

**CERTIFICATE OF HIGHWAY MILEAGE  
YEAR ENDING FEBRUARY 10, 2016**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2016 to:  
Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section  
One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of HALIFAX in WINDHAM County  
on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,  
added 1985, is as follows:

**PART I - CHANGES TOTALS - Please fill in and calculate totals.**

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000				0.000
Class 2	16.800				0.000
Class 3	47.48	112 <sup>0.04</sup>		47.592	0.000 ← 47.52
State Highway	5.846				0.000
<b>Total</b>	<b>70.126</b>			<b>70.166</b>	<b>0.000</b>
* Class 1 Lane	0.000				
* Class 4	6.94		1.54 2.14	4.8	5.40 0.000
* Legal Trail	8.77	1.50 2.10		10.87	10.27

\* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

**PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.** Adjustments by

- NEW HIGHWAYS:** Please attach Selectmen's "Certificate of Completion and Opening". S. Moulton  
4/22/2016
- DISCONTINUED:** Please attach SIGNED copy of proceedings (minutes of meeting).
- RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).
- SCENIC HIGHWAYS:** Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. [ ]

**PART III - SIGNATURES - PLEASE SIGN.**

Selectmen/ Aldermen/ Trustees Signatures:

Lewis L. Sumner  
Douglas G. G. G.  
Bradley P. P.

T/C/V Clerk Signature:

Patricia D. D.

Date Filed:

February 8, 2016

Please sign ORIGINAL and return it for Transportation signature.

**AGENCY OF TRANSPORTATION APPROVAL:** Signed copy will be returned to T/C/V Clerk.

APPROVED:

Representative, Agency of Transportation

DATE:

5/12/2016

**Received**

**FEB 10 2016**

Policy, Planning & Intermodal  
Development Division

**Vermont Statutes Annotated**

**19 V.S.A. § 305. Measurement and inspection**

**§ 305. Measurement and inspection**

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

(b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.

(c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.

(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.

(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.

(f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description, or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.

(g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate

Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at –  
<http://legislature.vermont.gov/statutes/section/19/003/00305>

December 2015

**Halifax**

2016 Mileage Changes Summary

3/11/2016

TH-21 Whitneyville Rd      NUTS to Class 4 (not NUT5)  
 TH-29 Woodard Hill Rd      NUTS to Legal Trail (LT-15)  
 TH-62 Sumner Farm Rd      Class 4 to Class 3  
 TH-25 Josh Rd              Class 4 to Legal Trail (LT-14)

CLASS 3		CLASS 4		LEGAL TRAIL	
Add	Subtract	Add	Subtract	Add	Subtract
			-0.50	0.50	
0.04			-0.04		
			-1.00	1.00	
0.04	0.00	0.00	-1.54	1.50	0.00

*(VTrans note)*

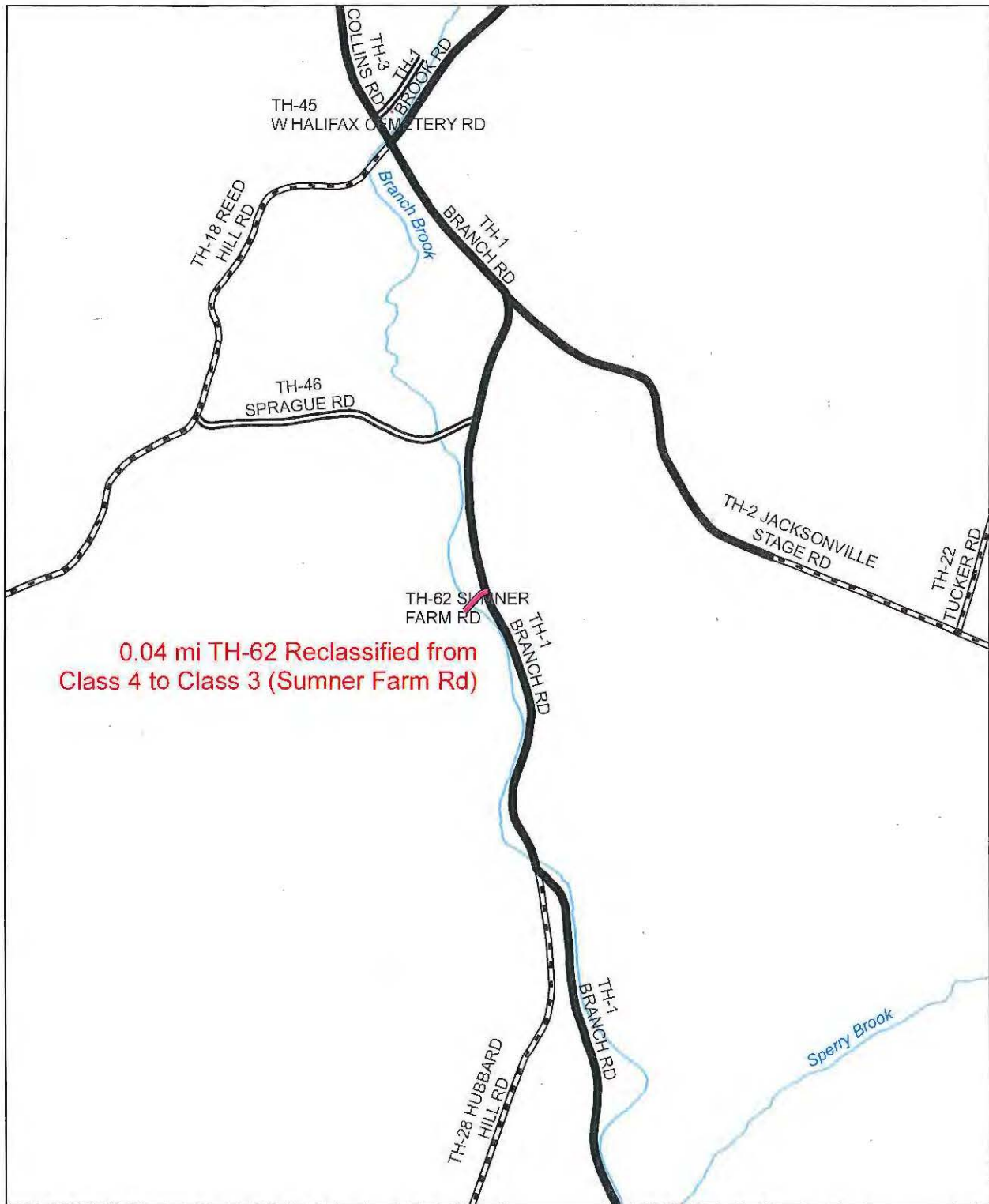
*(no mileage change)*

*(number assigned by VTrans)*

*(number assigned by VTrans)*

**Class 3 Total Change              0.04**  
**Class 4 Total Change              -1.54**  
**Legal Trail Total Change            1.50**

Reassignments of portions of TH-38 and LT-12 not processed. Letter sent to town selectboard chair 03/09/2016 with explanation of why it is not being processed.

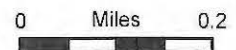


0.04 mi TH-62 Reclassified from  
Class 4 to Class 3 (Sumner Farm Rd)

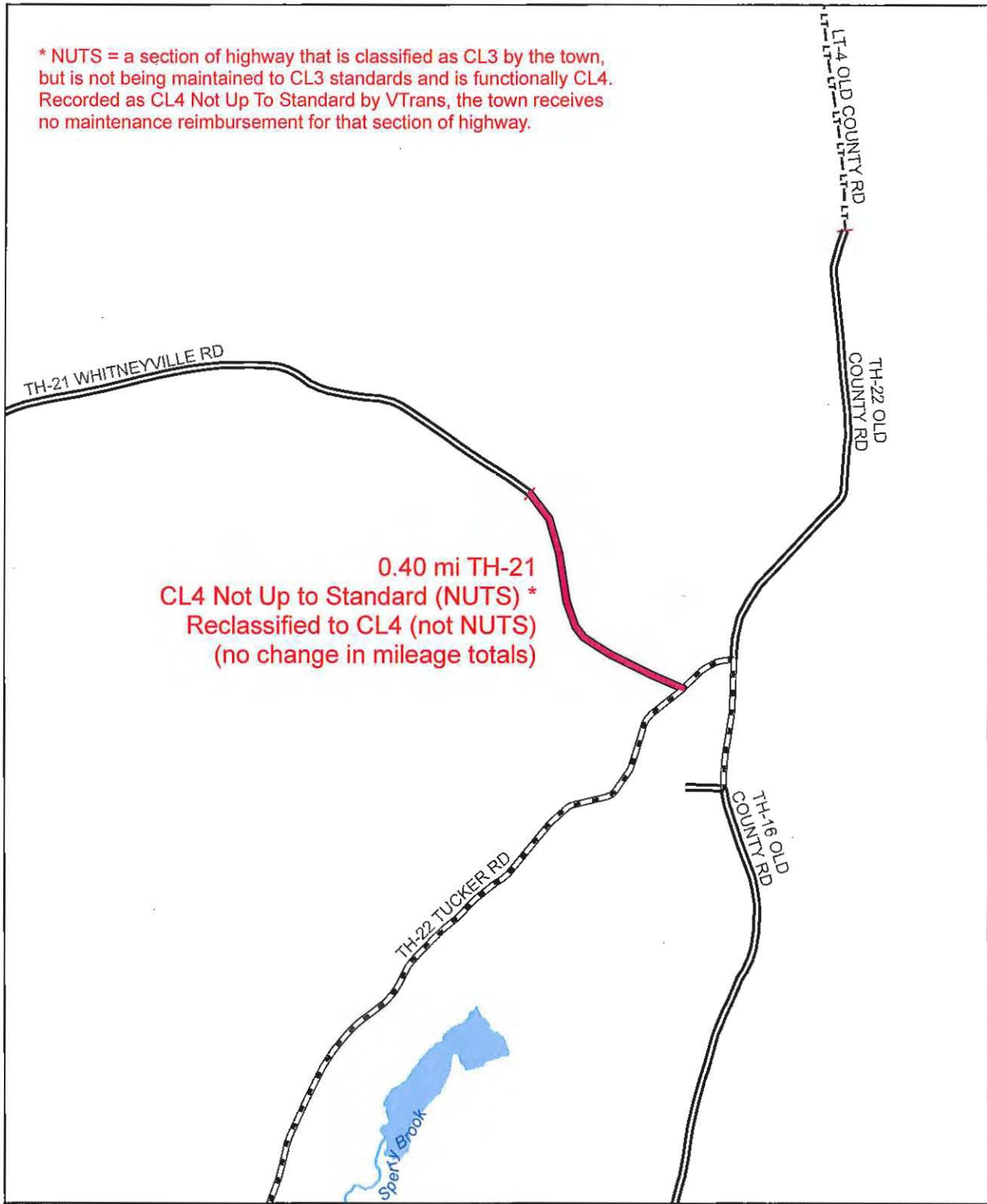
### Mileage Certificate Change 2016

**HALIFAX**  
(CTCODE: 1308)

Mapping Section  
Division of Policy, Planning and Intermodal Development  
Vermont Agency of Transportation - March 2016



\* NUTS = a section of highway that is classified as CL3 by the town, but is not being maintained to CL3 standards and is functionally CL4. Recorded as CL4 Not Up To Standard by VTrans, the town receives no maintenance reimbursement for that section of highway.

