot Town Attorney, I. J. Paquin, Erin Paquin, Karen Deasey, and Betty Ritter, Town Clerk/Treasurer.

Jack Daniels called the meeting to order at 4:00 p.m. and the agenda was distributed.

Dan Richardson stated that those that were sworn in at the preceding Town Forest Road Hearing would remain sworn in for this meeting. The road under consideration will serve as the entrance to the new Town Garage on the South Walden Road; the land is owned by the Town.

Mr. Richardson asked for the record about the permits for this road. Karen stated that the road is fully permitted. Jack added that Karen is the Road Commissioner and the Project Architect and oversees the project.

Karen submitted the survey prepared by Sunwise Surveying and said that it is true and accurate. Karen added that the Road has already been built.

I.J. Pacquin said that while he had no concerns about the road, he did have concerns about the culvert maintenance. Karen stated that the culvert would be maintained and that he and the Town could work out an arrangement to make sure the culvert is clear and nothing would be blocking it. He also wanted to be sure that it remains clear during the spring run-off and Karen assured him that we would work out an agreement to keep this culvert clean.

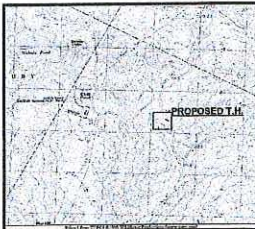
At this point there was no further discussion. Fred moved that we move into Deliberative Session; Ted seconded and the motion carried. The Selectboard then entered into Deliberative Sessions at 4:05 p.m. and came out at 4:20 p.m.

Following the Deliberative Session, Fred moved that the entrance to the Town Garage from the South Walden road be approved as a Class 3 road. Ted seconded. Motion carried.

Fred moved that we adjourn the meeting. Bernie seconded. Motion carried and the meeting adjourned.

Respectfully submitted:

Betty Ritter, Town Clerk and Treasurer

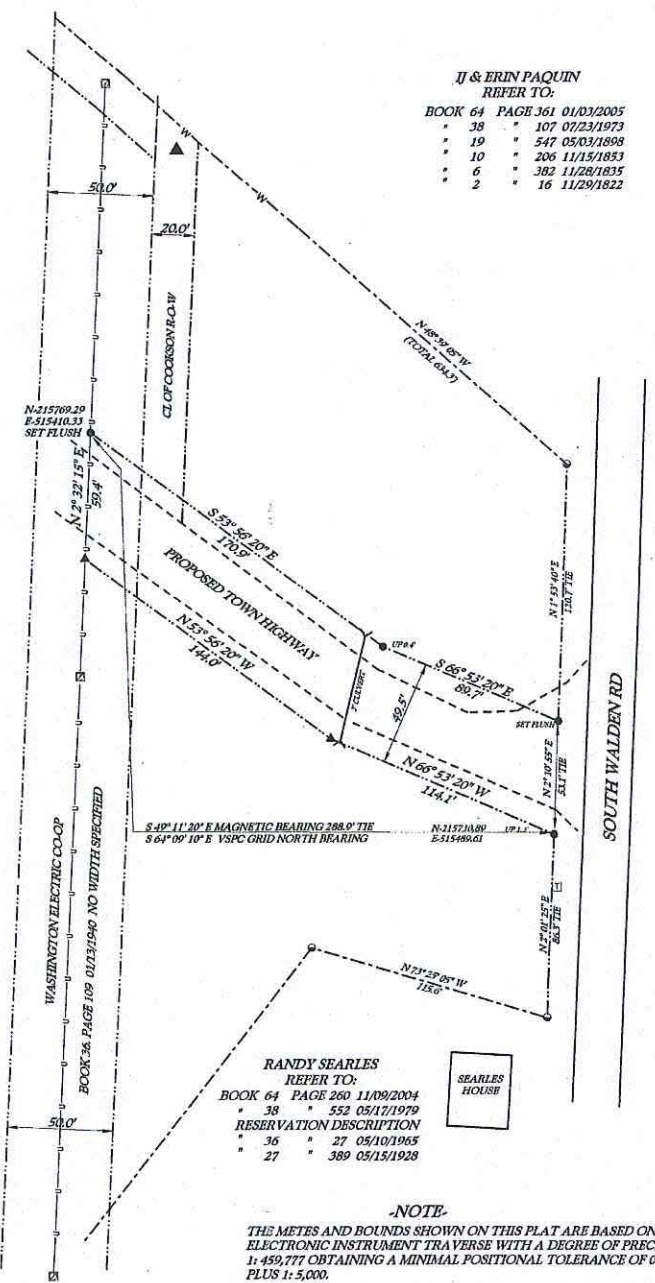


LOCUS- (NOT TO SCALE)

