



Town of Bolton
3045 Theodore Roosevelt Highway
Waterbury, VT 05676
(802)-434-5075/3064

**In re: Petition from F. Joseph O'Brien
Temporary right-of-way on lands of Joji Fillmore for removal of lumber**

Bolton Select Board

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Procedural History

The Bolton Select Board received a petition from F. Joseph O'Brien on April 27, 2016 requesting that, pursuant to 19 V.S.A. § 958, the Select Board lay out a right-of-way across land owned by Joji Fillmore, located at 2634 Stage Road, as necessary for the practical removal of lumber from Mr. O'Brien's adjoining 30-acre woodlot. As specified under 19 V.S.A. § 958:

If it becomes necessary for the practical removal of lumber, wood, or other material, to pass through the lands of a person other than those of the owner of the land from which the lumber, wood, or other material is to be removed, the selectmen may lay out a right-of-way through the land of any person for these purposes. The selectmen shall follow the procedures established by section 923 of this title.

The Select Board reviewed this petition at its regularly scheduled meeting on May 2, 2016, and in a letter dated May 3, 2016 requested additional information from the petitioner. Mr. O'Brien provided a written response, dated May 10, 2016. This was received by the town on May 12, 2016, and reviewed by the Select Board at their May 16, 2016 meeting. The timeline for a response to the petition, including the required site inspection and hearing, was set at the June 6, 2016 meeting of the Select Board. Notice of the petition, the required inspection of the premises and public hearing scheduled for August 22, 2016, was sent by certified mail on July 11, 15, and 18, 2016 to the property owner, Joji Fillmore, and to the following other identified interested persons thirty days in advance of the hearing, in accordance with 10 V.S.A. § 923:

F. Joseph O'Brien (Petitioner)	30 West Allen Street, Winooski, VT
Joji Fillmore (Landowner)	352 Buena Creek Road, San Marcos CA 92069
A. Johnson Company (abutter, ROW)	995 So. 116 Road, Bristol, VT 05443
Maureen Matthews (abutter, ROW)	2878 Stage Road, Bolton, VT 05465
Prelco c/o Wright Preston (abutter)	2564 Snipe Ireland Road, Richmond, VT 05477
Marcy Harding & Dan Martin (abutter)	PO Box 305, Jonesville, VT 05466
Paul & Mary Butler (abutter)	PO Box 361, Jonesville VT 05466
Jed & Darcie Rankin (abutter)	2552 Stage Road, Richmond VT 05477
New England Federal Credit Union	141 Harvest Lane, Williston VT 05495
Vermont Electric Cooperative	42 Wescom Road, Johnson, VT 05656-9579

Information was also provided to each regarding relevant statutes, the quasi-judicial nature of the proceedings, the required inspection and public hearing, and any requests for damages.

The Bolton Select Board held the required inspection of the Fillmore and O'Brien properties on August 22, 2016, at 4:00 pm as noticed. Attendees at the site inspection included all members of the

Select Board: Jen Dudley-Gaillard, Ronald Lafreniere, Jr., Josh Arneson, Gene Armstrong and Sharon Murray. Also present were Mr. William O'Brien, father of the petitioner F. Joseph O'Brien, and Maureen Matthews, an abutting property owner with a deeded right-of-way across the Fillmore parcel. The landowner, Mr. Fillmore, was not present or represented at the site inspection.

Following the site inspection, the Select Board convened the noticed public hearing at 6 pm at the Bolton Town Office. In addition to Select Board members named above, the petitioner Mr. F. Joseph O'Brien, his father and representative Mr. William O'Brien, and abutter Maureen Matthews attended and participated in this hearing. Other persons present and participating in the hearing included:

Sarah McShane Zoning Administrator/DRB Assistant, Town of Bolton

Mr. Fillmore was not present or represented at the hearing. The Select Board continued the hearing to Monday, August 29, 2016, at 6 pm at the Bolton Town Office, pending additional information from the petitioner, and to afford Mr. Fillmore and the A. Johnson Company, LLC, a final opportunity to participate in the hearing process, particularly with regard to any requested damages. Mr. Fillmore and the A. Johnson Company were notified directly via e-mail by the Bolton Town Clerk that the hearing had been continued. The public hearing was reconvened on August 29, 2016, at 6 pm, at the Bolton Town Office to receive additional testimony and information from the petitioner, town staff, and other interested parties, including written correspondence from Mr. Fillmore and the A. Johnson Company. The public hearing was adjourned that evening.