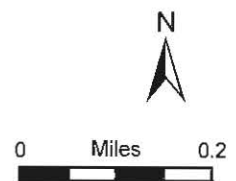


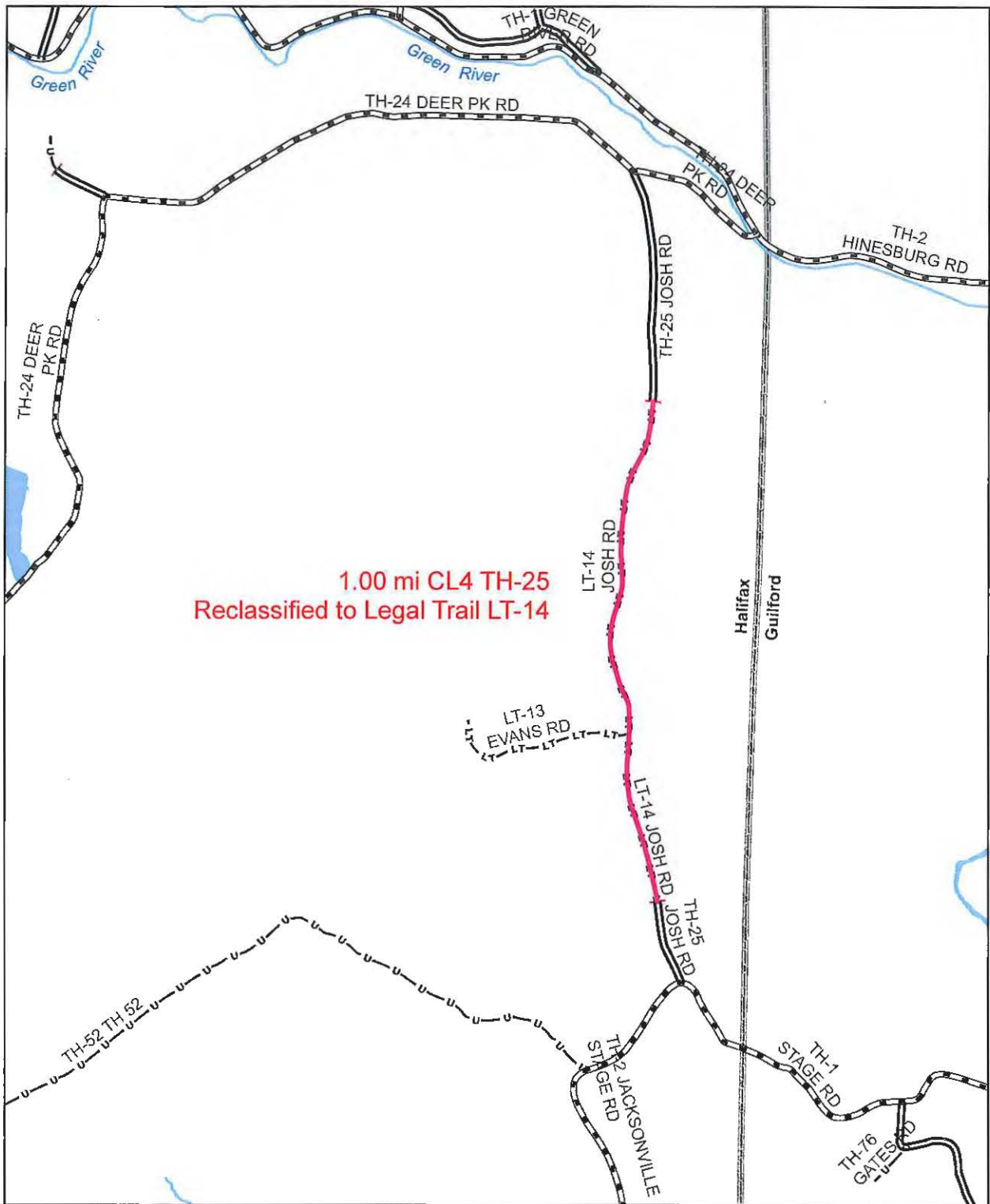
0.40 mi TH-21  
CL4 Not Up to Standard (NUTS) \*  
Reclassified to CL4 (not NUTS)  
(no change in mileage totals)

### Mileage Certificate Change 2016

**HALIFAX**  
(CTCODE: 1308)

Mapping Section  
Division of Policy, Planning and Intermodal Development  
Vermont Agency of Transportation - March 2016





### Mileage Certificate Change 2016

**HALIFAX**

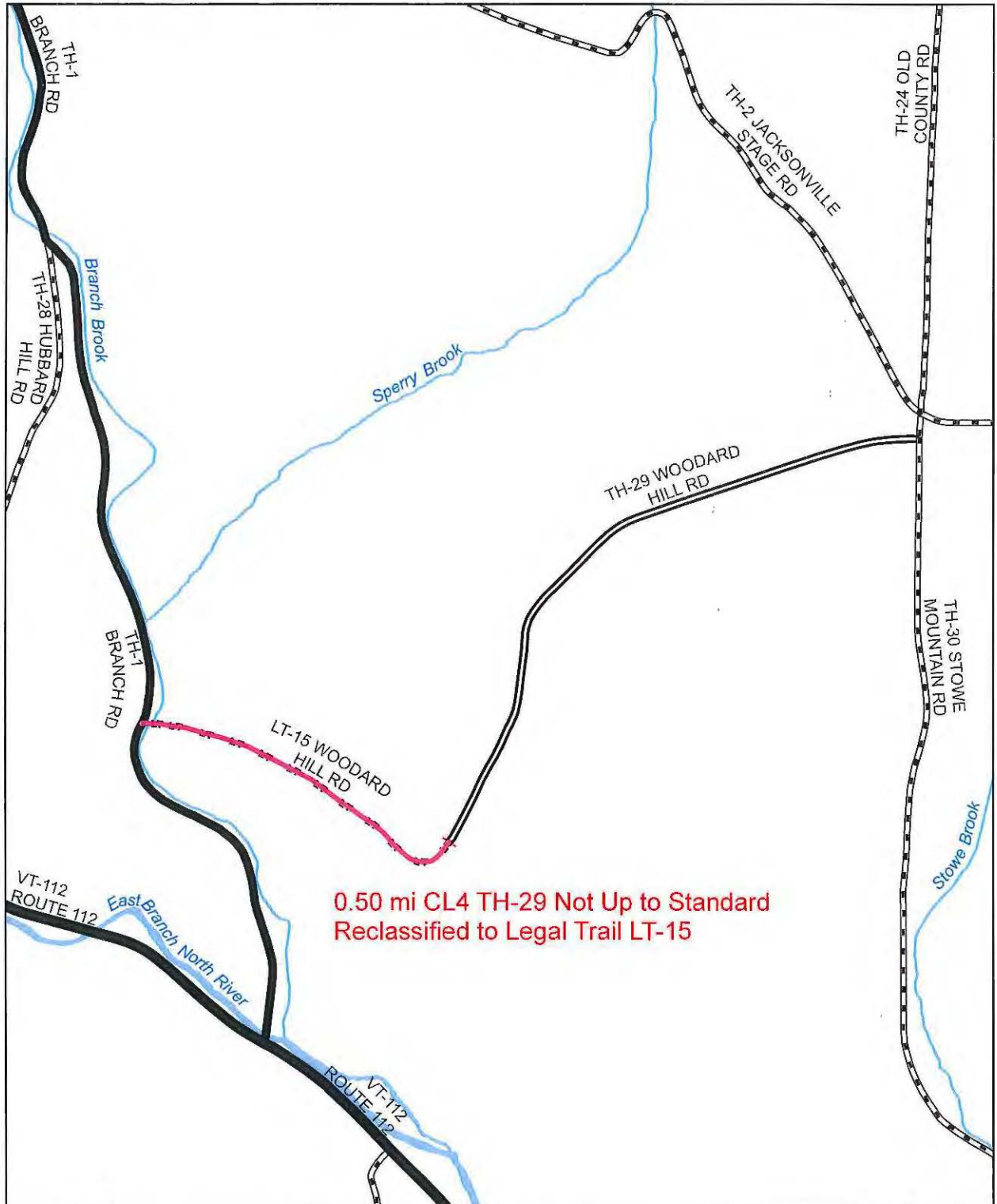
(CTCODE: 1308)

Mapping Section  
 Division of Policy, Planning and Intermodal Development  
 Vermont Agency of Transportation - March 2016



0 Miles 0.3



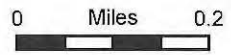


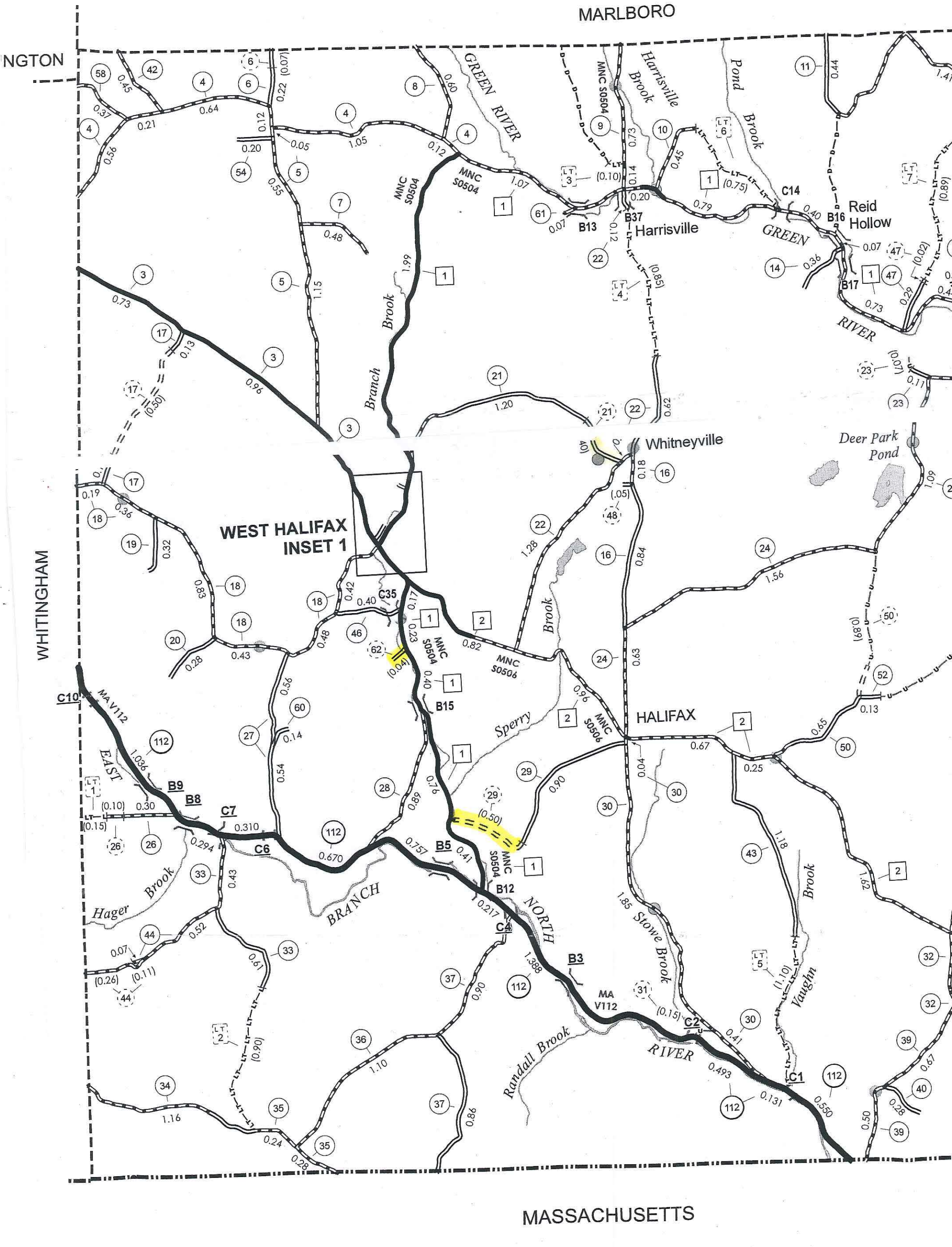
0.50 mi CL4 TH-29 Not Up to Standard  
 Reclassified to Legal Trail LT-15

**Mileage Certificate Change 2016**

**HALIFAX**  
 (CTCODE: 1308)

Mapping Section  
 Division of Policy, Planning and Intermodal Development  
 Vermont Agency of Transportation - March 2016





