

Cabot, Vermont Town Clerk's Office
on 6/20/18 at 9:40 am/pm
Received the foregoing instrument for record.
A True Copy.

TOWN OF CABOT
SELECTBOARD

Attest Nichelle Sellen, Asst. Clerk

In the matter of Discontinuing)
Highways 13, 15, 44, 55, and 57)

Return of Selectboard
Minutes, Findings, Conclusion and Decision

On Tuesday, May 22, 2018, the Cabot Selectboard met, pursuant to public and personal notice, to take evidence and conduct a public hearing to determine whether existing public highways, Town Highways 13, 15, 44, 55, and 57, should be discontinued and possibly designated as legal trails. Prior to the May 22 hearing, members of the Selectboard along with Karen Deasy, Road Commissioner, conducted site visits for Town Highways 13, 15, and 44 on May 8, 2018, and for Town Highways 55 and 57 on May 15, 2018.

1. **Town Highway 15, 5506 VT 215 North (Discontinue)**

On May 8, 2018, the Selectboard, consisting of Jack Daniels, Mike Hogan, Fred Ducharme, and Road Commissioner Karen Deasy, met at the site and did a walkthrough and visually inspected Town Highway 15. No landowner was present at the time of the walkthrough. No one was present at May 22, 2018 hearing; however, a letter was received stating there was no objection to the discontinuance.

2. **Town Highway 13, Langone Road (Discontinue)**

On May 8, 2018, the Selectboard, consisting of Jack Daniels, Mike Hogan, Fred Ducharme, and Road Commissioner Karen Deasy, met at the site and did a walkthrough and visually inspected Town Highway 13. No landowners were present at the time of the walkthrough. No one was present at May 22, 2018 hearing; however, a letter was received stating there was no problem with discontinuance. The landowners stated that they would like to have the ditches cut. Karen stated that the road crew has it on their summer list to do.

3. **Town Highway 44, Bermingham Road (Discontinue)**

On May 8, 2018, the Selectboard, consisting of Jack Daniels, Mike Hogan, Fred Ducharme, and Road Commissioner Karen Deasy, met at the site and did a walkthrough and visually inspected Town Highway 44. Ted and Norma Bermingham were not present at the walkthrough, but the Board met with them after the walkthrough. Ted and Norma Bermingham were present at the May 22, 2018 hearing. They stated they had no objection to discontinuing this road. They

asked if Forest and Parks had any objection to having a gate installed at the end of the road. Karen advised that Forest and Parks was notified but had not provided any comments. Ted Bermingham wanted to know how soon they could put up a gate. Karen advised that there will be Findings published within 60 days. Once the Findings are published, if the road is discontinued, they will be able to install the gate.

4. Town Highway 55, 1348 RT 215 South (Discontinue)

On May 15, 2018, the Selectboard, consisting of Mike Hogan, Jack Daniels, Fred Ducharme, and Road Commissioner Karen Deasy, met at the site and did a walkthrough and visually inspected Town Highway 55. There was no one present during the walkthrough. There was no one present at the May 22, 2018 hearing; however, a letter was sent in full support of the discontinuance of the road.

5. Town Highway 57 (Discontinue and Designate as a Legal Trail)

On May 15, 2018, the Selectboard, consisting of Mike Hogan, Jack Daniels, Fred Ducharme, and Road Commissioner Karen Deasy, met at the site and did a walkthrough and visually inspected Town Highway 57. Leonard Spencer was present, but did not participate with the walkthrough. Leonard Spencer and Gary Katz were present at the May 22, 2018 hearing. Ruth Neuwirth (adjoining landowner) had no objection to designating it as a Legal Trail. Leonard Spencer also stated that he has no objection to a Legal Trail. Gary also wants it to be a Legal Trail, but he wanted to know why the people living on this road do not have 911 addresses as the State Police come to his house when they cannot find where the people live. Michelle stated that in order to get a 911 address you need three or more house sites on the road.

