

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2000

RECEIVED
JAN 26 2000
TECHNICAL
SERVICES

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2000
to: VT Agency of Transportation, Technical Services Division, Drawer 33, Montpelier, VT 05633.

We, the Selectman or Trustee or Alderman of WILMINGTON in WINDHAM County
on an oath state that the mileage of highways, according to Title 19, V.S.A, Sec #305, added 1985, is as follows:

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

RECEIVED FOR RECORD
THIS 20 DAY OF JAN AD. 2000
AT 8 O'CLOCK - MINUTES P. M AND
RECORDED IN BOOK # 13 PAGE 465
ATTEST

Town Highways	Previous Mileage	Added Mileage	Substracted Mileage	Total	Scenic Highways
Class 1	0.000				0.000
* Class 1 Lane	0.000				
Class 2	9.850			9.850	0.000
Class 3	52.850	1.310	.140	54.020	0.000
State Highway	14.696			14.696	0.000
Class 4	6.190			6.190	0.000
Total	77.396			78.570 78.566	0.000

* Class 1 Lane Mileage and Class 4 is NOT included in total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

- NEW HIGHWAYS: Please attach Selectman's "Certificate of Completion and Opening".
Abbie Lane, .09; Arctic Circle, .24; Buck Hill Road, .12; High Top Road, .27;
Low Land Loop, .28; Meadow View Road, .12; Twin Brook Road, .19 TOTAL 1.31 miles
- DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).
Windswept Drive TH 73 (formerly Beaver Brook Road) .09 mile
A portion of Depot Street TH # 57 248 feet = .05 mile
- RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
- 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.

Selectman/ Alderman/ Trustees Signatures:

Frank Askenit
Chris Brown
Donald Rogers
Paul [Signature]

Clerk Signature:

[Signature] Date Filed: 9/20/00

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

[Signature] DATE: 1/26/00
Representative, Agency of Transportation

FILE COPY

WILMINGTON TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
THIS 16 DAY OF DEC AD. 19 99
AT 4 O'CLOCK - MINUTES P M AND
RECORDED IN BOOK 171 PAGE 467
ATTEST *[Signature]* TOWN CLERK

RECEIVED
JAN 26 2000
TECHNICAL
SERVICES

CERTIFICATE OF COMPLETION AND ACCEPTANCE AS PUBLIC HIGHWAYS WILMINGTON, VERMONT

WHEREAS, Windham Superior Court, in the matter of Chimney Hill Owners Association, Inc., et al, v. Town of Wilmington, Civil Action Docket No: S461-12-96 Wm cv, Honorable John P. Meaker, presiding, issued a Judgment dated 23 December 1998;

WHEREAS, on or about 14 January 1999 Chimney Hill Owners Association, Inc., gave notice to the Board of Selectmen for the Town of Wilmington it would prepare the following roads for acceptance by the Town of Wilmington during 1999: Abbie Lane, Arctic Circle, Buck Hill Road, High Top Road, Low Land Loop, Meadow View Road, Twin Brook Road, and View Road;

WHEREAS, Chimney Hill Owners Association, Inc. has paid the Town of Wilmington the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) in accord with II of the Judgment;

WHEREAS, Abbie Lane, Arctic Circle, Buck Hill Road, High Top Road, Low Land Loop, Meadow View Road, Twin Brook Road, and View Road have been surveyed by William R. Creamer, a Vermont licensed professional surveyor (No. 681) of Dauchy-Creamer Associates, LLC, and surveys thereof (entitled "Road Layout of a Portion of Chimney Hill, Wilmington, Windham County, Vermont"), have been prepared in accord with the standards set forth in 27 V.S.A. § 1403, mylars of which have been delivered by Chimney Hill Owners Association, Inc., to the Town of Wilmington for recording in the public records;

WHEREAS, Edward H. Floyd, P.E., a Vermont Registered Professional Engineer, has certified that he inspected all work as it progressed and has certified to the Town of Wilmington that all work has been accomplished in accord with the terms of the Judgment; and

WHEREAS, the graveled width of the traveled portions of the roads identified below have been constructed in accord with the provisions of III(c), (d) and (e) of the aforesaid Judgment;

WHEREAS, Chimney Hill Owners Association, Inc., has caused to be executed Warranty Deeds and the required accompanying Vermont Property Transfer Tax Returns conveying to the Town of Wilmington fee title to the following roads: MEADOW VIEW ROAD, BUCK HILL ROAD, HIGH TOP ROAD, ABBIE LANE, LOW LAND LOOP, TWIN BROOK ROAD, and ARCTIC CIRCLE.