MARLBORO

NGTON

WHITINGHAM

WEST HALIFAX  
INSET 1

HALIFAX

MASSACHUSETTS

GREEN RIVER

HARRISVILLE  
Brook

Branch  
Brook

Sperry  
Brook

Hager  
Brook

BRANCH

Randall Brook

RIVER

Vaughn  
Brook

1.85 Stowe Brook

MAV112  
EAST

MA  
V112

Deer Park  
Pond

Reid  
Hollow

Whitneyville

Harrisville

B9

B8

C7

C6

B5

B12

B3

C2

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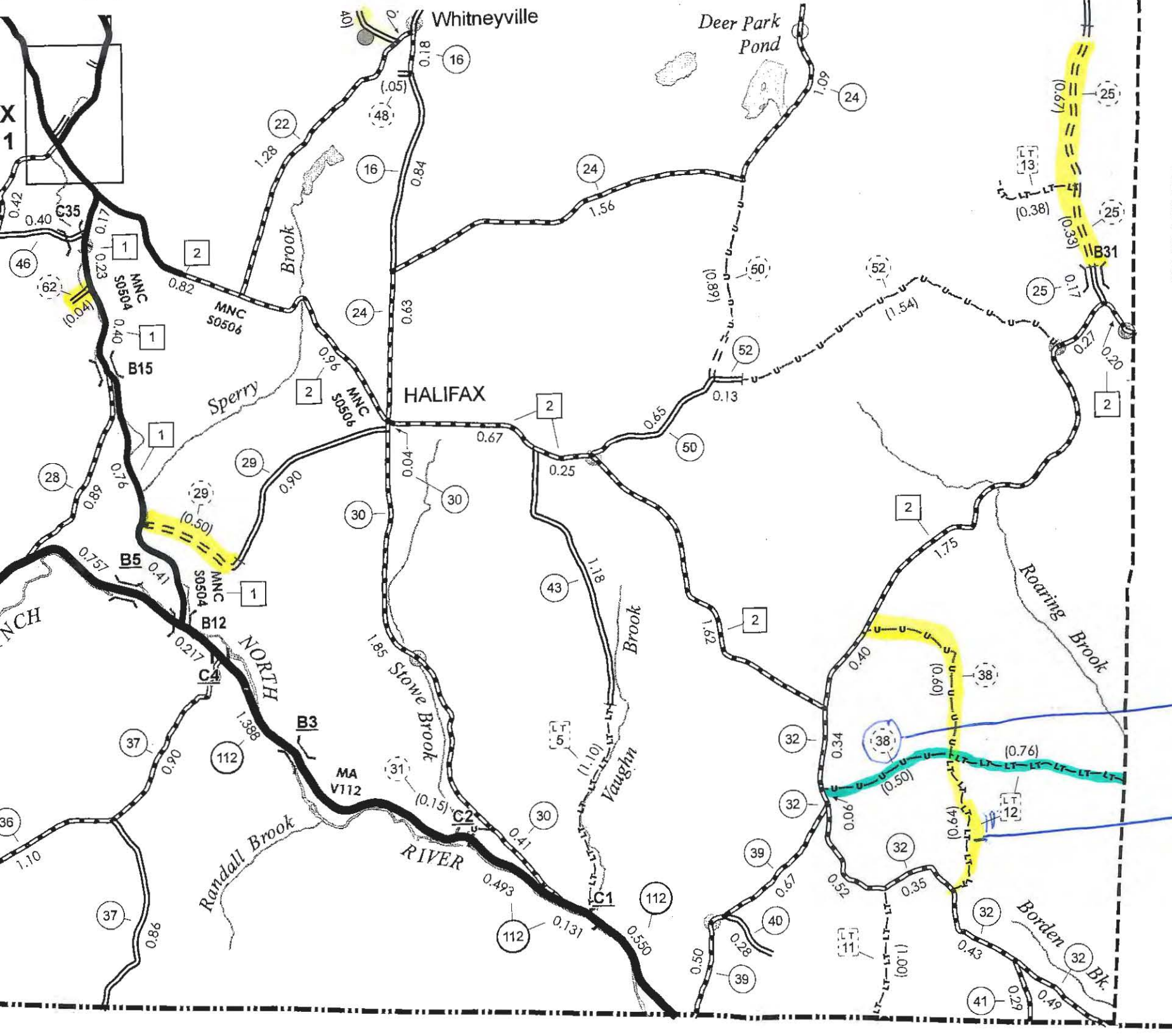
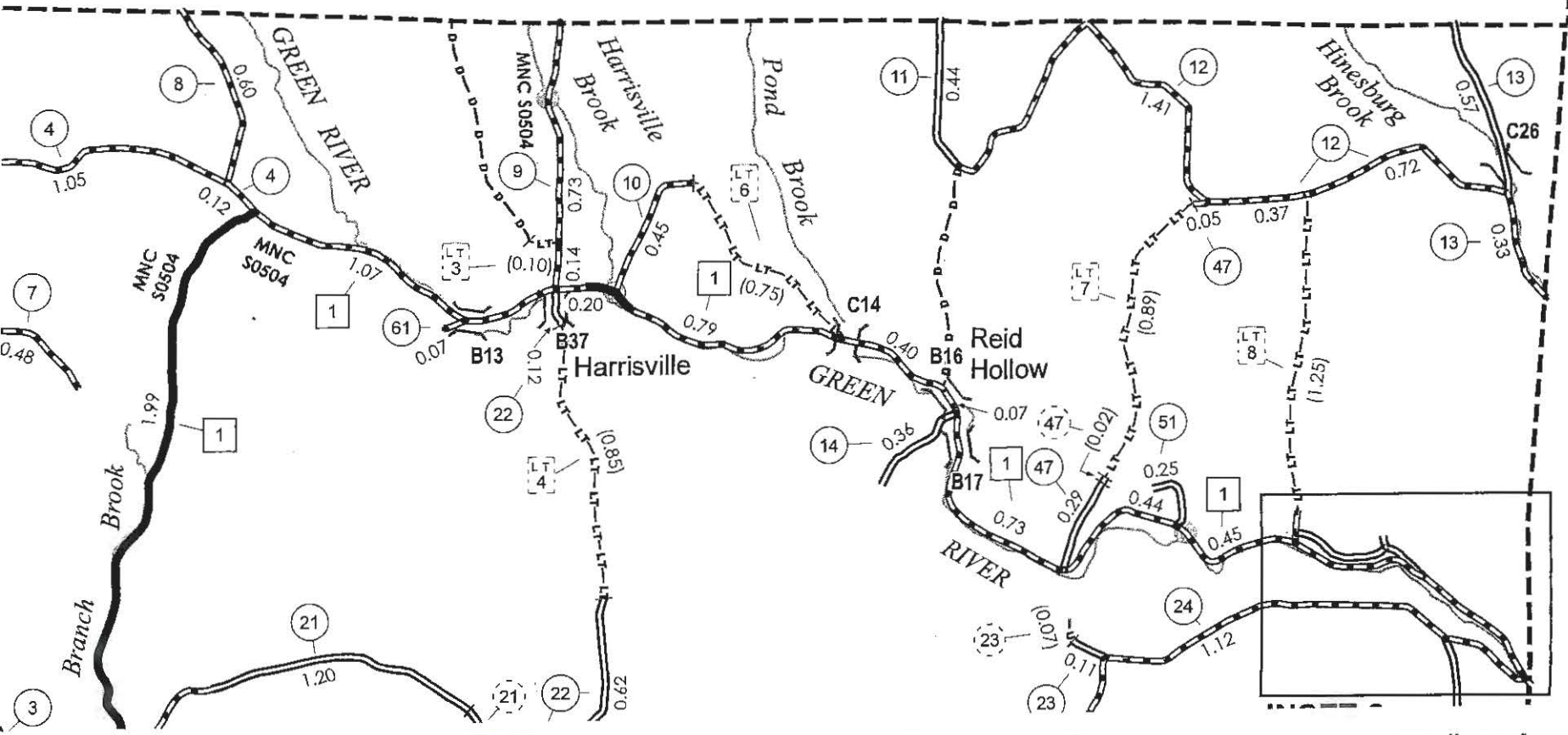
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MARLBORO

BRATTLEBORO



GUILFORD

MASSACHUSETTS

LT 12

38



State of Vermont  
Division of Policy, Planning and Intermodal Development - Mapping Section  
1 National Life Drive  
Montpelier, VT 05633-5001  
<http://vtrans.vermont.gov>

Agency of Transportation

Telephone: 802-828-2109  
Fax: 802-828-2334  
Email: [sara.moulton@vermont.gov](mailto:sara.moulton@vermont.gov)

March 9, 2016

Lewis Sumner  
Selectboard Chair  
PO Box 127  
West Halifax, VT 05358

Dear Mr. Sumner,

The VTrans Mapping Section has received Halifax's 2016 Certificate of Highway Mileage and has processed most of the mileage changes submitted with it. One of the changes requested was to change the 0.50-mile portion of TH-38 to LT-12 and to change the 0.64-mile portion of LT-12 to TH-38 (see Attachment 1).

In reviewing this request, I discovered in our historical town files a copy of the 1972 Selectboard order titled *Highways Put into Trails* (Halifax Land Records Book 28 Page 495-502) in which these highways/trails were identified and classified as trails (see Attachments 2 and 3). These trails were not submitted by the town in subsequent Mileage Certificates.

In 1973-1974, the Agency began to implement the classification scheme that is the base of the system we currently use. When this classification scheme was initially implemented, TH-38 was reclassified from "untraveled road" to Class 4. The trails were not included during the 1974 classification process.

In 1983, the Class 4 classification was changed to Class 4 Legal Trail (CL4 LT) and the extensions identified in the *Highways Put into Trails* order were included, but added as TH-59 (see Attachment 4).

In 1987, the Class 4 Legal Trail category was split into two separate classifications, Class 4 and Legal Trail. The Legal Trails continued to be shown on the Town Highway Maps, but their mileage was not recorded (see Attachment 5).

Because the change requested in 2016 affects the classification of the road segments, we are unable to simply swap their identification between TH-38 and LT-12. The Selectboard will need to follow the reclassification process defined in 19 V.S.A. Chapter 7 *Laying Out, Discontinuing and Reclassifying Highways* to implement the TH-38 / LT-12 change requested.

