

STATE OF VERMONT
TOWN OF HALIFAX

FINDINGS AND DECISION ON RECLASSIFICATION OF THURBER ROAD

WHEREAS, at Halifax, Vermont, on the 4th day of June, 2019, the Selectboard of the Town of Halifax, on its own Motion, did vote to propose that pursuant to Title 19 Vermont Statutes Annotated, Chapter 7, as amended, that Thurber Road be reclassified or discontinued from the intersection of the McCrea driveway (formerly Luther Ray premises) easterly through lands of Roberts to Green River Road. The Selectboard voted to consider for reclassification or discontinuance the following sections: (1) Thurber Road: From the intersection of the McCrea driveway (formerly Luther Ray premises' driveway) easterly approximately 600 feet to the boundary line of lands of McCrea and the lands of Roberts; (2) Thurber Road: From the boundary line of the lands of McCrea and lands of Roberts easterly and southerly approximately .75 miles to its intersection with Green River Road.

WHEREFORE, the Selectboard did order and appoint that on the 13th day of July, 2019, at 9:00 a.m. it would meet at the Halifax Town Offices and proceed to the site and then immediately following the site visit it would meet at the Halifax Selectboard Meeting Room in Halifax, Vermont for the purpose of hearing all persons interested in said public highway and its possible reclassification and/or discontinuance, and for the purpose of examining the premises affected thereby, and did give notice thereof to the statutory parties and to those set forth in Exhibit "A" attached hereto all being persons who own or are interested in the lands on which said proposed road now lies or abutting on said roadway at their last known addresses; and did give notice thereof to the voters of the Town of Halifax by posting notices on June 10, 2019 in the public places within the Town, and did give notice to the voters of the Town of Halifax by causing a notice to be published in the Brattleboro Reformer, a

newspaper with a circulation in Halifax, Vermont on June 13, 2019, and did leave a copy of such notice with the Halifax Town Clerk.

AND, afterwards, on July 13, 2019, the Selectboard did examine said premises, and did hold a public hearing on July 13, 2019 at 10:30 a.m. at the Halifax Meeting Room at which time individuals were given the opportunity to appear and give testimony regarding said road. There were no claims for damages. Testimony was received by numerous persons interested in the reclassification of the road in question and other roads at issue.

AND, the Selectboard determined that the present status of the public highway is as follows:

1. That the roadway is a Class 3 Town Road for a distance of .45 miles from the more westerly intersection of Thurber Road with Green River Road to the McCrea driveway. The Roadway is then a Class 4 Road for a distance of .1275 miles from the McCrea driveway to the boundary line between said McCrea property and the property now or formerly of Tristan Roberts. The roadway is a Town Trail from the boundary between McCrea and Robert easterly to the easterly intersection of Thurber Road with Green River Road.
2. From the McCrea driveway to the McCrea/Roberts boundary line, the roadway descends gently and has a good rough gravel base. Evidence of vehicular travel was clear based on tire tracks. From the McCrea/Robert boundary line to the Roberts homestead group of buildings, the roadway is generally flat with a good gravel base and sufficient ditches on each side of the road. There is evidence of brush having been cleared between the roadway and the adjacent parallel stone walls which line the roadway. The culverts in this section of roadway are smaller

diameter plastic culverts which do not meet the minimum standards for town highway culverts. From the Roberts homestead, the roadway descends moderately down to Green River Road. This section of the roadway is well maintained and contains a good gravel base with more finished road gravel on the surface. Culverts and ditches appeared to be satisfactory. This section of roadway is more open to the sun as compared to the more wooded section of the flatter section above the Roberts homestead.

3. From testimony at the public hearing, it was determined that this section of highway and trail is used by the landowners on a routine and frequent basis. The roadway was used as an alternate detour after Tropical Storm, "Irene." There was testimony that residents use this road for hiking and for walking as it is a quiet, wooded section of public roadway with little to no traffic. Except for the abutting landowners, there is little traffic on this section of roadway and the roadway does not serve as any short cut to other roads or highways of the town.

After due discussion and deliberation and after review of the premises with the adjoining landowners, the Selectboard is of the opinion and so votes that the public good, necessity and convenience of the inhabitants requires that the road be reclassified to a CLASS FOUR (4) Town Highway all the way from the McCrea driveway easterly to the easterly intersection of Thurber Road with Green River Road, said distance being reclassified being approximately 3,736 feet.

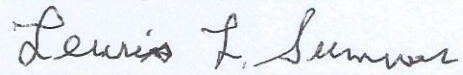
The said Selectboard determines and votes that no damage was sustained by any person owning or interested in lands through which said proposed highway runs or abuts.