Based on the May 8 and May 15, 2018 site visits and the May 22, 2018 hearing, the Selectboard finds:

1. Town Highway 15, at 5506 VT 215 North, from the intersection of route 215 north traveling .02 miles and the .08 miles of unimproved roadway eastward

Based on the site visit and a letter from an adjoining landowner, the road will be discontinued. The public good no longer requires this road as a public highway. The landowners stated they do not object to the road's discontinuance.

2. **Town Highway 13, Langone Road, from the intersection of THWY 23 traveling .08 miles eastward**

Based on the site visit and a letter received from a landowner the road should be discontinued. The public good no longer requires this road as a public highway. The landowners do not object to the road's discontinuance. Per the landowner's request, prior to the discontinuance, the Town Road crew will have the ditches cut and repaired.

3. **Town Highway 44, Bermingham Road, from the intersection of Town Highway 4 traveling .13 miles southward**

Based on the site visit and testimony from Ted and Norma Bermingham the Selectboard finds that the road should be discontinued. The public good no longer requires this road as a public highway. Ted Bermingham stated that once the Findings are published they will install a gate.

4. **Town Highway 55, at 1348 RT 215 South, from the intersection of Town Highway 1 .10 miles easterly**

Based on the site visit and a letter in support of discontinuance, the Selectboard finds this road should be discontinued. The public good no longer requires this road as a public highway.

5. **Town Highway 57, from the intersection of Town Highway 1 .08 miles westerly**

Based on the site visit and testimony from the current landowner and adjoining landowners, the Selectboard finds that the road should be discontinued and designated as a Legal Trail under 19 V.S.A. § 775. The public good no longer requires this road as a public highway.

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

- A. The standard for reviewing a proposal to discontinue a highway is the public good, necessity and convenience of the inhabitants. 19 V.S.A. § 710.
- B. There is substantial evidence to support a conclusion that the standard is met in these cases to discontinue Town Highways 13, 15, 44, 55, and 57.
- C. The roads are no longer needed as a public access road.

D. As a result, the Selectboard concludes as a matter of law that Town Highways 13, 15, 44, 55, and 57 are no longer needed as public highways and should be discontinued.

E. Town Highway 57 shall be discontinued and designated as a legal trail.

Therefore, the Cabot Selectboard concludes under 19 V.S.A. §§ 711 and 712 that:

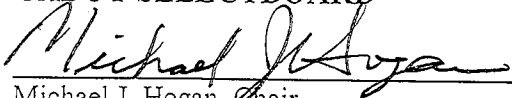
- Town Highway 15, herein described, shall be discontinued and cease to serve as a public road;
- Town Highway 13, Langone Road, herein described, shall be discontinued and cease to serve as a public road;
- Town Highway 44, Bermingham Road, herein described, shall be discontinued and cease to serve as a public road;
- Town Highway 55, herein described, shall be discontinued and cease to serve as a public road; and
- Town Highway 57, herein described, shall be discontinued, cease to serve as a public road, but be designated as a legal trail.

The Selectboard orders the discontinuances of Town Highways 13, 15, 44, 55 and 57, 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.

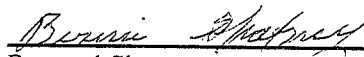
Dated this ¹⁸~~17~~ day of June, 2018 at Cabot, Vermont.

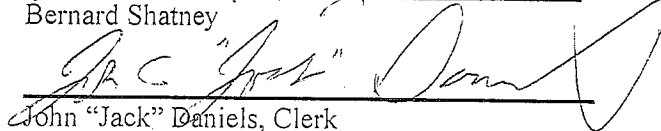
CABOT SELECTBOARD


Michael J. Hogan, Chair

Edward (Ted) Domey, Vice Chair


Fred Ducharme


Bernard Shatney


John "Jack" Daniels, Clerk

Received for recording this 18th day of June, 2018.

Attest: Betsy Rellis
Cabot Town Clerk