Hearing notices, minutes and exhibits and related correspondence are on file and available for review at the Bolton Town Office. The list of hearing exhibits and other information referenced by the Select Board is attached. The Select Board was also advised during this process by Town Attorney David Rugh, Esq. of Stitzel, Page and Fletcher, PC.

Findings of Fact

1. The petitioner, F. Joseph O'Brien, owns a ±31-acre woodlot in the Town of Bolton (Parcel ID# 07-006000, Tax Map #5-30057), located south of Stage Road contiguous to and easterly of the Richmond town line. This parcel was conveyed to the petitioner by his parents, William M. and Susan V. O'Brien, by Warranty Deed dated May 2, 2014, and recorded in Book 87, Page 694 of the Town of Bolton Land Records.
2. The O'Brien lot, as currently configured, has no frontage on Stage Road or any other town highway or right-of-way. This parcel was effectively landlocked when it was subdivided from a larger parcel along the Richmond-Bolton town line, as conveyed to William M. and Susan V. O'Brien by J. William O'Brien, Phyllis N. O'Brien, Lee C. Fiske Jr, and Patricia A. Fiske by Warranty Deed, dated March 4, 1998, and recorded in Book 53, Page 15 of the Town of Bolton Land Records; and as shown on a plan entitled, "Plat of Survey for Lee C. Fiske, Jr., Towns of Bolton and Richmond," prepared by John A. Marsh, L.S., dated January 28, 1980, last revised September 2, 1989, and recorded in Book 6, Pages 6 and 8 of the Town of Richmond Land Records. The recorded survey plat and deeds of conveyance include no reference to retained rights-of-way across "Lot 2" as shown on the plat, to access the Stage Road in Richmond from the O'Brien lot in Bolton.
3. According to the petitioner, F. Joseph O'Brien, and his father, William O'Brien, the O'Brien lot traditionally has been accessed from the Stage Road in Bolton, using the woods road crossing the property now owned by Joji Fillmore.

4. Joji Fillmore owns the abutting 16.5-acre lot to the north of the petitioner's property, located at 2634 Stage Road (Parcel ID # 07-007200, Tax Map #5-0032634) as conveyed to him by Richard P. Streeter by Warranty Deed, dated July 28, 2011, and recorded in Book 82, Pages 388-89 of the Town of Bolton Land Records, and as shown as "Lot #2" on a plan entitled "Survey Plat" prepared by David A. Tudhope, LS, dated March 31, 2011, and recorded in Map Slide 40-C of the Town of Bolton Land Records (the Streeter Subdivision Plat). The deed of conveyance incorporates previously deeded rights-of-way across the property held by the abutters, A. Johnson Company and Maureen Matthews, as also indicated on the Streeter Subdivision Plat. There is no reference of record to any easement serving the adjoining O'Brien property.
5. The access route preferred by the petitioner is generally indicated as an 8-foot wide "woods road" on the "Property Plan for Prelco, Inc.," prepared by David H. Hudson, LS, dated June 1993 and recorded in Map Slide 30-H of the Town of Bolton Land Records (the Prelco Survey Plat), which underlying property was subsequently conveyed by Prelco Inc. to Richard Streeter and Catherine R. Streeter by Warranty Deed, dated January 12, 1995, and recorded in Book 48, Pages 260-61 of the Town of Bolton Land Records. As shown on said Prelco Survey Plat, this "8-foot wide woods road" extends south from Town Highway 3 (Stage Road) across the Prelco property to the adjoining property owned by the then-Johnson Lumber Company, which abuts the O'Brien property to the east. This 8-foot wide right-of-way is also shown and identified in 1994 zoning permit files for the Streeter property as the right-of-way previously conveyed to the A. Johnson Company (lister files).
6. The A. Johnson Company right-of-way across the Streeter (now Fillmore) lot was relocated in September 2001, as depicted on a plan entitled, "The A. Johnson Company "Preston Lot" Bolton, Vermont," prepared by Norman R. Smith LS, dated September 17, 2001 and recorded in Map Slide 20-E of the Town of Bolton Land Records. As surveyed, the woods road no longer extends south to A. Johnson Company land in the vicinity of the O'Brien parcel, but instead extends easterly from the clearing (log landing) across the lots now owned by Mr. Fillmore and Ms. Maureen Matthews, as separately conveyed to them by Richard Streeter. Both former and existing deeded rights-of-way across the Fillmore property are indicated as "woods road" on the Streeter Subdivision Plat. The pre-2001, 8-foot wide woods road is also labeled "existing drive," "8' Woods Road" and "This Road is to Benefit A. Johnson & Co. to Access Their Land" on the Streeter Subdivision Plat.
7. The gated highway access on Stage Road and relocated right-of-way extending from Stage Road to the clearing and easterly across the Fillmore and Matthews properties are shared by Mr. Fillmore, the A. Johnson Company and Ms. Matthews. The A. Johnson Company has improved and maintained this right-of-way as needed for its use.
8. F. Joseph O'Brien has petitioned the Select Board to lay out a temporary logging road over the land of Joji Fillmore, from the gated access on Stage Road, following the existing woods road to the clearing, and then from clearing south generally following the former woods road to the O'Brien property line, for purposes of removing lumber from his property. In hearing testimony F. Joseph O'Brien further requested an easement approximately 1,000 feet long, as indicated on the survey plats, and 15 feet wide.
9. According to the petitioner, this is the only reasonable access to the property. The existing woods road extends along and crosses a stream channel. The narrow stream valley is surrounded on three sides by steep (15-25%) and very steep (>25%) slopes, as shown on maps produced from the ANR Natural Resources Atlas and as viewed during the site inspection. Topographic constraints preclude vehicle access to the O'Brien parcel from any other direction or over any other property.