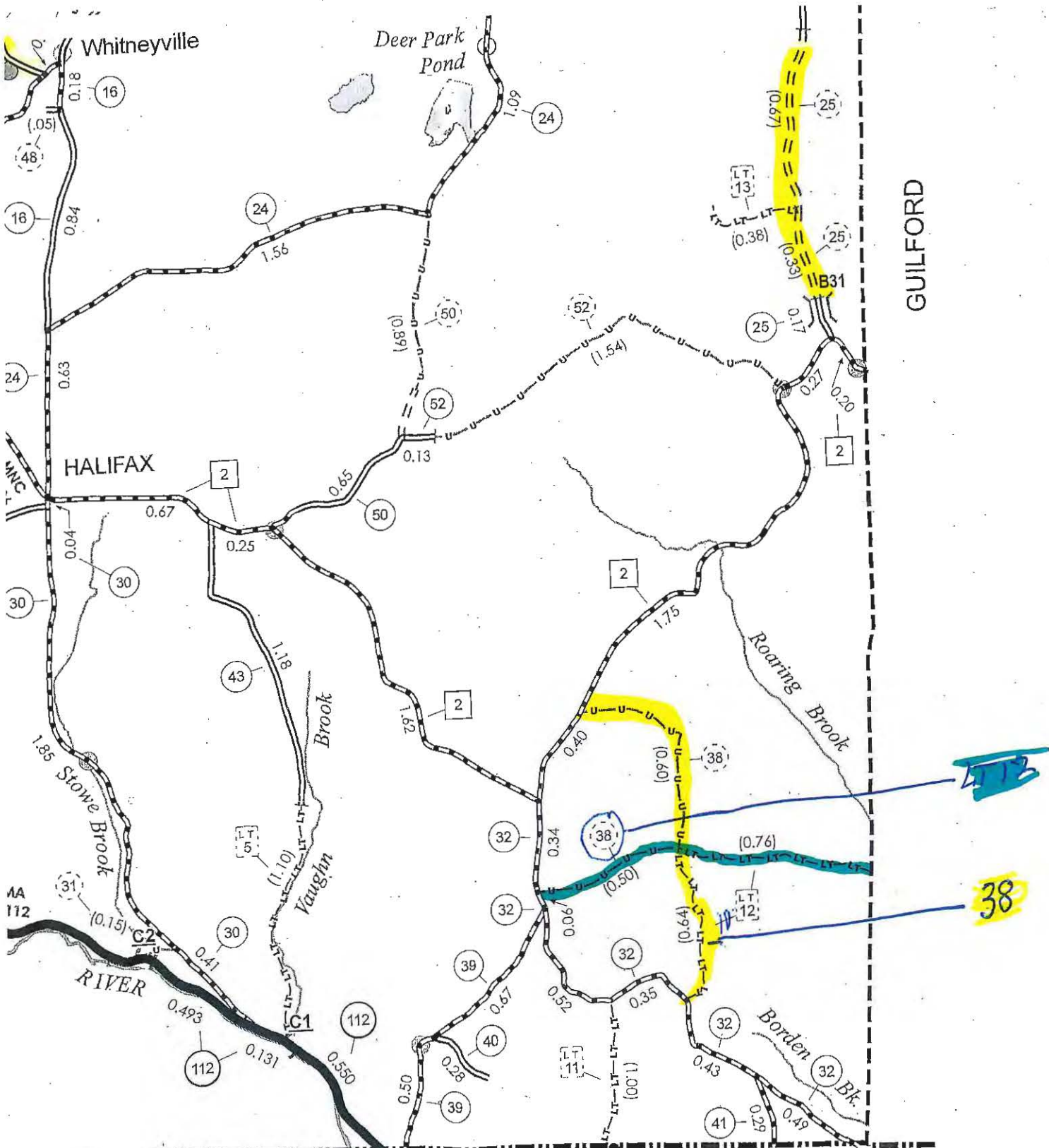
Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Sara Moulton".

Sara Moulton  
Mapping & GIS Specialist

<b>HISTORY SUMMARY</b>			
<b>Year</b>		<b>Action by VTrans</b>	<b>Action by Town of Halifax</b>
1948	TH-38	drawn on 1948 Town Highway Map as "untraveled road"	
1972	TH-38		Selectboard reclassified TH-38 as a Trail and added two extensions (one easterly to Guilford and one southerly to TH-32). The southerly portion of TH-38 and an easterly extension was identified as Item 5 in their list of trails. The northerly portion of TH-38 and a southerly extension was identified as Item 6 on the list of trails.
1973	TH-38	TH-38 was reclassified from untraveled to Class 4	
1983	TH-38 TH-59	TH-38 was reclassified as a Class 4 Legal Trail (CL4 LT) and the two extensions were added as TH-59 Class 4 Legal Trail (CL4 LT)	
1987	TH-38  TH-59	TH-38 Class 4 Legal Trail reclassified to Class 4  TH-59 Class 4 Legal Trail reclassified to Legal Trail	



GUILFORD

HUSETTS

Attachment 1

1972, From VTrans records

495

HIGHWAYS PUT INTO TRAILS

STATE OF VERMONT  
TOWN OF HALIFAX

WHEREAS, at Halifax aforesaid, on the 14th day of January, 1972, the Selectmen of the Town of Halifax did unanimously vote to propose that pursuant to Title 19, VSA Chapter 7 (as amended), the following described public highways in the Town of Halifax be discontinued or be altered by changing them from open public highways to trails:

1. Town Road No. 22: Commencing at the northwest corner of lands now or formerly of L. R. Horvarth with road and extending northerly approximately 1.25 miles to a point in said road which is 0.12 miles south of the intersection with State Aid Road No. 1.
2. Town Road No. 43: Part of the "Vaughn Road," so-called, commencing at the entrance of the driveway leading to premises of Dannehy with Town Road No. 43 and extending southerly approximately 1.1 miles to its intersection with Route No. 112.
3. Town Road No. 50: Commencing at the northwest corner of lands now or formerly of Aristo LaPlamme with said road and extending northerly approximately 3/4 mile to its junction with the Deer Park Road, so-called, Town Road No. 24.
4. Town Road No. 52: Commencing at driveway leading to the residence of LaPlamme and its junction with Town Road No. 52, and extending easterly, northeasterly and easterly approximately 1.5 miles to State Aid Highway No. 2.
5. Part of Town Road No. 38 and Part of Unnumbered Town Road: Beginning at a point which is northerly 0.6 miles of junction of Town Road No. 39 and Town Road No. 32, thence extending easterly approximately 1.25 miles to the Guilford Town Line.
6. Part of Town Road No. 38 and Part of Unnumbered Town Road: Beginning at junction of State Aid Highway No. 2 and extending easterly and southeasterly approximately 1.25 miles to junction with Town Road No. 32.
7. Unnumbered Town Road: Beginning at the southerly side of Town Road No. 32 and at the cellar hole located on the Barber Place, so-called, thence extending southerly approximately 3/4 of a mile to the Massachusetts State Line, together with the Branch Road leading easterly and for approximately 1/4 of a mile to the Winston House, so-called.
8. Town Road No. 25: Beginning at a point which is 0.46 miles southerly of the junction of Town Road 25 with Town Road 24, thence extending southerly approximately 1 mile to the northerly side of the bridge which extends over Deer Park Brook, so-called.
9. Town Road No. 49: Beginning at the junction of Town Road No. 25 and Town Road No. 49 and extending westerly and northwesterly approximately 1/2 mile to the end of the road.
10. Town Road No. 47: Beginning at the junction of Town Road No. 47 and Town Road No. 12, thence extending southerly approximately 1 mile to the driveway leading to the Gaccon House, so-called.
11. The Sodom Road, so-called: Beginning at a point at the junction of the Sodom Road and Town Road No. 9; thence extending westerly and northerly from Town Road No. 9 approximately 1 mile to the Town Line of Marlboro.
12. Town Road No. 10: Beginning at the junction of Town Road No. 10 and State Aid Highway No. 1, near the home of Thomas O'Brien and being near the northeast corner of the bridge on State Aid Highway No. 1, thence extending northerly and northwesterly approximately 3/4 of a mile to the property line of Luther Ray.
13. Town Road No. 17: Beginning at the intersection of Town Road No. 3 and Town Road No. 17 and extending southerly and southwesterly approximately 1 mile to the junction of Town Road No. 17 and Town Road No. 18.
14. Town Road No. 26: Beginning at a point which is 0.30 miles south of the junction of Town Road 26 and Route 112, thence extending westerly approximately 1/4 of a mile to the Whitingham Town Line.
15. Unnumbered Town Road: Beginning at a point which is 0.14 miles westerly of the junction of Town Road No. 33 and Town Road No. 44 and at the Rowen Place, so-called, thence extending westerly approximately 3/4 of a mile to the Whitingham Town Line.

Judgment Order - See Book 34, Pages 409-410

Attachment 2

## Highway Put Into Trails (cont.)

16. Unnumbered Town Road: Beginning at a point which is 0.61 miles southwesterly of the junction of Town Road No. 44 and Town Road No. 33 and at the driveway of premises now or formerly owned by Parkhurst, thence southwesterly and southerly approximately 1.25 miles to the junction of Town Road No. 33 and Town Road No. 35.

17. Part of Town Road No. 35 and part of Town Road No. 34: Beginning at a point which is the driveway of lands now or formerly of McQuade situate on Town Road No. 35, thence extending westerly approximately 1 mile to a point adjacent to the driveway of the Ireland Place, so-called.

18. Unnumbered Town Road: Beginning at a point at the top of the Putnam Hill, so-called, adjacent to lands now or formerly of Jepsen, thence extending westerly approximately 1/4 of a mile to the Whitingham Town Line.

19. Town Road No. 11: Beginning at a point marked by the junction of State Aid Highway No. 1 and Town Road No. 11, thence extending northerly to a point which is 0.44 miles southerly of the Marlboro-Halifax Town Line extending approximately 3/4 of a mile.

20. Unnumbered Town Highway: Beginning at a point marked by the end of Town Road 15 and extending westerly approximately 1/4 of a mile to the end of Town Road No. 53.

21. Clark Road, so-called: Beginning at a point at the end of Town Road No. 53 and extending northerly approximately 1.25 miles to the junction of Town Road No. 12.

For a more particular description and the location of the above mentioned roads, further reference may be had to Vermont Highway District No. 2, Town of Halifax Road Map dated 1949 and revised 1950, scale 2" = 1 mile, which map is located in the Halifax Town Clerk's Office.

WHEREUPON, the said Selectmen did order and appoint that on the 11th day of February, 1972, at the hour of 7:00 o'clock P. M. they would meet at the Halifax Elementary School in Halifax, Vermont for the purpose of hearing all persons interested in said highways, their discontinuance or alteration to trails, and did give notice thereof (a copy of such notice being attached hereto) to the following persons who own or are interested in the lands on which said public highways now lie or abutting upon said public highways at their last known addresses by registered mail, postage prepaid, which notices were mailed on January 17, 1972.

Suzanne Dannehy Campbell  
Stowe, Vermont

Torston H. & Barbara Lindbow  
16 Glover Avenue  
Newton, Connecticut 06470

George W. & Anise M. Hartmann  
6 Lawrence Court  
Bay Shore, N. Y. 11705

Arto L. & Mary S. LaFlamme  
Wilmington, Vermont

C. A. Denison Lumber Co., Inc.  
RFD #1, Box 125  
Colrain, Massachusetts 01340

Frederick J. & Helen Call  
Colrain, Massachusetts 01340

John & Eva D. Bottomley  
P. O. Box 503  
So. Yarmouth, Mass. 02664

T. Duane & Dorothy Roddy  
Jacksonville Stage Road  
Brattleboro, Vermont

Bernadine K. Milton  
RFD #1  
Colrain, Massachusetts 01340

Victor L. & Ruth R. Morse  
Spofford, N. H. 03462

Lynda Dannehy, Judith Dannehy  
Michael C. Dannehy  
c/o Dr. M. G. Dannehy  
103 Main Street,  
Brattleboro, Vermont 05301

G. Bruce & Nancy L. Hartmann  
2 LaGrange Road  
Delmar, N. Y. 12054

Merlin & Dorothy Bishop  
30 Rosewood Road  
Avon, Connecticut 06001

Jay A. & Kathrina P. Schlaikjer  
Boardman Avenue  
Manchester, Massachusetts 01944