TOWN OF CABOT  
DEED REFERENCES:

BOOK 80	PAGE 666	06/05/2014
" 38	" 331	10/06/1976
" 27	" 389	05/15/1928
" 23	" 281	04/05/1916
" 13	" 481	09/30/1867
" 4	" 396	01/16/1816

SEE PLAT ENTITLED "PORTION OF PROPERTY BELONGING TO GRACE COOKSON PROPOSED AS A CONVEYANCE TO: TOWN OF CABOT SOUTH WALDEN ROAD (T.H. S.A.2) CABOT, VERMONT" DATED NOVEMBER, 2013 BY SUNWISE SURVEYING FILE No. A13-437



IJ & ERIN PAQUIN  
REFER TO:

BOOK 64	PAGE 361	01/03/2005
" 38	" 107	07/23/1973
" 19	" 547	05/03/1868
" 10	" 206	11/15/1853
" 6	" 382	11/28/1835
" 2	" 16	11/29/1822

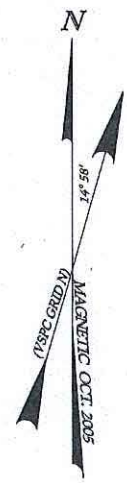
RANDY SEARLES  
REFER TO:

BOOK 64	PAGE 260	11/09/2004
" 38	" 552	05/17/1979

RESERVATION DESCRIPTION

" 36	" 27	05/10/1965
" 27	" 389	05/15/1928

**NOTE:**  
THE METES AND BOUNDS SHOWN ON THIS PLAT ARE BASED ON A CLOSED ELECTRONIC INSTRUMENT TRAVERSE WITH A DEGREE OF PRECISION OF 1: 459,777 OBTAINING A MINIMAL POSITIONAL TOLERANCE OF 0.25 FEET PLUS 1: 5,000.  
THE BEARINGS SHOWN ARE BASED ON MAGNETIC NORTH AS OBSERVED AT THE SITE ON AUGUST 25, 2000 AND SERVE ONLY TO DEFINE THE ANGULAR RELATIONSHIP BETWEEN ADJOINING COURSES.  
THE VT STATE PLANE COORDINATES ARE BASED FIXED POSITIONS OF POST PROCESSED GNSS SHOTS TAKEN AT THE SITE ON OCTOBER 23, 2015

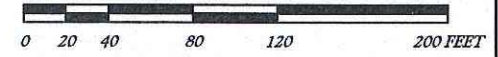


**-CERTIFICATION-**

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE BASED ON AND CONSISTENT WITH THE DEED AND PLAT REFERENCES LISTED AND IS IN COMPLIANCE WITH VERMONT STATUTE TITLE 19 V.S.A. SECTION 33 AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



SCALE: 1 INCH = 40 FEET



**-LEGEND-**

---	PROPERTY LINE
---	ROAD RIGHT-OF-WAY
---	EDGE OF GRAVEL ROAD
---W---	WOVEN WIRE FENCE
○	5/8" DIA. REROD FOUND
●	5/8" DIA. REROD SET
▲	UNMARKED POINT

SURVEY OF PROPOSED TOWN HIGHWAY FOR:  
**TOWN OF CABOT**  
SOUTH WALDEN ROAD (T.H. No. S.A.2) CABOT, VERMONT

SCALE:	1 INCH=40 FEET
DATE:	NOVEMBER, 2015
SURVEYED BY:	LMG
DRAFTED BY:	URP
CHECKED BY:	LMG

SUNWISE SURVEYING

FILE No. A 15 - 461

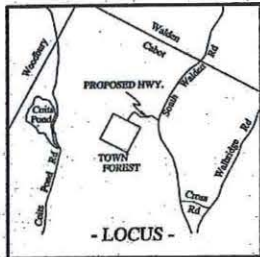
Cabot, Vermont Town Clerk's Office  
 on April 17, 2014 at 10:30 a.m.  
 Received the foregoing instrument for record.  
 A True Copy,  
 Michèle Stelen, Asst. Clerk

This plat meets the requirements of 27 VSA 1403

(Signature)

Regno, Winooki, VT hereby certifies this map was reproduced according to state specifications.