WHEREAS, such Warranty Deeds and the required accompanying Vermont Property Transfer Tax Returns have been delivered to the Town of Wilmington for recording in the Land Records;

NOW, THEREFORE, in accord with the terms of the aforesaid Judgment, the Board of

Selectmen of the Town of Wilmington accept the aforesaid Engineer's Certification, the aforesaid surveys, and the Warranty Deeds to Meadow View Road, Buck Hill Road, High Top Road, Abbie Lane, Low Land Loop, Twin Brook Road, and Arctic Circle, and declare the following to be Class III highways within the Town of Wilmington in accord with the Judgment of the Court and the descriptions thereof contained in the aforesaid surveys:

- Meadow View Road - length of road .12 miles,
- Buck Hill - length of road .12 miles,
- High Top Road - length of road .27 miles,
- Abbie Lane - length of road .09 miles,
- Low Land Loop - length of road .28 miles,
- Twin Brook Road - length of road .19 miles, and
- Arctic Circle - length of road .24 miles.

The Board does not accept VIEW ROAD at this time because it encroaches upon Lot 106 and Lot 107, those holding legal interests therein needing to relinquish such interests to Chimney Hill Owners Association, Inc., before the Board will accept a deed thereto.

Dated at Wilmington, County of Windham, State of Vermont, this 15th day of December, 1999.

In Presence Of:

Town of Wilmington
Board of Selectmen

Mary E. Towne
Witness

Jim Blundell
Witness

Fred Ashmitt

Hubert

Donald Gregory

Paul

Jim Todd

RECEIVED
JAN 26 2000
TECHNICAL
SERVICES

**NOTICE OF HEARING
TO CONSIDER DISCONTINUANCE OF
A PORTION OF A PUBLIC HIGHWAY**

WILMINGTON TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
THIS 28 DAY OF APR. 1999
AT 11 O'CLOCK - MINUTES A.M.
RECORDED IN BOOK 2 PAGE 456
ATTEST *[Signature]* TOWN CLERK

(A PORTION OF DEPOT STREET, TH # 57)

The Wilmington Selectboard, pursuant to the authority of 19 VSA Section 708, et seq., hereby give notice that on the 29th day of April, 1998, they will meet and examine the location of the public highway (Depot Street, TH #57) at 7:00 o'clock PM. Immediately following the site visit, the Board will adjourn to the Meeting Room at the Wilmington Town offices to hear interested persons give testimony on the question of whether or not to discontinue a portion of Town Highway #57, known as Depot Street. The portion being considered for discontinuation begins at the intersection of Shafter and Depot Streets and continues on Depot Street for approximately 248 feet. Testimony will be taken at the hearing following the site visit. No testimony will be taken at the site visit.

Dated at Wilmington, Vermont this 25th day of March, 1998.

WILMINGTON SELECTBOARD

[Signature: Fred J. Skwirut]
Fred J. Skwirut, Chair

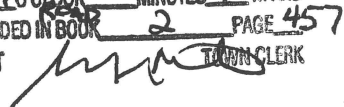
[Signature: Merrill A. Mundell, Jr.]
Merrill A. Mundell, Jr.