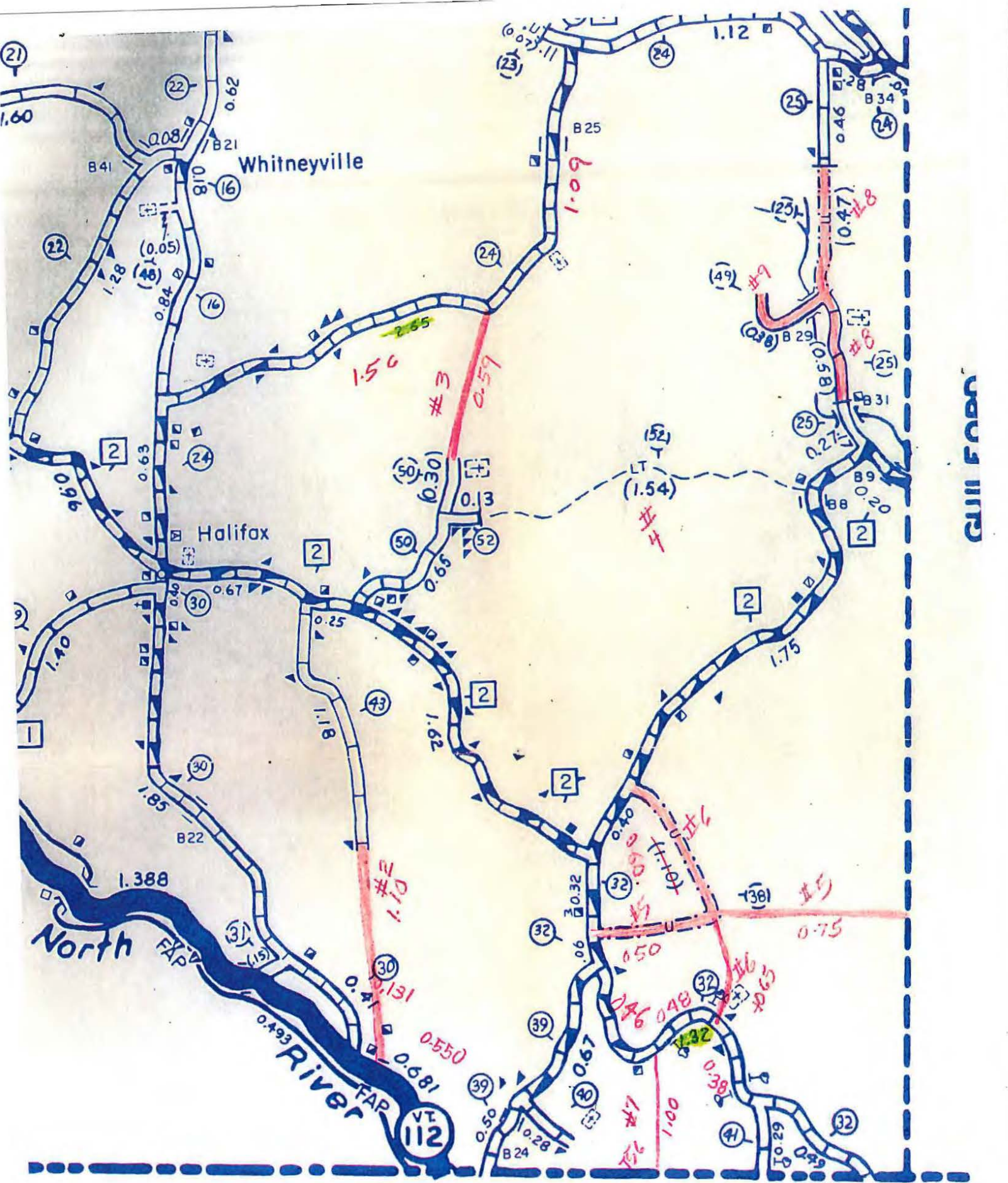
Jeremy G. Freeman  
Jacksonville Stage Road  
Brattleboro, Vermont 05301

Peak Lumber Co.  
So. Broad Street  
Westfield, Mass. 01085

Arthur D. & Barbara G. Bishop  
RR #1, Box 148  
Shelburne Falls, Mass. 01370

Charles A. & Luther A. Ray  
1794 Mendon Road  
Cumberland, R. I. 02864

Harold Sauter, et als  
Shelburne Falls, Mass. 01370

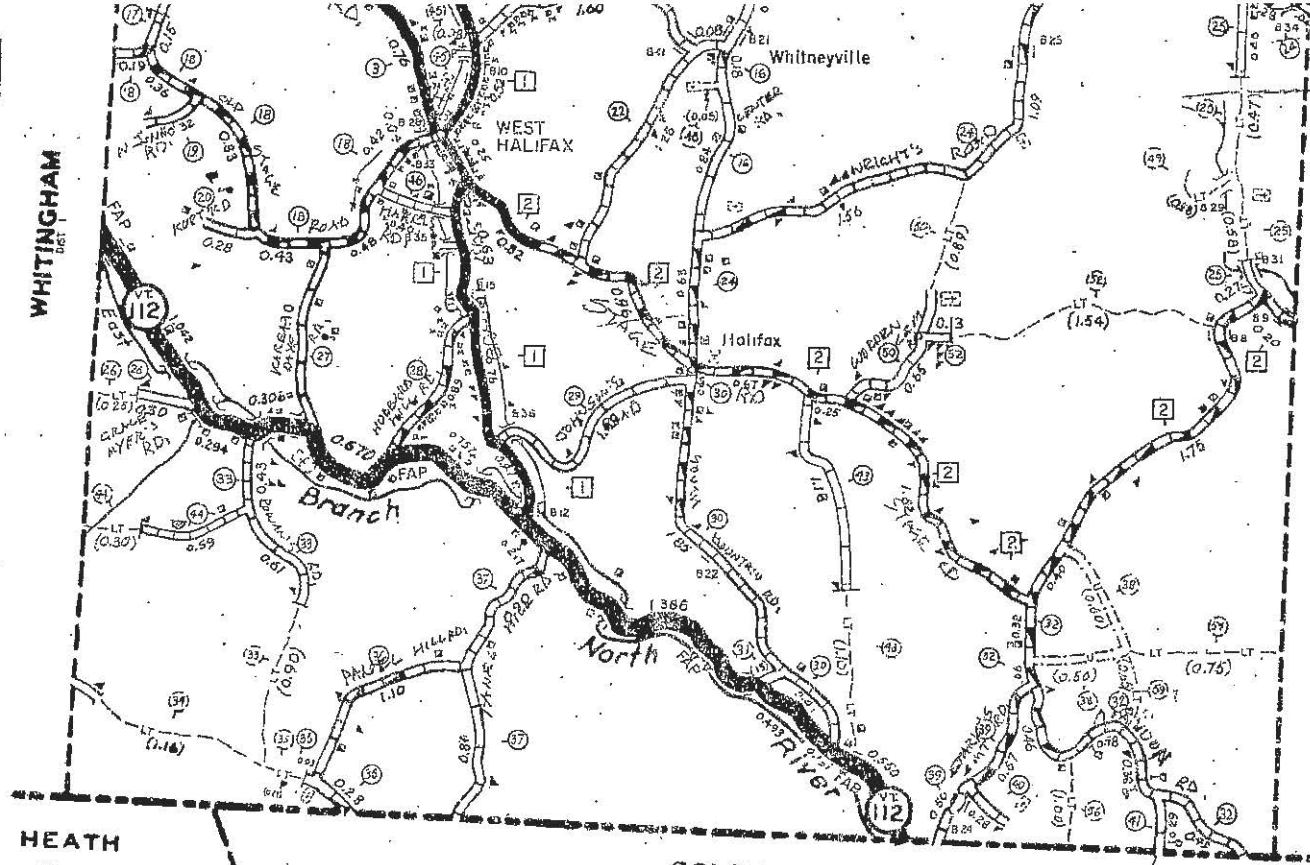


COLRAIN

Attachment 3 1982

MASSACHUSETTS

31		(0.15)
32	2.19	(0.90)
33	1.04	(1.16)
34	0.31	(0.21)
35	1.10	
36	1.75	
37		(1.10)
38	1.17	
39	0.23	
40	0.29	(1.16)
41	0.45	
42	1.18	(1.10)
43	0.59	(0.30)
44	0.02	(0.06)
45	0.40	
46	0.29	(0.95)
47		(0.05)
48		(0.58)
49	0.55	(0.69)
50	0.25	
51	0.13	(1.54)
52	0.10	
53	0.20	
54	0.31	
55		(1.00)
56		(1.03)
57		(0.25)
58		(1.40)
59		
TOTAL	46.25	(16.96)



WHITINGHAM  
DET.

GUILFORD

**NOTES**  
Inventory date of cultural features is 1980. The untraveled highways (paid-out town highways), discontinued highways, and legal trails shown hereon are those of which the Department of Highways has record; others may exist.

HEATH  
FRANKLIN CO.  
COLRAIN  
MASSACHUSETTS

GENERAL HIGHWAY MAP  
**TOWN OF HALIFAX**

1980 POPULATION: 488  
PREPARED BY  
VERMONT AGENCY OF TRANSPORTATION  
PLANNING DIVISION  
SCALE



**MILEAGE SUMMARY**

CLASS 1 TOWN HIGHWAYS:	0.000
CLASS 2 TOWN HIGHWAYS:	
NO. 1	9.86
NO. 2	6.94
TOTAL CLASS 2 TOWN HWYS	16.80
CLASS 3 TOWN HIGHWAYS:	46.25
TOTAL TOWN HWYS.	63.05
STATE HIGHWAYS:	
STATE HWY. VT. 112	5.848
STATE HWY.	
TOTAL STATE HWYS.	5.848
TOTAL TRAVELED HWYS., FEB. 10, 1983.	63.898*