*CF Jigal*



BOURDEAU BROTHERS  
 DEED REFERENCES  
 BOOK 54 PAGE 255 5/1/1999  
 " 11 " 426 10/27/1859

CABOT TOWN FOREST  
 DEED REFERENCES  
 BOOK 21 PAGE 427 12/7/1907  
 " 15 " 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

**CENTERLINE COURSES**

L1	N 71°12'55" W	126.3'
L2	N 54°34'35" W	17.3'
L3	N 22°26'30" W	97.0'
L4	N 34°20'50" W	80.5'
L5	N 79°13'50" W	96.7'
L6	N 75°58'05" W	133.4'
L7	N 88°10'00" W	67.5'
L8	N 79°11'20" W	103.1'
L9	N 72°59'40" W	85.2'
L10	N 79°10'15" W	39.5'
L11	N 60°46'45" W	35.1'
L12	N 35°54'20" W	216.0'
L13	N 32°58'30" W	107.5'
L14	N 23°41'25" W	29.1'
L15	N 81°18'05" W	37.5'
L16	S 75°23'50" W	63.6'
L17	S 65°34'25" W	86.9'
L18	S 72°40'30" W	56.2'
L19	S 60°04'25" W	59.6'
L20	S 45°10'15" W	149.2'
L21	S 34°57'30" W	84.2'
L22	S 36°46'45" W	50.0'



**LEGEND**

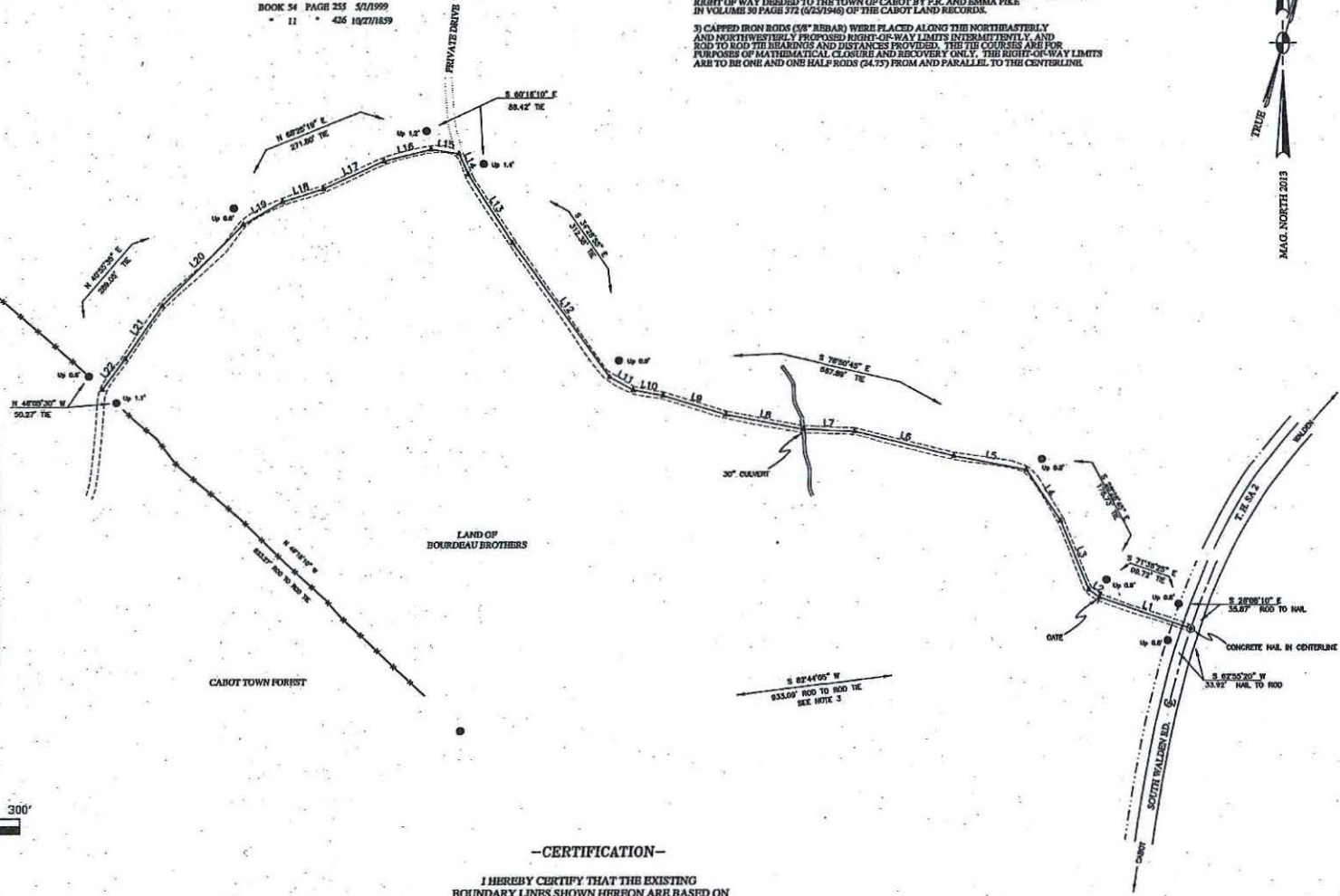
- L20 PROPOSED CENTERLINE SEGMENT (# 20)
- LIMIT OF EXISTING TOWN HIGHWAY RIGHT OF WAY
- EXISTING WOODS ROAD (SEE NOTE 2)
- 5/8" REBAR SET WITH CAP
- CONCRETE NAIL SET IN CENTERLINE INTERSECTION
- UNMARKED POINT
- CENTERLINE

