

TOWN OF MARLBORO  
Select Board Hearing, Private Roadway North Of Whitaker Farm Road  
Friday, June 14, 2013

**ATTENDANCE:**

Present were select board members Pieter van Loon, acting chair, and Andy Reichsman. Also present were homeowners Lewis Friedman, Nancy Romer and Rene Wachtel; town resident, Tony Gordon and Select Board Assistant, Marcia Hamilton.

The hearing came to order at 3:50 pm.

Pieter van Loon, acting chair read the Hearing Notice dated May 8, 2013 which was mailed Certified, Return Receipt Requested to all abutters of Whitaker Farm Road including the .4 miles which is the subject of this hearing.

All those present were sworn in and signed the oath to give truthful testimony under pains and penalties of perjury.

David Elliott stated the address of the Town Office is 510 South Road and not 524 South Road, as stated in the hearing notice.

Pieter read the rules of a quasi-judicial hearing and stated testimony will be gathered today. The select board will deliberate and render a Decision within 60 days. He also read background information from the Marlboro Highway Ordinance.

Nancy Romer read testimony, which she submitted, supporting her request for .4 miles of private road to be accepted into the town highway system. She said her group has two reasons to change the private road to a town road, (1) safety of the road year around and accessibility for emergency workers; (2) equity. "The first .5 miles of Whitaker Farm Road is part of the Town Road system, but the last .4 miles has historically been a private road. We are no longer a "development" with a profit making structure but rather owners of five homes with the vast majority of the land in the Current Use Program. We don't have much traffic at all."

David Elliott reported on his inspection of the road construction. All culverts met standards although some had wear that might diminish effectiveness over time. Between the fourth and fifth culvert he noticed some bigger rocks and crust coming up through the gravel indicating the correct amount of gravel had not been used. The culvert near the turn-around needed some cleaning around on it. The ditch around the turn-around needed to be reworked to align the flow to the culvert. One culvert has become oval now which reduces the life of it. He feels there are a sufficient number of culverts on the road.

He had concerns about the construction of the road. There was a soft spot in the road. He noticed ledge in the ditch so he assumed there probably was ledge under the road under the soft spot. The solution would depend on where the ledge is and how the water flows in that area.

David said the road does not meet the building standards because in some places there is not enough cover material over the base.

David provided details and estimated the annual cost of maintaining .4 mile to be \$8,900. He estimated \$4,860 for materials, labor, trucking, and \$4,015 for six to seven culverts.

Nancy Romer asked about cost of repairs to bring the road up to standards.

David said his year-round maintenance estimate is \$4,859.76 which is typical for a .5 mile section of road. David thinks it is possible to bring it up to standards. The only way to do that would be to do test holes to see how much additional gravel would be required. Some trenches would also have to be made.

David does not see any benefit to the town to take over the .4 miles. If the road went all the way to Lahar and Collins Road it would be a benefit. With regard to emergency services, as Fire Chief, David feels the road is sufficient for emergency vehicles to access the way it is. He feels their private road is like other long driveways and development roads in town that are private.

Nancy Romer asked whether the road could be fixed up to meet standards within a year. David said until there are test holes to determine how much more material is required, it would be difficult to determine.

There was discussion about whether there was any advice David could offer their contractor for bringing the road up to standard. David stated he did not feel comfortable offering advice to someone over whom he has no control. He stated they were given the road standards and they told their contractor what they wanted him to do.

The hearing closed 4:48 pm.

Respectfully submitted,  
Marcia L. Hamilton, Select Board Assistant