10. According to the petitioner, and as confirmed in related correspondence from Mr. Fillmore, the parties to date have been unable to agree on terms to establish a permanent or temporary right-of-way across the Fillmore property, as needed to access the O'Brien property.
11. F. Joseph O'Brien and his father, William O'Brien, also testified that they prefer petitioning the Select Board for temporary access to the petitioner's property, rather than seeking more permanent access from neighbors through court proceedings.
12. The petitioner's stated intent is to cut firewood primarily for personal use intermittently over a five-year period, using family labor, chainsaws, a pickup truck and trailer, and to clean-up and to improve the overall health of his woodlot, in accordance with an approved forest management plan. No commercial logging operations are proposed. No activity would take place during mud season, and skidding would occur only when the ground was frozen, from January through March.
13. According to the O'Briens, the woodlot will be enrolled in Vermont's Use Value Appraisal Program as of the September 1, 2016 enrollment deadline. The required forest management plan, to be prepared by professional forester, Scott Moreau of Greenleaf Forestry, will be submitted for approval by the Chittenden County Forester by October 1, 2016. As such, any logging operations also would be required to observe the state's "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont" (AMPs).
14. Mr. Moreau, in a letter dated August 26, 2016 and entered into the record, indicated that, based on an initial site visit and assessment, there are two forest stands on the O'Brien parcel: a Hemlock Softwood Stand (Stand 1) at higher elevations in each of the northern corners, and a high quality mixed hardwood stand (Stand 2) throughout the northern central and southern portions of the property. Only minor cutting of Stand 1 is recommended, along edges accessible from Stand 2. Intermediate thinning of Stand 2 is recommended over the course of the next two winters, to release the best hardwood stems, and to harvest at risk Ash components.
15. Mr. Moreau also indicated that the existing woods road and culvert to the landing (clearing) maintained by the A. Johnson Company are adequate to allow access to the O'Brien parcel by a logging truck. The trail (former woods road) leading south from the clearing to the O'Brien lot remains visible, as part of an historic trail system that extends throughout the O'Brien property, but will need some improvement, particularly within the first 150 yards southerly of the clearing, to stabilize the bank between the stream and the trail. The use of an excavator to install waterbars and regrade slopes over portions of the former road network, when the ground is not frozen, is also recommended. Mr. Moreau further stated that needed improvements "are by no means outside the norms of standard practice."
16. Mr. Fillmore, in written correspondence to the Select Board dated August 28, 2016, clearly stated his opposition to the granting of a temporary right-of-way across his property to F. Joseph O'Brien for Mr. O'Brien's personal gain, based on the nature and status of his previous negotiations with William O'Brien, the unwillingness of the O'Briens to offer reasonable compensation, and the severe negative impacts that logging operations would have on his land, the stream, and the natural ecosystem. He also requested that in the event the Select Board agrees to grant the petition, he be awarded damages without specifying an amount.
17. Benjamin Putnam, representing the A. Johnson Company, LLC, acknowledged in written correspondence dated August 29, 2016 that the company holds easement rights over the Fillmore and Matthews properties in common with others to a portion of the existing logging road network in question; and that they currently use their land and deeded rights-of-way across the Fillmore and

Matthews properties for forestry, timber management and harvesting of timber and other forest products. Mr. Putnam further stated that they have no objection to the request set forth in the O'Brien petition, subject to the following conditions:

- Mr. O'Brien and his agents and contractors must repair any damage caused by their use of the roadway, and must restore the roadway to the same or better condition as it was before their use.
- Any use of the roadway must not obstruct the roadway or otherwise interfere with A. Johnson Company's existing easement and access rights or its use of its property.