**-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.



**-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 1/26.72". 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. THOSE COURSES 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 (5/25/1946) OF THE CABOT LAND RECORDS.
- 3) CAPPED IRON RODS (5/8" REBAR) WERE PLACED ALONG THE NORTHEASTERLY AND NORTHWESTERLY PROPOSED RIGHT-OF-WAY LIMITS INTERMITTENTLY, AND ROD TO ROD. THE BEARINGS AND DISTANCES PROVIDED, THE COURSES ARE FOR PURPOSES OF MATHEMATICAL CLOSURE AND RECOVERY ONLY. THE RIGHT-OF-WAY LIMITS ARE TO BE ONE AND ONE HALF RODS (24.75') FROM AND PARALLEL TO THE CENTERLINE.



SURVEY OF CENTERLINE OF PROPOSED CABOT TOWN HIGHWAY CABOT, VERMONT	
SCALE:	1" = 100'
DATE:	FEB. 2014
SURVEYED:	R W B
DRAFTED:	R W B

**Russell Brown**  
Land Surveying

PROJECT # 14-138

## Alley, Kerry

---

**From:** ZACabot <ZACabot@fairpoint.net>  
**Sent:** Wednesday, August 13, 2014 11:46 AM  
**To:** Alley, Kerry  
**Cc:** Moulton, Sara; Croft, Johnathan  
**Subject:** Re: Questions about Cabot TH-43  
**Attachments:** 140813111834\_0001.pdf

Kerry,

I have attached the page reference you indicated. I need to confirm where Wilson's pasture gate is. If it is where the current road ends it would mean the current impassible section is actually discontinued.

Thanks! I will let you know what I find.

Karen

Zoning Administrator - Planner, Town of Cabot PO Box 36, 3084 Main Street Cabot  
On 8/12/2014 7:37 PM, Alley, Kerry wrote:

Hello Karen,

Johnathan Croft is out on leave for two weeks, but hopefully I can convey what we know (and don't know) about Cabot TH-43.

Here is a summary of the historic changes to TH-43 I have found in our records. I have also included some comments based on that information that might be relevant to any resolving any discrepancies between your records and ours. These records can be easily updated if you provide us with copies of the relevant documentation.

In 1956, our mileage records show TH-43 with 1.98 mi (classified as traveled) north of the intersection with TH-56 (now Thistle Hill Rd.), and 1.75 mi (classified as untraveled) south of the intersection with TH-56.

In 1958, our records show the northern (traveled) portion decreasing in length by 0.90 mi (0.62 mi due to a discontinuance, and 0.28 renumbered as TH-12), leaving 1.08 mi (traveled) and 1.75 mi (untraveled).