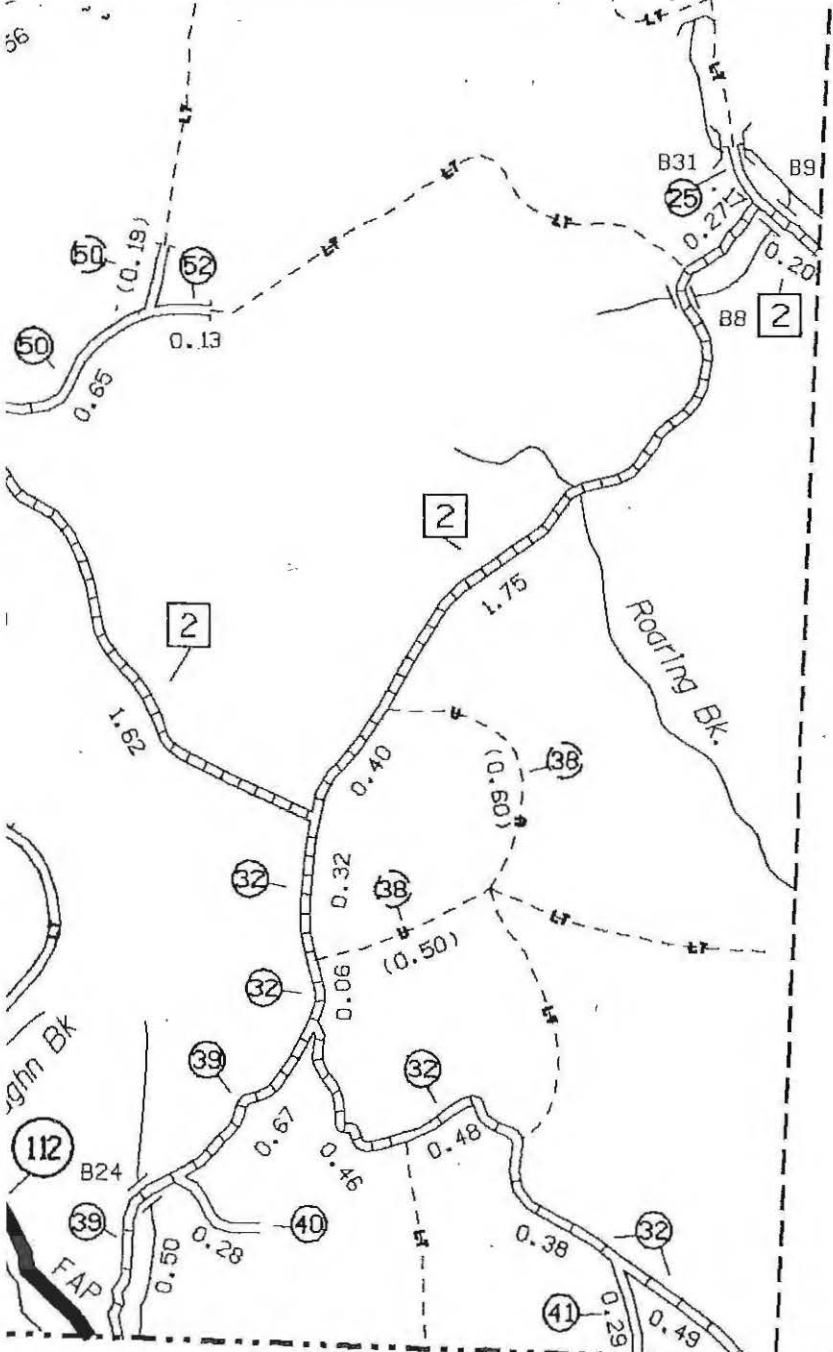
\* INCLUDES CLASS 4 MILEAGE

- LEGEND**
- HIGHWAYS**
- DIVIDED HWY, INTERSTATE OR STATE INTERCHANGE NUMBER
  - 2 LANE STATE HIGHWAY
  - END OF STATE HIGHWAY
  - TOWN HIGHWAY
  - UNTRAVELED ROAD
  - PRIVATE ROAD AND NUMBER
  - DISCONTINUED HIGHWAY
  - LEGAL TRAIL (FORMER TOWN HWY)
  - FOOT TRAIL
  - INTERSTATE NUMBERED ROUTE
  - U.S. NUMBERED ROUTE
  - STATE NUMBERED ROUTE
  - CLASS 1 TOWN HIGHWAY
  - CLASS 2 TOWN HIGHWAY
  - CLASS 3 TOWN HIGHWAY
  - CLASS 4 TOWN HIGHWAY
  - FCA FULLY CONTROLLED ACCESS
  - FAP FEDERAL AID PRIMARY HIGHWAY
  - FAS FEDERAL AID SECONDARY HIGHWAY
  - FAS FEDERAL AID SECONDARY ENDS
- ROAD SURFACE TYPES**
- BITUMINOUS MIX, MACADAM MIX, MACADAM PENETRATION, CONCRETE
  - BITUMINOUS CONCRETE, BRICK OR BLOCK
  - SURFACE TREATED GRAVEL
  - GRAVEL
  - SOIL SURFACE (2ND CLASS GRAVEL)
  - GRADED AND DRAINED EARTH
  - UNIMPROVED EARTH
  - PRIMITIVE
- BRIDGES**
- BRIDGE OR CULVERT (LESS THAN 6' SPAN)
  - BRIDGE OR CULVERT (6' THRU 20' SPAN)
  - BRIDGE (OVER 20' SPAN)
  - HIGHWAY UNDERPASS
  - HIGHWAY OVERPASS
  - COVERED BRIDGE
  - BRIDGE NUMBER
- MISCELLANEOUS**
- RAILROAD AND GRADE CROSSING
  - VILLAGE CENTER
- CULTURAL FEATURES**
- FARM UNIT
  - DWELLING (other than farm)
  - SEASONAL DWELLING
  - MOBILE DWELLING
  - TOWN CLERK'S OFFICE
  - BUSINESS
  - SCHOOL
  - CHURCH
  - POST OFFICE
  - FIRE STATION
  - CEMETERY
  - SANITARY LANDFILL
  - GRAVEL PIT
  - SUGAR HOUSE
  - HALL (F-town, C-community, G-groups, F-fraternity)

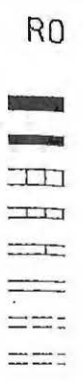
Attachment 4

1983





GUILF



GE  
TOW  
VERN

MASSACHUSETTS



Attachment 5

1988



land use determinations to treat designated trails in a fashion other than as specified by statutes defining "public roads". Given the uncertainty as to certain findings of fact, and the ambiguity inherent in the conflicting conclusions as to whether the road reclassification from trails to Class IV roads was necessary for the public good, the Court remanded the case to the Commissioners for further proceedings consistent with the discussion of the issues in its June 5 opinion.

On June 29, 2007, the Chair of the Commissioners, Corwin Elwell, wrote to the Court indicating that they "have a problem continuing with the case". Describing the process, as most recently framed by the Court's remand order, as "a legalistic jungle rather than a common sense settling of the case", the Commissioners "indicated they do not wish to put any further time on the case and really believe they should submit a resignation to you." In a postscript, the Commissioners also noted that they had not been paid despite having submitted their invoices shortly after issuing their report. In response, the Court wrote to the Commissioners on July 18, requesting their attendance at a status conference in an effort to clarify any confusion as to the mandate envisioned by the remand order, and to address the unpaid invoices.

### **Discussion**

The Court convened the status conference on August 13, 2007. Appellants were represented by Jamey Fidel, Esq., and the Town was represented by Robert Fisher, Esq. Two of the three Commissioners attended, Corwin Elwell and Randolph Major. Chair Elwell represented that the third Commissioner, Margaret Streeter, was precluded from attending due to professional commitments. After the Court invited any questions or comments from the Commissioners regarding the concerns expressed in the exchange of correspondence following the remand order, Chair Elwell addressed on the record his understanding of the Court's

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**AUG 31 2007**

Windham County  
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concerns, both as to the sufficiency of the findings of fact, and as to the purported inconsistency in the conclusions as to public good and necessity.

As to the former, the Commissioners were in accord that any discussion of the evidence under their heading "Findings of Fact" ought to have been reasonably interpreted, in their view, as indicating that they were adopting the testimony described as a finding, and according it conclusive weight in the context of the further elaboration in the opinion as regards the public good. With respect to the conclusions as to public good and necessity, the Commissioners acknowledged the legal impediment to the adoption of Sec. 2 in the portion of their report styled "Conclusions of Law", as explained in the Court's remand opinion and order. In their view, however, as orally expressed on the record by both Chair Elwell and Mr. Major, the rejection of the recommendation "to return to the policy of issuing a permit to property located on a trail (with legal frontage, acreage, etc.) as was town policy for over 30 years prior to 2003", did not undermine or alter their primary conclusion "that the public good....requires that Josh and Bell Road trails remain trails based on the consistent action of the citizens of Halifax over the past 30 years." With this clarification, both Mr. Elwell and Mr. Major made it plain that neither saw the need for further proceedings or written response to the Court's remand order, and that neither was willing to participate further in remand proceedings.

Not surprisingly, the parties take different positions on how the Court ought best to address the unresolved issues in the case. Appellants renew their argument that the evidence before the Commissioners and their findings of fact are more than adequate to support the conclusion that public good and necessity require the rejection of the redesignation of the trails to Class IV roads. For its part, the Town urges the Court to reject the oral clarifications made by

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the Commissioners as insufficient to the issues identified in the remand order. Rather, the Town insists either that the proceedings need to be recommenced with the appointment of three new commissioners, or that the Court must consider further evidence, which at minimum should include its own site visit to view the subject thoroughfares. As explained below, the Court concurs with Appellants.

*Sufficiency of the Findings*

Upon further reflection, the Court reverses its conclusion as to the adequacy and sufficiency of the Commissioners' findings. This review is prompted by the Commissioners' clarification at the status conference, but does not significantly depend upon it. Rather, in giving further assessment to the Commissioners' reasoning as regards their recommendation that Josh and Bell Roads remain designated as trails, the Court is satisfied that much of the underpinnings for the Commissioners' decision stems from its analysis of existing statements of policy indicative of public good. These are well-established by the exhibits in evidence and are unaffected by any claimed shortcomings associated with a distinction, understandably hazy to the Commissioners, between describing the evidence and granting weight to it.

Thus, as maintained by Appellants, there is no basis to attack the Commissioners' conclusion that the Halifax Town Plan and Zoning Regulations indicate a strong public policy in favor of not upgrading trails to a higher classification. As Josh Road is located in a conservation district, decisions as to its classification must take into consideration the purpose of such district "to protect the natural resource value of lands that are essentially undeveloped; lack direct access to arterial or connector roads, are important upland wildlife habitat or corridors, particularly for large game animals such as deer and bear; or have high forestry value, are unsuitable for land

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development or include irreplaceable, limited or significant natural, recreational or scenic resources." Similarly, Bell Road's location in a rural residential district means that any alteration must account for "[s]pecial care [that] should be taken to protect the rural-residential character of this district and to locate proposed development off of productive agricultural lands." The Commissioners related this purpose to further undisputed evidence that a portion of Bell Road runs through lands having prime agricultural soils as indicated by the map of "Agricultural Lands" appended to the Town Plan, in evidence. The Commissioners' Report places these considerations, particular to the district through which each of the subject roads runs, within the larger context of a multitude of town policies, cited in the findings, disfavoring the reclassification of trails. In particular, Transportation Policy #7, in evidence, states: "The town will resist efforts to upgrade unmaintained rights of way to a higher classification."

Other sources reasonably relied upon by the Commissioners for indications as to public good and necessity are similarly unaffected by any ambiguity attributed to the form of the findings of fact. Thus, the conclusion that the roads should remain designated as trails finds proper support, as discussed in the Report, in the Halifax Planning Commission survey of 2004, indicating that a strong majority of residents opposed changing trails to Class IV highways for the purpose of allowing development of lots that currently have no frontage on public highways. Similarly, the Commissioners reasonably find further support for their conclusion in the vote taken at the March 7, 2006 Halifax Town Meeting by which the electorate defeated a proposal "to approve amendments to the zoning bylaws approved by the Board of Selectmen on January 31, 2006". Those amendments sought to ratify the longstanding unwritten policy of treating trails as public roads for the purpose of determining frontage requirements in connection with zoning.

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permits associated with proposed development (which, whether adopted by the Selectmen or ratified by the Halifax voters, would have been invalid as discussed in the June 5 remand order).<sup>1</sup>

Finally, the Commissioners received testimony from i) Scott Sylvester, a professional forester (Ex.13 & 14); ii) Jennifer Ramstetter, a professor of biology (Ex.15 & 16); Doug Hoffer, a policy consultant (Ex. 19 & 20); and Paul Taylor, a planner with the Department of Fish and Wildlife (Ex. 21). The written testimony of these witnesses, incorporated by reference in Findings 25 - 28 of the Commissioners' Report, affords unambiguous additional support for the conclusion that the public good would be adversely affected by upgrading the trails to roads; i.e. through itemizing effects on forest management; wildlife habitat, recreational opportunities and the general fiscal impact on town governance.

In sum, as to the adequacy of the findings to support the Commissioners' conclusions regarding public good and necessity, the Court revises its earlier view, concluding that it represents an overly formalistic assessment of the form of the findings when compared to the evidence in the record. Rather, the Court now adopts the findings because they are supported by ample evidence in the record.

***Uncertainty as to the Conclusion Regarding Public Good & Necessity***

As previously discussed in the June 5 remand entry, the Court was concerned that, notwithstanding its recommendation that the reclassification be rejected, the Commissioners' report appeared to "be based on the assumption that the ...status quo can be maintained"; that is,

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<sup>1</sup> In their memorandum in support of adopting the Commissioners' determination of public good, Appellants maintain that the Court should take judicial notice of a similar vote at the 2007 Halifax Town Meeting. While having no reason to doubt this representation, Appellants have not presented proof of the results of the vote in a form that would allow judicial notice at this juncture of the proceedings.

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the prior informal policy of making ad hoc determinations allowing trail frontage to substitute for the requirement of frontage on a public road for zoning and development purposes. Nonetheless, the Court further observed in that entry that: “[i]t is conceivable that a reworking of the findings of fact, once incorporated into an analytic framework acknowledging that trails *cannot* count as frontage and class four roads *will* count as frontage, could yield a new report without the need for additional evidence.”

Although the Court would have deemed it preferable had the Commissioners reached such a conclusion in a formal revision of their report, their representations during the status conference left no uncertainty regarding their original and continuing assessment of the priority they accorded to the recommendation to restore “the status quo”. By virtue of its placement in the conclusions of law in the original report (as Sec. 2 of the Conclusions of Law), and as confirmed on the record during the Commissioners’ representations to the Court, that recommendation was secondary to the superceding determination that public good and necessity was most consistent with preserving the trail status of Josh and Bell Roads. Furthermore, following some further exposition by the Court regarding its lack of authority to order the reimposition of “the status quo”, the Commissioners forthrightly indicated their understanding of those limits. Consistent with such understanding, they affirmed the primacy of the conclusion that Josh and Bell Roads should remain trails for all the reasons explained in the report. But for the seeming inconsistency of the recommendations of Sec. 2 of the Conclusions with the rationales expressed for the recommendations of Sec. 1, the Court would have brooked no quarrel with the Commissioners’ explanation for their determination that the public good required the preservation of trails. As clarified and amended on the record, the Court now adopts

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those explanations as a fair resolution of the issues the Commissioners were charged to consider.