No monetary damages were requested by A. Johnson Company for the petitioner's use of the right-of-way. It asked only that the Select Board take into account the interests and concerns of all affected property owners, and issue a fair decision that appropriately balances the rights and needs of each.

18. Maureen Matthews, who also shares a portion of the right-of-way in question, indicated in testimony before the Select Board that her primary concerns were the effects of logging operations on the condition of the right-of-way, the stream and associated wetlands in the area and, given that she lives close by, her privacy, security and safety. She is not seeking monetary damages, but objected to allowing a "temporary" easement to extend over five years, as requested by the petitioner. She also asked to be notified in advance when logging operations were scheduled to occur.
19. No impacts to the town highway from proposed logging operations, or use of the existing highway access, were identified by the Select Board, given the type of logging operations proposed, and the fact that this was already an allowed use of the existing property and highway access.
20. With regard to damages, the Town Attorney indicated that all three parties sharing the right-of-way have property interests that may entitle them to damages for temporary use; and recommended that the Select Board follow the "waiver valuation" process employed by the Vermont Agency of Transportation (VTrans) to compute damages based on the parcel's assessed value, prorated for that portion (area) within proposed the right-of-way, as further reduced by 75% for temporary use over a specified project period (typically one construction season).
21. Kermit Blaisdell, the Town's contracted Assessor, reported in a memo to the Select Board dated August 22, 2016, and entered into the hearing record, that the Fillmore property located at 2634 Stage Road contains approximately 16.5 acres, is mostly wooded and undeveloped, and has a septic system design. It is listed on the 2016 Bolton Grand List at \$77,900 and is currently on the market for \$75,000.
22. Using the VTrans' waiver valuation method, based on the Fillmore property's current assessed value of \$77,900, or \$4,721.21 per acre; the proposed right-of-way of 15,000 square feet (15'x1000' or 0.3444 acres) would have a proportional listed value of \$1625.98. As reduced by 75% for temporary use (x.25), this would result in total damages to be awarded in the amount of \$406.50, over a single season.
23. Michael F. Keller, MAI, a professional appraiser with Keller & Associates, Inc., in a letter to William O'Brien dated August 29, 2016, suggested that any damages assessed should be nominal given that Fillmore property is already encumbered by deeded rights-of-way. Given that there are two permanent users of the existing logging or woods road for logging and forestry, a third user with light vehicles for a 30-acre parcel for a five year term "cannot be a measurable burden on the Fillmore property." He estimated that value of an easement over the existing A Johnson Company easement over five years would be \$500, given no measurable diminution in value for the Fillmore property.

Conclusions of Law

In accordance with the standards governing this petition under 19 V.S.A. § 923, based upon the above findings the Bolton Select Board hereby concludes that:

A. A temporary right-of-way over the Fillmore property is necessary for the removal of lumber from the O'Brien property. The petitioner F. Joseph O'Brien has demonstrated the necessity, or reasonable need, for a limited, temporary access across the property of Joji Fillmore to access and log the O'Brien property, in a manner which considers the greatest public good and represents the least inconvenience and expense to both the petitioner and the property owner. *See* 19 V.S.A. § 501(1).

It is clear that Mr. O'Brien has no other viable access to his property for the purpose stated, given the absence of any road frontage and the existence of significant topographical constraints, including very steep slopes that preclude access to the O'Brien property from other locations on Stage Road or other public rights-of-way over other adjoining parcels. There also are no deeded rights of record to the O'Brien property, either across the Fillmore property or other adjoining properties. There is, however, clear evidence on the ground, as observed by both the Select Board and the forester hired by Mr. O'Brien, that the former woods road on the Fillmore property was used historically to access the O'Brien property, as well as that of the A. Johnson Company, for purposes of logging the land.

Given that the requested right-of-way for lumber removal is over existing and former rights-of-way deeded to the A. Johnson Company for this same purpose, an additional, temporary right-of-way in the proposed location will not result in any measurable diminution of value for the Fillmore property, including its existing scenic and recreational values, nor will it result in any additional adverse impacts to the town highway and infrastructure or to town residents. Use of the temporary right-of-way over shared rights-of-way, without notice or proper maintenance, could interfere with its use by other interested parties, including Mr. Fillmore, Ms. Matthews, and the A. Johnson Company; and should therefore be subject to reasonable conditions, as requested by the other interested parties to these proceedings.