In 1973, after the Act 63 field inventory/check, a [scanned map](#) suggests that the southernmost end of the untraveled portion of TH-43 was discontinued in 1925. A note on the map indicates there is a record in Cabot's Hwy Bk 1, p. 230, of a discontinuance of TH-43 past the former W.Wilson Place. That map also shows that the remaining 0.83 miles of untraveled TH-43 extended from the intersection with TH-56 to the former W.Wilson Place. This change has been shown on the Cabot Town Highway Map starting in 1973. The traveled mileage (north of the intersection with TH-56) remained at 1.08 mi.

In 1974, all untraveled town highways became class 4 town highways, and traveled highways became class 3 town highways. Therefore TH-43 consisted of 1.08 mi of class 3, and 0.83 mi of class 4 town highway.

• Clarifying end of TH-43  
Where was turnoff (drive) to Wilson farm?

## Alley, Kerry

---

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**Sent:** Wednesday, August 13, 2014 11:46 AM  
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**Cc:** Moulton, Sara; Croft, Johnathan  
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Karen

Zoning Administrator - Planner, Town of Cabot PO Box 36, 3084 Main Street Cabot, Vermont 05647 802-563-3139  
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In 1974, all untraveled town highways became class 4 town highways, and traveled highways became class 3 town highways. Therefore TH-43 consisted of 1.08 mi of class 3, and 0.83 mi of class 4 town highway.

I do not have any documentation stating how the value of 0.83 was obtained, but it is a measure that dates back to 1973 when we first showed the discontinuance on the town highway map. Ideally, the discontinuance would have been processed separately from the Act 63 reclassification of the untraveled highway to class 4 town highway. However, mileage records were not maintained for untraveled highways, so when Act 63 took effect, the class 4 mileage appears to have simply been set to reflect the newly-found previously-undocumented discontinuance rather than leaving a paper trail of mileage changes. If records clearly describing the layout/endpoints of the highway are inconsistent with the 0.83 mi measure on record, then we can work on determining a new measure.

Based on imagery we have of the area, E911 address data, and an atlas from the 1860's showing a W. Wilson place along that portion of TH-43, my tentative conclusion is that the CL4 TH-43 ends somewhere near the farmhouse with the E911 address 547 Wheeler Rd. This location could be revised/clarified if you provide us with more detailed information. The mileage can also be updated by conducting a field inventory, assuming the current layout of the highway reflects its original layout. Currently, we are mapping the class 4 portion extending past the 547 Wheeler Rd address, suggesting that the class 4 mileage may indeed be less than the 0.83 mi on record. However, additional information could make that prediction irrelevant.

If you could provide me with a copy of the discontinuance mentioned above, as well as documentation of any other changes to the southern portion of TH-43, it might help me clarify the physical location of its endpoint!

In case you are interested, other archived Town Highway Maps are available from our website here: <http://vtransmaps.vermont.gov/mapsftp/default.asp>.

Please let me know if you have any other questions,

Kerry

---

Kerry Alley  
AOT Mapping & GIS Specialist  
Vermont Agency of Transportation (VTrans)  
[Kerry.Alley@state.vt.us](mailto:Kerry.Alley@state.vt.us)  
(802) 828-3666

-----Original Message-----

From: ZACabot [<mailto:ZACabot@fairpoint.net>]  
Sent: Monday, August 11, 2014 2:19 PM  
To: Croft, Johnathan  
Subject: Class 4 road clarificatopn

Jonathan,

I am doing some research into the length of an existing class 4 road in the Town of Cabot. It is identified on our Town Highway map as part of #43 but is known as Wheeler RD. There are differences in our Town Highway maps as to the length of the various portions that have been discontinued. Do you have any information on how to determine where the class 4 portion ends? The portion of interest is where Whittier Hill, intersects with Thistle Hill running in a southerly direction. It is indicated as a .83 mile length of road.