See, *Hansen v. Town of Charleston*, 157 Vt. 329 (1991).

***Commissioners' Charges***

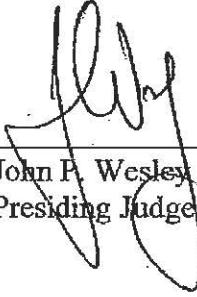
As discussed at the status conference, the Court offered no prior guidance to the Commissioners with regard to the fair value of their services. While each has sought reimbursement based on a different accounting of their time and hourly charge, the Court has reviewed the invoices and finds them reasonable.

**ORDER**

Based on the matters discussed above, **IT IS HEREBY ORDERED:**

- 1) The Commissioners report, including its findings of fact and conclusions of law, is hereby **ADOPTED**, except that Sec. 2 of the Conclusions of Law is struck.
2. The reclassification of Josh and Bell Roads from trails to Class IV town highways is **VACATED**, inasmuch as it is determined that the public good and necessity require that those thoroughfares remain designated as town trails.
3. The invoices submitted by each of the Commissioners is **APPROVED**. The parties shall be equally responsible for the payment of the invoices no later than 30 days from the date of this Order.

Dated August 31, 2007 at Newfane, VT.

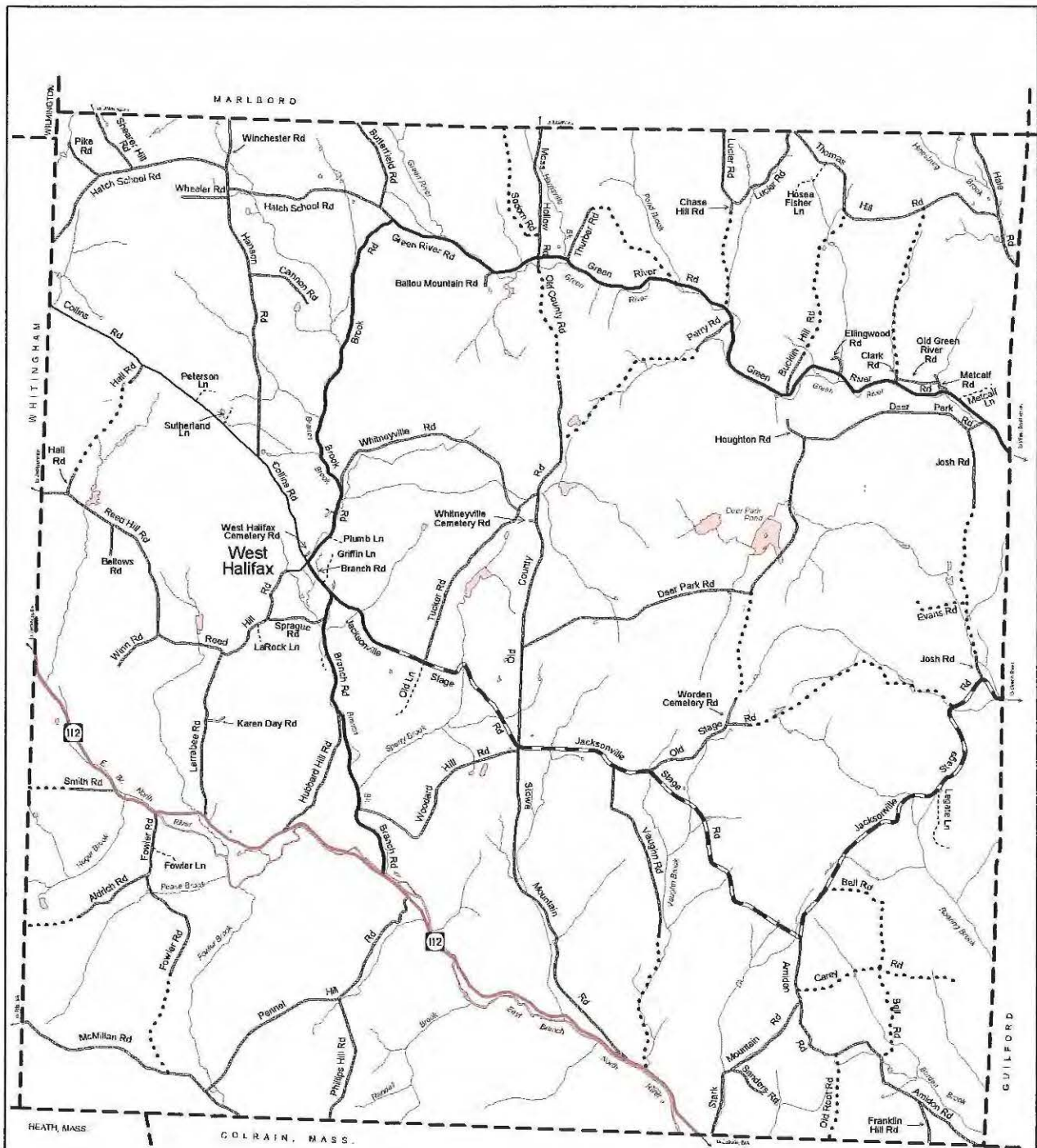
  
\_\_\_\_\_  
John P. Wesley  
Presiding Judge

cc: J. Fidel  
R. Fisher  
Commissioners

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Windham County  
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# Road Map Town of Halifax, Vermont



-  State highway (paved)
-  Class 2 town highway - paved
-  Class 2 town highway - unpaved
-  Class 3 town highway - paved
-  Class 3 town highway - unpaved
-  Class 4 town highway (unpaved)
-  Legal town trail
-  Private road/drive

Note: most Class 4 town highways and legal town trails are impassable to automobiles.

Sources:

- Town highway locations were digitized from 1989 1:5000 orthophotos by Greenhorne & O'Mara Inc. under contract with OGIS. Road locations were updated by microDATA using GPS during data collection for Enhanced 9-1-1.
- Town highway attributes (i.e. class and pavement) are from AOT highway maps. These data were corrected by WRC GIS staff using information provided by officials from the Town of Halifax.
- Road names data were provided by the Town of Halifax.
- Surface waters were digitized 1974 1:20,000 orthophotos by the University of Vermont's School of Natural Resources under contract with OGIS, and have been minimally edited by WRC.

STATE OF VERMONT  
WINDHAM COUNTY, SS.

WINDHAM SUPERIOR COURT  
DOCKET NO. 405-9-05 Wmcv

PENFIELD CHESTER, et al )  
 )  
VS. )  
 )  
TOWN OF HALIFAX )

**ORDER OF REMAND**  
**TO COMMISSIONERS FOR FURTHER FINDINGS AND CONCLUSIONS**

In this appeal from the Town's reclassification of Josh Road and Bell Road from town trail status to class four town highway, the Court referred the matter to Commissioners pursuant to 19 V.S.A. §741. The Court issued its charge on July 19, 2006, designating three Commissioners and instructing them regarding their duties "to inquire into the convenience and necessity of the proposed highway, and the manner in which it has been laid out, altered or re-surveyed...". *Id.* Following proceedings conducted as suggested by the Court's charge, the Commissioners issued their report on December 22, 2006. The report set forth certain findings of fact, and the Commissioners concluded as a matter of law "that the public good ...requires that Josh and Bell Road trails remain trails based on the consistent action of the citizens of Halifax over the past 30 years." Nonetheless, in explaining their rationale, the Commissioners stated: "Finally, the Commissioners conclude that the issue of necessity requires that the Court direct the Town of Halifax Zoning Administrator to return to the policy of issuing a permit to property located on a trail (with legal frontage, acreage, etc.) as was town policy for over 30 years prior to 2003".

A hearing on whether to accept the Commissioners report was convened on February 12, 2007. At the hearing, Petitioners argued that the Court should adopt the Commissioners' findings and conclusions rescinding the road reclassification, but urged the Court to reject the

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recommendation to include within its judicial decree a directive compelling the Halifax Zoning Administrator to accord frontage status to town trails for the purposes of meeting its zoning ordinance. The Town agreed that such relief in the nature of mandamus was beyond the Court's power on the facts and law presented. Thus, the Town maintains that the report must be rejected altogether since it is plain that the assumption of such judicial relief compelling its preferred interpretation of the zoning ordinance was indispensable to the Commissioners' determination of public good. At the Court's direction, the parties submitted further memoranda of law on these issues, completing the record as of April 9, 2007. As explained below, the Court concludes that the matter must be remanded to the Commissioners for further findings and conclusions.

As the Town observes, most of the numbered paragraphs contained within the Commissioners' Findings of Fact represent descriptions of either testimony or exhibits, without any indication as to whether the evidence was accepted by the Commissioners as undisputed, or as to how the Commissioners would have resolved any disputes created by the evidence. Our Supreme Court has criticized as inadequate this approach to stating the facts necessary to support any legal conclusion.

We have repeatedly indicated that findings rendered in these proceedings should be a clear statement to the parties, and to this Court if appeal is taken, of what was decided and how the decision was reached. *Town of Walden v. Bucknam*, 135 Vt. 326, 327, 376 A.2d 761, 763 (1977); *New England Power Co. v. Town of Barnet*, 134 Vt. 498, 503, 367 A.2d 1363, 1366-67 (1976). These findings are wholly deficient in both respects. The Board merely restated the evidence of the parties. This Court has held that the recitation of evidence in findings is not a finding of the facts contained in the evidence related and it cannot be so construed.

*Hoefer v. Town of Brattleboro* 137 Vt. 434, 435 (1979); see also, *Rutland Country Club v. City of Rutland*, 140 Vt. 142, 146 (1981) ("Findings should explicitly state the material facts and indicate

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how the ultimate conclusion was reached").

In response, Petitioners counter that the discussion of the Commissioners' rationale for its conclusions as to public good makes clear which aspects of the evidence they accepted and relied upon. In particular, Petitioners insist that ample support for the conclusion is established by the Commissioners discussion of the policies in the Halifax Town Plan, including its reference to the location of Josh Road within a conservation district whose purpose is "to protect the natural resource value of lands that are essentially undeveloped, lack direct access to arterial and collector roads, are important upland wildlife habitat or corridors, particularly for large game animals such as deer and bear; or have high forestry value, are unsuitable for land development or include irreplaceable, limited or significant natural, recreational or scenic resources." The report further references Bell Road's location amid prime agricultural land, and a variety of indications in the Town Plan supporting "a strong public policy in favor of not upgrading town trails to a higher classification." Furthermore, the Commissioners unmistakably relied on a Planning Commission survey conducted in 2004 as "an important barometer of public opinion on the question of possible future trail development", as well as a Town Meeting vote in 2006 at which a majority voted down an amendment to the Zoning Bylaws intended to define a town trail as a public road, with the explicit indication that such a designation would make trails "legal frontage for development".

While urging that the Court find the above rationales sufficient to sustain the Commissioners' determination of public good, Petitioners overlook the inherent inconsistency between those rationales and the Commissioners' concurrent recommendation that the Court decree that trails must be counted toward road frontage for development purposes. In reaching

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JUN 5 2007

Windham County  
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this recommendation, the Commissioners conclude, *inter alia*:

The Zoning Ordinance allows construction in the Conservation District on lots of at least 15 acres in size with 500 feet of frontage. Approximately one-third of the land in Halifax is in the Conservation District and clearly development is and has been allowed there...

From 1972 to 2003, landowners were allowed to use frontage on town trails to meeting (sic) the zoning frontage requirements in both the Conservation and Rural Residential Districts. Thus, it appears that property owners with lot frontage on trails would have a reasonable expectation that they can use that frontage. The Commissioners believe this action necessary to protect property owners' rights, to maintain property values in Halifax and to prevent future lawsuits against the Town.