[Signature: Michael B. Penson]
Michael B. Penson

[Signature: Donald De Jong]
Donald De Jong

[Signature: Paul Kasanoff]
Paul Kasanoff

TOWN CLERKS OFFICE
WILMINGTON, VERMONT
Received 4/28/99
At 11 Hrs. - Min. A M
[Signature]

WILMINGTON TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
THIS 28 DAY OF APR A.D. 1999
AT 11 O'CLOCK - MINUTES 11 AM AND
RECORDED IN BOOK 2 PAGE 457
ATTEST  TOWN CLERK

DEPOT STREET. TH #57

REPORT OF FINDINGS OF THE BOARD OF SELECTPERSONS

Pursuant to the authority of 19 VSA, Chapter 7, the attached *NOTICE OF HEARING TO CONSIDER DISCONTINUANCE OF A PORTION OF A PUBLIC HIGHWAY (Depot Street, TH #57)* was issued on March 25, 1998. On March 27, 1998, copies of the Notice were sent by certified mail to Deerfield Valley Supply Company, Inc., Cathy Flower and Guy Ritchott, Alberta Grob, and Robert and Arlene Pike, persons owning lands through which the highway now passes or abuts. Copies of the Notice were also sent on March 27, 1998 to the Wilmington Planning Commission, Wilmington Police Chief, Wilmington Fire Chief, Wilmington Road Supervisor, and Chief Operator of the Wilmington Wastewater and Compost Facility. The Notice was posted in the Town Clerk's office on March 27, 1998 and published in the Deerfield Valley News on April 02, 1998.

In accord with the Notice of Hearing, all five (5) members of the Wilmington Selectboard met at 7:00 o'clock PM on Wednesday, the 29th day of April 1998, to examine the portion of the highway proposed for discontinuance. Interested persons and members of the public accompanied the members of the Board. Among those present were landowners Ed and Elaine Libby, Cathy Flower, Robert Pike, Arlene Pike. Others present were Sonia Alexander, Mary Towne, Tony Pike, Adam Grinold, Joseph Cincotta, John Greene, Richard Joyce, Lynn Bucossi, and Maggie Libby.

At the conclusion of the site visit, the Selectboard voted to recess the Public Hearing until May 13, 1998 at 7 PM in the Town Hall because the Libbys did not have a completed survey of the road and abutting property lines. On April 30, 1998 a notice stating that the hearing would resume at 8 PM rather than 7 PM on May 13, 1998, was sent to all those present at the April 29, 1998 site visit, Deerfield Valley News, Brattleboro Reformer, Deborah Purvin, and Deborah Anderson.

On May 13, 1998 at 8 PM, the Hearing to Consider Discontinuance of a Portion of a Public Highway (A Portion of Depot Street, TH #57) was reconvened. In response to a request from Peter Libby for a continuation of the hearing because his surveyor, Richard Joyce, had not completed the survey and staking of the land, the Board voted to recess the hearing again until May 27, 1998 at 7 PM. All voted in favor. On May 26, 1998, notice was mailed to those listed above and to Alberta Grob, as well, that resumption of the hearing was rescheduled for June 10, 1998 at 7 PM.

On June 10, 1998, at 7 PM, the Hearing to Consider Discontinuance of a Portion of a Public Highway (A Portion of Depot Street, TH #57) was reconvened. Among those present were landowners Ed Libby, Cathy Flower, Robert Pike, Arlene Pike. Others present were Sonia Alexander, Mary Towne, Tony Pike, and Richard Joyce. The hearing was recessed for one week when the Selectboard will consider a draft of the findings.

On June 17, 1998, at about 8 PM, the Hearing to Consider Discontinuance of a Portion of a Public Highway (A Portion of Depot Street, TH #57) was reconvened and draft findings were discussed. The hearing was recessed pending more information from Mr. Libby regarding a turn-around and fire access.

On June 24, 1998, at about 8 PM, the Hearing to Consider Discontinuance of a Portion of a Public Highway (A Portion of Depot Street, TH #57) was reconvened and draft findings discussed. The hearing was recessed pending more information from the Town's attorney.

On July 16, 1998 notice was mailed to attendees at previous sessions of the Public Hearing and to Alberta Grob, that resumption of the hearing was rescheduled for July 29, 1998 at 7 PM.