Thank you

Karen Deasy RA

Zoning Administrator - Planner, Town of Cabot PO Box 36, 3084 Main Street Cabot, Vermont 05647 802-563-3139

11119

### Notice

The Selectmen of the Town of Cabot will meet at the residence of Fred Sakin in the Town of Cabot Saturday December 5<sup>th</sup> 1925. at 1000 o'clock A.M. to know all land owners and parties interested, and of a certain highway which the Selectmen propose to discontinue by the General Laws of Vermont proposed to be discontinued being a certain piece of highway leading from Molly Brook Road to the main highway at a part near the house of Fred Sakin...

leading from Molly Brook Road so called by the old Samburston Mill site to the main highway at a part near the house of Fred Sakin...  
 leading from Molly Brook Road so called to the farm known as the Wilson farm now owned by Will Walker (S. part of T.H. 43)

Unmapped, east of TH-53

TH-43

Cabot H. Town Clerk office Nov 21, 1925 recd. this instrument at 8 o'clock P.M. of which the foregoing is a true and correct copy.  
 attest, B. G. Rogers Town Clerk

### Notice

The Selectmen of the Town of Cabot will meet at the Town Clerk's office in Cabot Dec. 7<sup>th</sup> 1 P.M. to know all land owners and parties interested and to examine the provisions of the part of a certain highway which section of highway the aforesaid Selectmen propose to discontinue by authority vested in them by the General Laws of Vermont. said section of highway proposed to be discontinued being described as follows: being a certain piece of highway in the Town of Cabot leading from Molly Brook Road so called to the farm known as the Wilson farm now owned by Will Walker

A. J. Smith }  
 J. A. White } Selectmen  
 H. H. Carpenter } of the  
 Town of Cabot

Cabot H. Town Clerk office Nov 25, 1925 recd. this instrument at 10 o'clock A.M. of which the foregoing is a true and correct copy

attest, B. G. Rogers Town Clerk



229

### Notice

The Selectmen of the Town of Cabot will meet at the residence of Fred Lakin in the Town of Cabot Saturday December 5<sup>th</sup> 1925. at 10.00 o'clock A.M. to know all land owners and parties interested, and to examine the premises of the part of a certain highway, which section of highway the aforesaid Selectmen propose to discontinue by authority vested in them by the General Laws of Vermont. said section of highway proposed to be discontinued being described as follows: being a certain piece of highway in the Town of Cabot leading from Mally Brook Road so called by the old Lamberton Mill Site to the main highway at a point near the house of Fred Lakin

Dated at Cabot Vermont this 21<sup>st</sup> day of November 1925  
 A. J. Smith } Selectmen of  
 R. A. White } the Town of  
 N. H. Carpenter } Cabot

Cabot H. Town Clerk's office Nov 21. 1925 recd. this instrument at 8 o'clock P.M. of which the foregoing is a true read  
 attest: B. G. Rogers Town Clerk

X

### Notice

The Selectmen of the Town of Cabot will meet at the Town Clerk's office in Cabot Dec. 7<sup>th</sup>. 1 P.M. to know all land owners and parties interested and to examine the premises of the part of a certain highway which section of highway the aforesaid Selectmen propose to discontinue by authority vested in them by the General Laws of Vermont. said section of highway proposed to be discontinued being described as follows: being a certain piece of highway in the Town of Cabot leading from Mally Brook Road so called to the farm known as the Wilson farm now owned by Will Walker

A. J. Smith } Selectmen of  
 R. A. White } the  
 N. H. Carpenter } Town of Cabot

Cabot H. Town Clerk's office Nov 25. 1925 recd. this instrument at 10. o'clock A.M. of which the foregoing is a true read  
 attest: B. G. Rogers Town Clerk

X

Cabot H. Dec 7. 1925

In accordance with the recorded notice on Page 229 of the record book of Highways, vs the Selection of Cabot met in the Town Clerk's office and decided to discontinue the road described therein upon the following conditions, that the Mally's Falls Electric Light & Power Co. pay to W. C. Walker One Hundred Dollars. Said W. C. Walker agreeing to release the Town from all damage resulting from closing said road upon receipt of One Hundred Dollars.

A. J. Smith }  
R. A. White } Selection  
N. H. Carpenter }

Cabot H. Dec 7, 1925 record the instrument at 3 o'clock P.M. of which the foregoing is a true and correct copy.  
Attest B. H. Rogers Town Clerk

TH not mapped,  
east of TH-58  
(shown on Biers  
map of Cabot?)

X

Notice

The Selectmen of the Town of Cabot will meet at the residence of Fred Sakin in the Town of Cabot, Saturday March 20, 1926 at 10 o'clock A.M. to hear all land owners and parties interested, and to examine the proposals of the part of a certain highway which section of highway the aforesaid Selectmen propose to discontinue by authority resting in them by the General Laws of Vermont.

