

TOWN OF MARLBORO
Select Board Report
Decision to Reclassify a Section of Gilbert Road
November 19, 2015

At 3:00 PM. on October 8, 2015, the Select Board held a site inspection, and at 4:30 PM. convened a hearing at the Marlboro Town Office for the purpose of taking testimony on whether the public good, necessity and convenience of the inhabitants of Marlboro require the reclassification of a private portion of Gilbert Road.

Present at the site inspection were Select Board members Andy Reichsman, chair; Tyler Gibbons and Pieter van Loon. Also present were abutting landowners Bob LeBlond, Bob Gilbert and Peggy Tiffany. Also present were David Elliott, Road Foreman and Marcia Hamilton, Select Board Assistant. Present at the hearing were Select Board members Andy Reichsman, chair; Tyler Gibbons and Pieter van Loon. Also present were abutting landowner Bob Gilbert, David Elliott, Road Foreman and Marcia Hamilton, Select Board Assistant.

History: The road was originally laid out May 9, 1791 (Vol. 1, Town Records) and was part of the original Augur Hole Road that coursed north to the Newfane Town Line. On January 26, 1971 (almost 200 years later) the Select Board requested the State add the Gilbert road portion to the Certificate of Highway Mileage and official Town map. A letter from the State indicates not all provisions were met and the road was not added. Somehow the action was not pursued by the Select Board. However, the Town highway department, not realizing the provisions were not met, maintained the road as intended as though it had been added to the Town highway system. In the recent past, Gilbert Road was discontinued automatically by the Ancient Roads legislation. When the discrepancy was brought to light in 2015, the Select Board initiated this action to bring a specific portion of Gilbert road into the Town highway system. .

The Select Board gave more than thirty days' notice, by certified mail, to persons owning or interested in lands abutting Gilbert Road. It also gave notice to the Town Planning Commission and Town Road Foreman; posted copies of the notice inside and outside of the Town Clerk's office and on the Town Web Site; and caused a notice to be published in the *Brattleboro Reformer*, on Tuesday, September 29, 2015, which, as required, is not less than ten days before the time set for the hearing on October 8, 2015.

During the hearing the intent of the action to reclassify a portion of Gilbert Road was restated. Throughout the process all parties were in agreement to bring the section of road into the Town highway system. Over the last 44 years since 1971 various Select Board members and Town highway personnel accepted the specific section of Gilbert Road as already a Town highway. At the hearing, the board voted to hire a surveyor to survey the road from the fork at Collins Road to the turn-around used by the Town highway vehicles, a distance of approximately 898.58 feet.

As discontinuance does not allow compensation, only the question of whether the public good, necessity, and convenience of the inhabitants was addressed.

The surveyor met with the Select Board at a regularly scheduled meeting and his survey proposal was accepted by the board. The surveyor met with the Road Foreman on site to review the beginning and end points. The surveyor then surveyed the road and presented the board with the survey and description. The board reviewed and voted to accept the survey plat and description on December 3, 2015

Based on the evidence presented at the hearing, the Board makes the following findings and decision:

1. The road has been maintained for more than 44 years under the assumption that it was already a Town road.
2. All participants at the site inspection and hearing were in favor of adding the approximately 898.58 feet of Gilbert Road to the Town highway system. There are five abutters and there was no opposition to the proposed action orally or in writing.
3. Bob Gilbert stated the road was originally owned by the Gilbert Family and they wish to turn the road over to the Town.

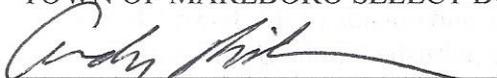
It is the decision of the Select Board to reclassify the approximately 898.58 feet to Class 3, as it already meets the standards and has been maintained as a Class 3 road for more than 44 years. The board concludes that the public good, necessity, and convenience of the inhabitants will be served by adding this section of road to the Town Highway system.

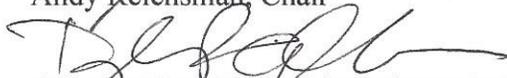
As those portions of Gilbert Road that are the subject of this action by the Marlboro Select Board are public rights-of-way by action of dedication and acceptance, the Select Board awards no compensation for any changes to the status, character, or classification of the road.

Any interested person affected by this decision may be entitled to appeal this decision in writing within 30 days of the date it is signed to the Windham Unit of the Civil Division of the Vermont Superior Court, upon payment of a fee, through V.R.C.P. 74 or 75.

Dated: December 3, 2015 at Marlboro, Vermont.

TOWN OF MARLBORO SELECT BOARD


Andy Reichsman, Chair


Tyler Gibbons


Pieter van Loon