The reclassification of the aforementioned road fosters the public good, necessity and convenience of the inhabitants of the Town for the following reasons. First, the connectivity of the road as an alternate route during times of flooding supports the public good, public necessity and convenience of the inhabitants of the Town. This benefit proved true in 2011 during the aftermath of Tropical Storm, "Irene." Second, the Town Plan encourages the continued use of town trails for recreation and resource management purposes. It is clear that reclassifying the roadway to a Class Four (4) town highway will continue to support the recreational goals outlined in the Town Plan. Residents testified as to walking and training dogs along this section of road, of snowmobiling and four-wheeling along this section of road, and there is ample evidence of resource management as both properties show signs of having been logged in recent history. Third, the option of discontinuing the roadway or a portion thereof was found not to be in the public good for the reason that such a discontinuance would create two dead end roadways without connectivity. Fourth, the Board finds connectivity to be important for future development of the Town. By reclassifying to a Class Four (4) town highway, the Town maintains the ability of abutting landowners to develop their lands by having road frontage on a town highway which is necessary for any zoning permit to be issued for the abutting property. The reclassification permits the Town to maintain its grand list insofar as the ability to develop the abutting lands is maintained and thus property values are thereby sustained. Last, by reclassifying to Class Four (4), the Town maintains the public good of having available public lands upon which to recreate while causing little to no inconvenience to the abutting landowners. The McCreas's interest of having horses and goats pasture on the other side of the road can be accomplished through simple means of requesting of the Selectboard a permit to cross the road with water lines and/or power lines, thus making the other side of the road workable for farm purposes. The road experiences little traffic, so walking animals across the roadway is unlikely to cause public inconvenience.

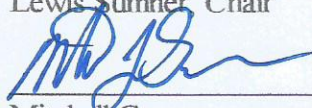
THEREFORE, it is ORDERED by the Selectboard that Thurber Road shall be a Class FOUR
(4) Town Highway from the intersection of the McCrea Driveway with Thurber Road easterly a
distance of 3,736 feet to the intersection of Thurber Road with Green River Road..

Dated at Halifax, Vermont this 20th day of August, 2019.

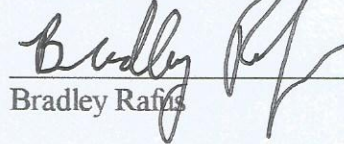
Selectboard, Town of Halifax



Lewis Sumner, Chair



Mitchell Green



Bradley Rafis

EXHIBIT A--Halfax: Thurber Road Reclassification--Abutter list

	Name	Name 2	Street	Town	State	Zip
THR.0449	CONWAY, DIANA RUTH; MCCREA, NANCY ANNE	MATISI, CATHERINE ROSE	PO BOX 134	WEST HALIFAX	VT	05358
OCN.4988	BEZMALINOVIC PETER J TRUST	BEZMALINOVIC CHRISTINE TRUST	23 RICHLEE DR	EAST NORTHPORT	NY	11731
THR.1015	ROBERTS TRISTAN		1015 THURBER ROAD	HALIFAX	VT	05301
MSH.0040	CARPENTER KENNETH F TRUST		PO BOX 1280	BRATTLEBORO	VT	05302
MSH.0350	LAVOIE DANIEL C & MICHELLE A		12 EDGEWOOD DRIVE	ENFIELD	CT	06082
SOM.0078	BAKER JOHNATHAN	DUFOUR JR BETRAND R & KRISTIN L	PO BOX 51	WEST HALIFAX	VT	05358
MSH.0745	JENCKES FOUNDATION INC	BAKER PAMELA ANNE	2124 BUTTERFIELD ROAD	BRATTLEBORO	VT	05301-7996
MSH.0746	DRALEAUS KENNETH D & VICKI M		P.O. BOX 437	MARLBORO	VT	05344-0437
MSH.079B	MARLBORO COLLEGE CORPORATION OF		PO BOX A	MARLBORO	VT	05344
LUC.0528	LEINING RICHARD B & LILIAN M	JUDITH L KOOB	1631 HARRISON AVE	SALT LAKE CITY	UT	84105
THM.1105	MCNEICE BRIAN T	JENNIFER M RAMSTETTER	1105 THOMAS HILL RD.	BRATTLEBORO	VT	05301
PER.0208	FISCHER THOMAS G & ANDREZZA M		22 BOONTON AVE	BOONTON,	NJ	07005
PER.0048	ROGERS SUSAN N		48 PERRY RD	BRATTLEBORO	VT	05301
GRR.2496	GENTILE THOMAS F	ELIJAH THEA C LIFE ESTATE	1037 WESTEN AVE	BRATTLEBORO	VT	05301