On July 29, 1998, at 7 PM, the Hearing to Consider Discontinuance of a Portion of a Public Highway (A Portion of Depot Street, TH #57) was reconvened. Among those present were landowners Peter and Ed Libby, Cathy Flower, Robert Pike, Arlene Pike. Others present were Sonia Alexander, Mary Towne, Brian Johnson, and Richard Joyce. The hearing was recessed until the Town's attorney has drawn up a Notice of Discontinuance for the Board's consideration.

On Mar 3, 1999 at about 8 PM, the Hearing to Consider Discontinuance of a Portion of a Public Highway (A Portion of Depot Street, TH #57) was reconvened. The hearing was adjourned.

The Selectboard Find:

Peter Libby, Vice President of Deerfield Valley Supply Company, Inc., an abutting property owner, seeks to have a portion of Town Highway #57, known as Depot Street, discontinued southwesterly from its intersection with Shafter Street for a distance of approximately 248 feet. Discontinuance will allow for construction of

additional retail space on property of the Deerfield Valley Supply Company, Inc., construction which could be in conformity with existing zoning requirements. Libby presented a survey map of the area prepared by Richard H. Joyce entitled "Deerfield Valley Supply Co., Depot or Park Street, Wilmington, Vermont."

There is insufficient room to construct a "hammerhead," circle, or other turning configuration at the end of the portion of the highway which will not be discontinued, but the space then existing will be adequate to push snow from the traveled portions of Depot Street.

Deerfield Valley Supply Company, Inc., in the event a portion of Town Highway #57 is discontinued, understands that the Town will erect a barrier to prevent traffic traveling through the discontinued section of the highway and onto the remaining portion of Depot Street.

The retail store proposed to be built by Deerfield Valley Supply Company, Inc., will face Shafter Street and parking will be located between the building and Shafter Street. The reason for Deerfield Valley Supply Company, Inc., to construct a new building is to allow more space for a growing local business, probably about 3,000 feet of retail sales space with offices above.

Discontinuance of the petitioned portion of Depot Street will result in less traffic on the remaining portion of Depot Street.

Depot Street, as it presently exists, is difficult to maintain and plow due to its narrowness.

The existing intersection of Shafter Street and Depot Street is dangerous because of a lack of visibility (poor sight lines); eliminating the visibility hazard will benefit the traveling public and Town Highway maintenance workers.

Public access to Shafter Park will not be affected significantly by the proposed discontinuance.

The Board Concludes:

After examining the premises, hearing interested parties, and considering the public good, necessity, and convenience of the inhabitants of the municipality, we hereby approve discontinuance of that portion of Depot Street running from the

Southwesterly limits of Shafter Street a distance of approximately 248 feet measured along the centerline of said Depot Street, Town Highway #57. Fee title to the land within the discontinued portion of Depot Street, in accord with 19 VSA §775, shall revert to the abutting owners on either side of a line within Depot Street having a course of N 53 ° 36' 37" E as shown on print of survey entitled "Deerfield Valley Supply Co., Depot or Park Street, Wilmington, Vermont," dated 2/22/1999, bearing a scale of 1" = 40', and prepared by Richard H. Joyce, Vermont Registered Land Surveyor No. 58; the acreage reverting to Deerfield Valley Supply Company, Inc., is approximately 0.178 and is more particularly described as follows:

Being formerly a part of Depot Street, so-called, and described as follows: Beginning at a point marked by an 5/8" Re-Bar with an 1 1/2" aluminum Cap stamped Richard H. Joyce 58 marking the southeast corner of land now or formerly of Guy T. Ritchott and Catherine M. Flower and the southwest corner of Deerfield Valley Supply Company, Inc., and being on the northerly right-of-way limits of Depot Street, so-called, and also being S 48 ° 13' 13" E a distance of 4.30 feet from a 2 1/2" iron pipe down 2" on the property line of Guy T. Ritchott and Catherine M. Flower and Deerfield Valley Supply Company, Inc.; thence N 54° 52' 10" E a distance of 244.74 feet to a point; thence N 8 ° 30', 41" E a distance of 7.17 feet to a point at the westerly limits of Shafter Street, so-called; thence S 44° 44' 17" E a distance of 55.00 feet to a point; thence S 76° 14' 41 " W a distance of 44.00 feet to a point; thence S 54 ° 52' 10" W a distance of 66.40 feet to a 5/8" Re-Bar with an 1 1/2" aluminum Cap stamped Richard H. Joyce 58; thence N 30° 19' 41" W a distance of 7.24 feet to a point on the original base line (reference being had to a survey entitled New England Company on Slide #6 in the Wilmington Town Clerk's Office); thence S 53 ° 36' 37" W a distance of 145.65 feet to a 5/8" Re-Bar with an 1 1/2" aluminum Cap stamped Richard H. Joyce 58 set next to found bent iron pipe; thence N 47° 45' 9" W a distance of 29.70 feet to the point and place of beginning; containing 0.178 acres;