In the absence of sound forest management practices, proposed use of the former, unimproved portion of the right-of-way, including a stream crossing, could also adversely affect the stream and wetlands on the Fillmore and adjoining properties. The petitioner has agreed to limit and conduct logging operations in conformance with a forest management plan prepared by a professional forester, as approved by the Chittenden County Forester in association with parcel's enrollment in the state's Use Value Appraisal Program. As such the petitioner also will be required to follow the state's "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont" (AMPs), which, if applied, will minimize the impacts of logging operations on the stream and wetlands located on the Fillmore and adjoining properties.

B. The property owner, Joji Fillmore, and interested parties to these proceedings, including the A. Johnson Company and Maureen Matthews as abutters with deeded access rights across the Fillmore property, are entitled to damages resulting from the establishment and use of a temporary right-of-way across a portion of deeded rights-of-way shared by each of these parties. Only Mr. Fillmore has requested monetary damages. In determining the amount of damages to be awarded, the Select Board has considered the currently assessed value of the Fillmore property, reflecting its most reasonable use; and the professional opinions of both the Town Assessor and the appraiser hired by Mr. O'Brien that there will be no diminution or increase in the value of the property to the owner as a result of this temporary use. We have also relied on the advice of our Town Attorney to use the "waiver method" employed by the Vermont Agency of Transportation in determining damages. As such, the damages awarded to Mr. Fillmore were calculated at \$406.50, as applied to a single season. Over a five year period the total damages to be awarded would exceed \$2,000 if applied on an annual basis; however, it is

the recommendation of the forester hired by the petitioner that harvesting operations under the forest management plan be conducted over two seasons within this five year period. We therefore award two times the calculated annual amount of damages, totaling \$813, to be paid by Mr. O'Brien to Mr. Fillmore in advance of any site work, road improvements, or active logging operations, as reasonable compensation for Mr. O'Brien's use of a temporary right-of-way over the Fillmore property.

Order

Based on the foregoing findings of fact and conclusions of law, the Bolton Select Board hereby orders, pursuant to 19 V.S.A. §§ 923 and 958, that a temporary right-of-way 15 feet wide and approximately 1,000 feet long be laid out across the property of Joji Fillmore, located at 2634 Stage Road (Parcel ID # 07-007200) for purposes of removing lumber from the adjoining O'Brien property (Parcel ID # 07-006000).

This temporary right-of way is to be laid out along the existing, improved right-of-way (shared "woods road") leading from the gated access on Stage Road to the clearing (landing) as deeded to the A. Johnson Company and subsequently also to Maureen Matthews; and then from the clearing along the former, pre-2001 right-of-way ("old woods road") to the O'Brien property line, as identified on the ground during site inspection, and as generally indicated on the Streeter Survey Plat. This temporary right-of-way is granted subject to the following conditions:

1. This right-of-way shall remain in effect for a period of five years, beginning on the effective date of this order, as issued by the Bolton Select Board on September 8, 2016 and ending on September 7, 2021.
2. Use of the temporary right-of-way is limited to the petitioner F. Joseph O'Brien, his family, agents, contractors, heirs and assigns, solely for purposes of forest management, including the removal of lumber from the O'Brien property.
3. As compensation for the laying out and use of the temporary right-of-way, the petitioner F. Joseph O'Brien shall pay the property owner, Joji Fillmore, damages in the amount of \$813.00, to be paid in advance of any site work, road improvements or logging operations. If damages are not paid, this Findings of Fact, Conclusions of Law and Order shall be considered null and void.
4. Mr. Fillmore and the other interested parties sharing the rights-of-way shall provide Mr. O'Brien with access to the shared portion of the right-of-way, including keyed access to the entry gate on Stage Road.
5. Mr. O'Brien shall give written notice, by certified mail to the addresses of record, to Mr. Fillmore and adjoining property owners, including the A. Johnson Company and Maureen Matthews, at least one week in advance of site preparation, right-of-way work or logging operations that involve excavators, logging trucks or other heavy equipment.
6. All forest management activities, including improvements to both the old woods road and the shared woods road's stream crossing on the Fillmore property, the installation of truck roads and skidder trails, the removal of lumber and all other harvesting activities on the O'Brien property, shall be conducted in conformance with both a forest management plan prepared by a professional forester and as subsequently approved by the Chittenden County Forester, and the Vermont Department of Forests, Parks and Recreation's "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont" (AMPs) as most recently amended.