Said section of highway proposed to be discontinued being described as follows: being a certain piece of highway in the Town of Cabot leading from the Mally Brook road is called by the old Southwestern Mill site to the main highway at a point near the residence of Fred Sakin.

Dated at Cabot Vermont this 8th day of March 1926

R. A. White }  
N. H. Carpenter } Selection of  
Albert J. Smith } the Town of  
Cabot

Cabot H. Town Clerk's office March 8, 1926 record the instrument at 11 o'clock A.M. of which the foregoing is a true and correct copy.  
Attest B. H. Rogers Town Clerk

# Cabot TH-43

<u>1949</u>	<u>1956</u>		<u>1961</u>		<u>1973</u>
0.20	0.20		(-0.28 to TH-12)	} (0.90)	-
0.70	0.70	← mention of discontinuity this on 1958 map	(-0.62 disc 1961 cert)		-
0.42	0.42		0.42	(+.07)	0.49
0.33	0.33		0.33	(-.07)	0.26
0.33	0.33		0.33	remeasure?	0.33
<u>1.75</u>	<u>(1.75)</u>		<u>(1.75)</u>	<u>(0.83) + [-0.92]</u>	1925 discount.
3.73	1.98 + (1.75)		1.08 + (1.75)	Shown on 1973 Revisions (revision K)	1.08 + (0.83)

\*1<sup>st</sup> time mileage

shown for untr./CL4

View the [complete text](#) of this act

---

**Act No. M-24**

(H.794)

**Municipal government; municipal charters; merger;  
town of Cabot; village of Cabot**

This act approves the merger of the town of Cabot and the village of Cabot.

Date Signed by the Governor: May 20, 2010

Effective Date: On passage (May 20, 2010, the date on which the governor signed the bill)

**No. M-24. An act relating to approval of the merger of the Town of Cabot and the Village of Cabot.**

(H.794)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. APPROVAL OF MERGER

The general assembly approves the plan of merger of the Town of Cabot and the Village of Cabot as set forth in this act. The plan of merger was approved by the voters of the Town of Cabot and the voters of the Village of Cabot on March 2, 2010.

Sec. 2. PLAN OF MERGER

CHAPTER 1. MERGER

SECTION 101. MERGER OF THE VILLAGE AND TOWN OF CABOT

Effective as of midnight at the end of December 31, 2010, the Village of Cabot, as constituted by No. 172 of the Acts of 1866, as amended, shall merge with and into the Town of Cabot within its present geographic limits, as a single municipal corporation under the name of the Town of Cabot, and the Village of Cabot shall, except as hereinafter specifically provided, cease to exist as a political entity or body corporate and its charter shall be abolished.

SECTION 102. ASSETS TRANSFERRED AND LIABILITIES ASSUMED

(a) Upon the effective merger date, all assets of whatever kind, nature, and description, including lands; easements; rights and interests in lands; buildings and other improvements; vehicles, equipment, and other personal property;

funds; grants; assessed but uncollected taxes and charges, including water rents and charges, together with the lien rights and enforcement powers of the Village of Cabot therefor; monies; rights, claims, actions, and contracts; rights of action in legal or administrative proceedings; insurance policies; and documents and records owned, claimed, or held by the Village of Cabot shall become vested in and become assets owned by the Town of Cabot without any further act, deed, or instrument being necessary.

(b) Any and all property held in trust by the trustees of the Village of Cabot or any officer thereof shall become vested in the selectboard of the Town of Cabot and their successors, or in the respective officer of the town and his or her successor, as the case may be, and shall continue to be held in trust for the same uses as before the merger, all without any further act, deed, or instrument being necessary.

(c) Upon the effective merger date, the Town of Cabot shall assume and be obligated to pay or otherwise perform each and every lawful obligation, debt, claim, bonded indebtedness, and other liability of the Village of Cabot without any further act, deed, or instrument being necessary.

(d) Prior to the effective merger date, the officers of the Village of Cabot shall settle, so far as possible, the financial affairs of the Village of Cabot and, on that date, turn over to the proper officers of the Town of Cabot all records, books, documents, and property of the Village of Cabot.

SECTION 103. FINANCES

On the effective merger date:

(1) The funds and other assets of the Village of Cabot for its general fund, along with its corresponding liabilities, shall become those of the Town of Cabot for its general fund.