The acreage reverting to Alberta Grob, her heirs or assigns, is approximately 0.019 acres and is more particularly described as follows:

Being formerly a part of Depot Street, so-called, and described as follows: Beginning at a point, said point being on the southerly right-of-way of Depot Street and being the northwesterly corner of land now or formerly of Amy Grob and the northeasterly corner of land now or formerly of Robert and Arlene Pike, said point being S 30° 26' 37" E a distance of 4.03 feet from a

5/8" Re-Bar with an 1 1/2" aluminum Cap stamped Richard H. Joyce 58 set next to a found bent iron pipe; thence N 30° 26' 37" W a distance of 4.03 feet to the above mentioned Re-Bar; thence N 53° 36' 37" E a distance of 145.65 feet to a point; thence S 30° 19' 41" E a distance of 7.24 feet to a 5/8" Re-Bar with an 1 1/2" aluminum Cap stamped Richard H. Joyce 58; thence S 54° 52' 10" W a distance of 145.33 feet to the point and place of beginning; containing 0.019 acres;

The referenced survey shall be recorded in the offices of the Wilmington Town Clerk.

Dated at Wilmington, Vermont, this 10th day of March, 1999.

WILMINGTON SELECTBOARD

By: Fred J. Skwirut
Fred J. Skwirut, Chair

Michael B. Penson
Michael B. Penson, member

Donald De Jong
Donald De Jong, member

Paul Kasanoff
Paul Kasanoff, member

John Redd
John Redd, member

TOWN CLERKS OFFICE			
WILMINGTON, VERMONT			
Received	4/28/99		
At	11	Hrs.	Min.
			A M

[Signature]

RECEIVED
JAN 26 2000
TECHNICAL
SERVICES

**NOTICE OF HEARING
TO CONSIDER DISCONTINUANCE OF
A PUBLIC HIGHWAY**

WILMINGTON TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
THIS 03 DAY OF SEPT. A.D. 1999
AT 1 O'CLOCK 30 MINUTES P. M. AND
RECORDED IN BOOK R-1052 PAGE 462
ATTEST *[Signature]* TOWN CLERK

(WINDSWEPT DRIVE, TH # 73 (Formerly known as Beaver Brook Road))

The Wilmington Selectboard, pursuant to the authority of 19 VSA Section 708, et seq., hereby give notice that on the 4th day of August, 1999, they will meet and examine the location of the public highway (Windswept Drive, TH #73) at 7:00 o'clock PM. Immediately following the site visit, the Board will adjourn to the Meeting Room at the Wilmington Town offices to hear interested persons give testimony on the question of whether or not to discontinue Town Highway #73, known as Windswept Drive.

Testimony will be taken at the hearing following the site visit. No testimony will be taken at the site visit.

Dated at Wilmington, Vermont this 25th day of June, 1999.

WILMINGTON SELECTBOARD

Fred J. Skwirut, Chair

[Signature]

Michael B. Penson

[Signature]

Donald De Jong

[Signature]

Paul Kasanoff

[Signature]

John Redd

TOWN CLERKS OFFICE WILMINGTON, VERMONT	
Received	<u>9-3-99</u>
At	<u>1</u> Hrs. <u>30</u> Min. <u>P</u> M.
<i>[Signature]</i>	

WINDSWEPT DRIVE, TH # 73
(Formerly known as Beaver Brook Road)

WILMINGTON TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
THIS 03 DAY OF SEPT AD. 19 99
AT 1 O'CLOCK 30 MINUTES P M AND
RECORDED IN BOOK ROADS 2 PAGE 463
ATTEST *[Signature]* TOWN CLERK

REPORT OF FINDINGS OF THE WILMINGTON SELECTBOARD

Pursuant to the authority of 19 V.S.A. Section 708, et seq., the attached NOTICE OF HEARING TO CONSIDER DISCONTINUANCE OF A PUBLIC HIGHWAY (WINDSWEPT DRIVE, TH # 73 formerly known as Beaver Brook Road) was issued.