7. A copy of the approved forest management plan, and any future plan amendments, shall be forwarded to the Town of Bolton, c/o the Bolton Town Clerk, and shall be retained on file at the Town Office for the duration of the temporary right-of-way, for review by other interested and affected parties.
8. Mr. O'Brien and his family, agents, contractors, heirs and assigns, shall repair any damage caused by their use of the temporary right-of-way across Mr. Fillmore's property, and must restore the temporary right-of-way as near as reasonably practical to the same or better condition as it was before petitioner's use.
9. Use of shared rights-of-way by the petitioner must not obstruct the roadway or otherwise interfere with existing deeded easement and access rights or the use of adjoining property held by the A. Johnson Company and Maureen Matthews.

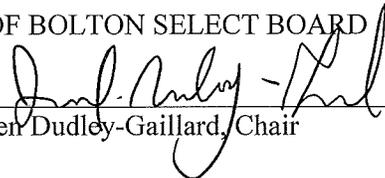
Appeals

Interested persons may appeal this decision to the Chittenden County Unit of the Civil Division of the Vermont Superior Court within 30 days of the date of this decision.

Dated this 8th day of September, 2016 at Bolton, Vermont.

TOWN OF BOLTON SELECT BOARD

By:


Jen Dudley-Gaillard, Chair

O'Brien Petition Hearing Exhibits

1. The Property Plan for Prelco, Inc. by Daniel H. Hudson, dated June 1993.
2. The survey for Lee Fiske by John Marsh dated 1/28/1980, showing the entire parcel.
3. A Superimposed plan. It was noted that 1993 plan shows existence of 8' "Woods Road" running from Stage Road 1200' to the boundary line. He spoke with Mr. Hudson's business partner who accessed the file, and superimposed the Prelco Plan onto the survey to show the "Woods Road" when it reaches his property.
4. A copy of the five year right of way for a logging company in Bolton for \$5 a year, Book 21, pages 370 – 371, and 383 – 385.
5. A copy of the 2016 Town of Bolton Tax Map – Map ID 0032580.
6. The DRB decision dated October 13, 2010 for a two-lot subdivision by Applicant Richard Streeter.
 - Lot #1, 12.1 acres with frontage on Stage Road and a single family home.
 - Lot #2, 16.5 acres with frontage on Stage Road to be retained as a wood lot.
Condition of approval – in order to designate a building envelope on lot #2 would require additional DRB review.
7. The DRB decision dated November 9, 2011 for a subdivision amendment to establish a residential building envelope. Condition of approval to record the amended plat in the land records within 180 days. Plat never submitted, DRB decision expired.
8. The DRB decision dated May 4, 2016 for a subdivision amendment to establish a residential building envelope. Denied by the DRB because the Applicant failed to provide a plat with steep slopes and very steep slopes identified; the building envelope and driveway were not configured to avoid adverse impacts to productive forestland; and the applicant did not provide documentation that the road and improvements would be maintained.
9. Site Plan/Subdivision Plat provided by Mr. Fillmore showing his property lines, building envelope, and right of ways.
10. Streeter Plat recorded April 11, 2011, Map Slide 40-C.
11. A statement noting that a log road for temporary purposes would not impact the value of the Fillmore property form Kermit Blaisdell, Bolton Assessor.
12. A Google map showing the Fillmore property.
13. The Lister card for the Fillmore property, valued at \$77,900.
14. A copy of the A. Johnson Company deed, Book 21, pages 125-126.
15. A copy of the O'Brien to O'Brien deed.
16. Emails from Joji Fillmore dated August 28, 2016, August 25, 2016, August 24, 2016, June 22, 2016, May 25, 2016, and May 24, 2016.
17. Five ANR maps of: 1. forest productivity, 2. forest cover types and deer wintering areas, 3. contours and surface waters, 4. slopes, contours and surface waters, 5. deer wintering areas, wetlands, wetland advisory area, and surface waters.
18. An email from Benjamin Putnam, attorney for A. Johnson Company, dated August 29, 2016.
19. A letter which outlines recommendations for forestry management from Scott Moreau, VT Licensed Forester, dated August 26, 2016.
20. A letter from Michael Keller, MAI, which addresses property and right of way values.
21. A copy of the Smith survey for the A. Johnson Company dated September 17, 2001, Map Slide 20-E.