(2) The funds and other assets of the Village of Cabot for its water department, along with its corresponding liabilities, shall become those of the Town of Cabot for its water department.

(3) All of the other funds, assets, and liabilities of the Village of Cabot except as herein specifically provided shall become those of the Town of Cabot as part of its general fund and of its general assets and liabilities.

SECTION 104. EXISTING ORDINANCES

On the effective merger date, the existing village water use ordinance will become the water use ordinance of the Town of Cabot, and until such time as the ordinance is amended according to law, the appropriate town officers shall perform the duties and responsibilities of the corresponding village officers specified therein.

SECTION 105. WATER RATES

All water rates of the Village of Cabot in effect at the time of merger shall continue in effect until changed in accordance with the water use ordinance of the Town of Cabot.

SECTION 106. GOVERNANCE

The governance structure of the Town of Cabot shall not be altered by the adoption of this plan of merger. On the effective merger date, all duties, obligations, and powers of appointment of the village trustees shall be assumed by the town selectboard. The duties, powers, and responsibilities of the village water commissioners shall also be assumed by the town selectboard. All the functions and obligations of the village clerk, treasurer, and auditor shall be assumed by the town clerk, treasurer, and auditors.

SECTION 107. VILLAGE TAX

Upon the effective date of merger, the so-called village tax, which currently supports the Village of Cabot general fund, shall be discontinued.

SECTION 108. VOTES REQUIRED FOR EFFECT

This plan of merger shall take effect if this plan is approved by the:

- (1) voters of the Town of Cabot at a properly warned election;
- (2) voters of the Village of Cabot at a properly warned election; and
- (3) Vermont general assembly.

CHAPTER 2. WATER AND SEWER DEPARTMENTS

SECTION 201. EXISTING WATER AND SEWER DEPARTMENTS

(a) The municipal water system taken over from the Village of Cabot and any additions thereto shall be maintained separate from all other departments of the town, and all rents and revenue therefrom not necessary for current



expenditures therefor shall be placed in a special fund, no part of which may be used for any other purpose.

(b) The municipal sewage system, not including the separate storm drain pipe lines, and all extensions thereto shall be maintained separate from all other departments of the town, and all rents and revenues therefrom not necessary for current expenditures therefor shall be placed in a special fund, no part of which may be used for any other purpose.

(c) All revenues required to support the municipal water and sewer departments shall be raised in accordance with the applicable local ordinances.

SECTION 202. VOTING PROCEDURES FOR WATER AND SEWER;

CAPITAL IMPROVEMENTS AND EXTENSIONS

Voting for capital improvements for water or sewer service within the areas served by the water and sewer systems shall be in accordance with state law and the applicable local ordinances.

CHAPTER 3. GENERAL PROVISIONS

SECTION 301. SEVERABILITY

If any provision of this plan of merger shall, for any reason, be held invalid, such invalidity shall not affect the remaining provisions which can be given effect without the invalid provision. To this end, the provisions of this plan of merger are severable.

SECTION 302. CONTINUANCE IN OFFICE

This plan of merger shall not affect the terms of any elected or appointed town official. The terms of all officers of the Village of Cabot shall terminate on the effective merger date.

SECTION 303. MUNICIPAL LAWS

(a) No existing ordinance, regulation, or bylaw of the Town of Cabot shall be altered or affected by the adoption of this plan of merger, except as specified herein.

(b) The adoption of this plan of merger shall not alter the existing practices and procedures by which the Town of Cabot elects or appoints its officers, adopts local regulations, bylaws, and ordinances, or approves budgets and bonds, except as specified herein.

(c) All ordinances, regulations, and bylaws enacted by the Village of Cabot which are in force on the effective merger date shall remain in full force and effect as ordinances, regulations, and bylaws of the Town of Cabot, until amended, altered, or repealed according to law.

SECTION 304. REFERENCE TO STATUTE

If any matter mentioned in this plan of merger is said to be controlled by a specific statute, the reference to that statute shall include the statute as amended or renumbered, or any statute substituted therefor and having a similar subject matter.

SECTION 305. AMENDMENT OF PLAN OF MERGER

This plan of merger may be amended as set forth by the general laws of the state of Vermont.

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: May 20, 2010