On July 2, 1999, copies of the Notice were sent by certified mail to George and Elaine Belba and James and Diane Schipke, persons owning lands through which the highway passes or abuts. Copies of the Notice were sent by first class mail to Tyde Richards and Anthony T. Stout, persons who have an interest in the road.

The Notice was posted in the Town Clerk's office on July 1, 1999, and published in the Deerfield Valley News on July 22, 1999. The Notice was also sent to the Wilmington Planning Commission, Wilmington Police Chief, Wilmington Fire Chief, Wilmington Road Supervisor, and Chief Operator of the Wilmington Wastewater and Compost Facility.

In accordance with the referenced Notice of Hearing, all five (5) members of the Wilmington Selectboard met at 7:00 o'clock P.M. on August 4, 1999 to examine the highway proposed for discontinuance. Interested persons and members of the public accompanied the members of the Board. Among those present were Tyde Richards, Larry Marsiglio, Robert Grinold, Peter Morris, Elaine and George Belba, Anthony Stout, and Sonia Alexander.

At 7:13 PM, on August 4, 1999 at the Wilmington Town Hall, a public hearing was convened to consider the proposed discontinuance. Present were Selectboard Members Fred Skwirut, Michael Penson, Donald DeJong, Paul Kasanoff, John Redd; Planning Commission Members Peter Morris, Barbara Cole, John Conlon; Others Sonia Alexander, Mary Towne, George Belba, Elaine Belba, Bob Grinold, Tyde Richards, Larry Marsiglio, Anthony Stout, and John Sokolich of the Brattleboro Reformer.

THE BOARD FINDS:

The Belba and Schipke properties are the only properties abutting Windswept Drive.

1. Tyde Richards said that he plans to purchase both the Belba and Schipke properties.
2. A Conditional Use Permit received by Mr. Richards to develop the property was granted conditional upon the road being discontinued.
3. The Selectboard initiated the discontinuation process on their own motion following a request from Mr. Richards.

- 4. Mrs. Belba testified that she and Mr. Belba are in favor of the discontinuation.
- 5. No other public comments were received.

THE BOARD CONCLUDES:

That after examining the premises, hearing interested parties, and considering the public good, necessity and convenience of the inhabitants of the municipality we hereby discontinue in its entirety the road known as WINDSWEPT DRIVE, Wilmington Town Highway # 73 (Formerly known as Beaver Brook Road), which begins at its intersection with Country Club Road, Wilmington Town Highway # 72, and runs westerly across the southern portion of the Schipke property thence running southerly along the western edge of the Belba property to its intersection with Vermont Route 9.

The acreage of the portion of road running through the Schipke property reverts to James and Diane Schipke, their heirs or assigns. The acreage of the portion of road running through the Belba property reverts to George and Elaine Belba, their heirs or assigns.

Dated at Wilmington, Vermont this 1st day of September 1999.

WILMINGTON SELECTBOARD

Fred J. Skwirut

Fred J. Skwirut, Chair

Michael B. Penson

Michael B. Penson

Donald De Jong

Donald De Jong

Paul Kasanoff

Paul Kasanoff

John Redd

John Redd

TOWN CLERKS OFFICE	
WILMINGTON, VERMONT	
Received	<u>9-3-99</u>
At	<u>1</u> Hrs. <u>30</u> Min. <u>P</u> M.

[Signature]

ATTACHMENT: Notice of Hearing to Consider Discontinuance of A Public Highway (WINDSWEPT DRIVE, TH # 73 (Formerly known as Beaver Brook Road).