Thus, to support this ostensible necessity, the Commissioners believe the Court should exercise supervening judicial power to countermand a Town Meeting vote, which expressly declined to make explicit the apparent previously long-standing interpretation of the Zoning Bylaw which had been applied to count trails as frontage for meeting development requirements. This recommendation is inherently at odds with the Commissioners' partial reliance on that very Town Meeting vote as expressing "an important barometer of the opinion of Halifax citizens on the question of trail classification."

As the parties unanimously agree, even if the Court were inclined to "split the baby" as suggested by Commissioners, it lacks the authority. In order to establish zoning by-laws, any municipality must comply with 24 V.S.A. §4406(2) as to required "frontage on a public road". Since the Supreme Court's decision in *Okemo Mountain, Inc. v. Town of Ludlow Zoning Board of Adjustment*, 164 Vt. 447 (1995), it has been clear that a "public road" is one that the town has an obligation to maintain. Trails explicitly fall outside the classification of ways subject to public responsibility for their maintenance. 19 V.S.A. §310(c). Thus, as Petitioners correctly reason, neither this Court, nor the Zoning Administrator, nor even the Halifax electorate is empowered to

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Windham County  
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now ratify what was apparently the previous long-standing tradition in Halifax of allowing trail footage to count toward frontage requirements under the Zoning By-law. See *In Re Appeal of Stuart Richards*, 174 Vt. 416 (2002) (town may not exercise grant of power in a manner inconsistent with State law-unless the power to amend or supersede State law has been expressly conferred).

In summary, while wrestling dutifully with the central dilemma that is posed by this appeal, the Commissioners' report fails to adequately resolve it. Plainly, this case is before the Court because the Town, recognizing that its long-standing interpretation of its Zoning By-law according frontage status to trails was legally flawed, squarely addressed the conflict by reclassifying the trails as public roads, thus assuming the responsibility for maintenance while making the frontage qualify under the Zoning By-law. Just as plainly, Petitioners oppose the reclassification because they oppose further development, including the type that was previously countenanced under the interpretation of the Zoning By-law, an interpretation that has been subject to challenge at least since the *Okemo* decision in 1995. The unenviable task of the Commissioners at this juncture (none of whom by design is a resident of Halifax) is to assess which of the opposing positions best represents "public good and necessity": a determination rescinding the trail reclassification *cannot* be squared with a return to the status quo represented by the invalid interpretation of the frontage requirement; a determination upholding the reclassification will open the way for subsequent requests for permits along the two affected roads, provided all other zoning requirements can be met as well as frontage.

At its core, the Commissioners' report is based on the assumption that the above-described status quo can be maintained. Since this represents such a fundamental

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Windham County  
Clerks Office

misunderstanding of the scope of the Court's power, the Court concludes that it taints all of the findings and recommendations. Furthermore, other aspects of the Commissioners' assessment of the evidence are unclear as a result of their failure to state explicitly those portions of the testimony and exhibits they found to be credible, what facts were effectively established by such presentations, and how the facts established justified the final conclusions regarding public good and necessity. Therefore, the Court must respectfully impose on the Commissioners to review their proceedings in light of this opinion. The Court elects this approach, rather than assuming the responsibility for reopening the evidence for its own review at this stage, because it respects the significant degree of procedural rigor that is represented by the Commissioners' consideration of the evidence, and their thoughtful efforts to address the issues presented by it. The Court is confident that, given the further guidance supplied by the parties' briefs and this opinion, the Commissioners can most expeditiously reach a reviewable determination, as contemplated by the statute. See, *King v. Town of Craftsbury*, 2005 VT 86, citing *Hansen v. Town of Charleston*, 157 Vt. 329 (1991).

In reopening their proceedings in light of this opinion, the Commissioners enjoy considerable latitude as to how they will proceed. As suggested above, many of the deficiencies in fact-finding are potentially susceptible to remedy simply by recasting the findings in a manner that makes plain which aspects of the testimony and the exhibits were credible, what facts are established, how and why any conflicts in the evidence are resolved, and how the facts as thus set out inform the final determination of public good and necessity. It is conceivable that a reworking of the findings of fact, once incorporated into an analytic framework acknowledging that trails *cannot* count as frontage and class four roads *will* count as frontage, could yield a new

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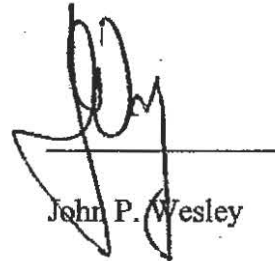


report without the need for additional evidence. That is within the discretion of the Commissioners. Nonetheless, the Court encourages the Commissioners to seek input from the parties as to any other evidence each might claim ought to be further considered, in light of the clarifications attempted in this opinion.

Based on the foregoing, it is hereby **ORDERED**:

The Commissioners' Report is **REJECTED** for the reasons stated herein, and the matter is **REMANDED** to the Commissioners for additional findings of fact and conclusions of law consistent with this opinion, which may include the consideration of further evidence at the discretion of the Commissioners.

DATED June 1, 2007, at Newfane, Vermont.



John P. Wesley  
Presiding Judge

cc: J. Fidel & J. Groveman  
R. Fisher  
Commissioners - C. Elwell  
R. Major  
M. Streeter

Filed

JUN 5 2007

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**TOWN OF HALIFAX, VERMONT**  
**Notice of Hearing and Site Visit**  
**Reclassification of Road**

Notice is hereby given pursuant to Title 19 Vermont Statutes Annotated, Chapter 7, as amended, that the Halifax Selectboard has received a petition from the requisite number of the Town's voters to reclassify a portion of Sumner Farm Road from a Class 4 Highway to a Class 3 Highway.

I. The proposed reclassification from a Class 4 Town Highway to a Class 3 Town Highway is described as follows:

Sumner Farm Road from the presently existing intersection with Branch Road over and across a presently existing bridge for an additional distance of one hundred +/- (100 +/-) feet.

The aforementioned road and the section proposed to be reclassified by petition of Town voters will be outlined and highlighted on a map to be posted at the Town Clerk's Office, 246 Branch Road, West Halifax, Vermont. Further reference may be had to said map. All abutters and interested persons will be notified in accordance with Title 19 V.S.A. Chapter 7.

THEREFORE, the Selectboard will meet at the Town Office Meeting Room, 246 Branch Road, West Halifax, on May 27, 2015 at 5:00 P.M. to conduct a site inspection of the above road, then reconvene at the Halifax Multipurpose Room on May 27, 2015, at 7:00 P.M. to conduct a hearing on the question of reclassifying the above described road. The Selectboard will then determine whether the public good, necessity and convenience of the inhabitants of Halifax require these changes.

In the event of inclement weather, the Selectboard shall post "Notice of Inclement Weather" at the Town Office. The alternate date set is Thursday, May 28, 2015, following the format prescribed above.

The purpose of the hearing shall be to hear all persons interested in said public highway laying out and alteration.

Dated at Halifax, Vermont this 21st day of April, 2015.

**SELECTBOARD,**  
**TOWN OF HALIFAX**  
Earl Holtz, Chair  
Lewis Sumner, Vice Chair  
Edee Edwards

05/15/15

5/13/2015 1:08:47PM

**OFFICE OF THE SELECTBOARD  
Town of Halifax, Vermont  
SELECTBOARD REGULAR MEETING MINUTES  
July 7, 2015**

**Call to Order**

The meeting was called to order at 6:30 p.m. Selectboard members Lewis Sumner, Edee Edwards, and Douglas Grob were present. Joe Tamburrino, Stephan Chait, Ray Combs, Charlene Martynowski, Timothy Putnam, Linda Lyon, Blaise McGarvey, Janet Taylor, Marilyn Allen, Arthur (Jesse) Ferland, Brad Rafus, and Robbin Gabriel were also in attendance.

**Changes and/or Additions to Agenda**

Edee Edwards noted the July 3<sup>rd</sup> emergency meeting minutes were available for approval.

**Approval of Previous Meeting Minutes**

*Edwards made a motion to approve the 6/29/15 special meeting minutes with one small change. Lewis Sumner seconded the motion, which passed, 2-0-1, with Doug Grob abstaining.*

*Sumner made a motion to approve the 7/1/15 special meeting minutes as written. Edwards seconded the motion, which passed, 2-0-1, with Doug Grob abstaining.*

*Sumner made a motion to accept the 7/3/15 emergency meeting minutes as written. Edwards seconded the motion, which passed, 2-0-1, with Doug Grob abstaining.*

**New Business**

**Selectboard Reorganization**

With Doug Grob as a new member, Edwards advised reorganization. *Edwards nominated Lewis Sumner as Chair of the Selectboard. Grob seconded the motion, which passed, 2-0-1, with Sumner abstaining. Grob nominated Edee Edwards as Vice Chair of the Selectboard. Sumner seconded the motion, which passed, 2-0-1 with Edwards abstaining.*

**Update on Garage Roof Engineering—Stephan Chait**

Stephan reported his communication with Simpson, Gumpertz, and Heger (SGH) has not been as successful as hoped. He has sent SGH photographs of the garage exterior and interior, but has not had a response yet. He suggested looking at other alternatives; if he does get information from SGH in the next week he will pass it on. Edwards said Board's concerns are that they do not understand the specifics of the problem with the garage roof and do not know what it might cost to fix it. While one resident proposed at a recent Board meeting that the town dispense with the idea of hiring an engineering study and

just proceed with repairs, we've known it is wrong for a long time and we haven't come up with an answer. Chait has advised SGH of the town's purchasing policy; if an assessment cost estimate is under \$10,000 the evaluation could proceed immediately, but anything over that amount would require a bid process. Chait said if SGH performed an analysis they would provide an estimate of the cost to repair the roof.

Grob, who met recently with Brad Rafus at the garage to view the interior damage, said the roof is a very shallow pitch—not a good design in New England—and the approximately eight inches of fiberglass insulation is insufficient. 24 to 36 inches is advised for residential construction in this area. The roof is not vented, and existing fans draw out heat. Grob said his first thought was to add a drop ceiling, with an appropriate depth of insulation and ventilation above, to keep the roof cold. However, he does not believe there is enough interior room for a drop ceiling, and the roof is definitely leaking in addition to the severe condensation problem, which has left the insulation waterlogged and is causing mold. A better idea would be to build up the roof, giving it a steeper pitch, and then insulating the original roof frame with a high R-value, maybe a urethane spray foam, and then vent above the old roof. Chait said he has seen evidence that water has also seeped into the walls.

If we stop the process of having an engineering study done to resolve this, asked Edwards, could we put it out to bid as a design-build, or design-remediate, and would we have enough knowledge to make a good decision on the bids? Joe Tamburrino recommended requesting bids for a new roof and insulation. Meanwhile, he said, you should tear out the wet insulation; it is dangerous and there is mold. Grob questioned whether it would be possible to install enough insulation below the present roof. Those are only eight inch rafters, he said.

Edwards and Sumner recalled an earlier bid received by the town which would have added a second roof over the first, with no change in pitch. Edwards also mentioned an energy audit had been done on the garage building, but the Board was told nothing could be done to increase energy efficiency until the roof was repaired. I don't remember if that report gave any advice about correcting the roof, she added. Chait wondered if the structure would support the weight of a second roof. I'm not that familiar with steel, answered Grob, but the weight of the roof on a building falls primarily at the eaves. You've got to get air flow above the insulation. Chait researched town records for information on the garage construction, but could not find as-builts. Earl Holtz had conducted similar research previously, even communicating with original designer. Brad Rafus said the garage was never built to as-designed plans. Things were changed during construction, and errors—such as putting the oil-room wall in backwards, so the electrical panel is in the oil room—were allowed to remain. Four air circulation vents were installed with electrically-operated louvers designed to open and close. Those vents were subsequently sealed off and the power disconnected to prevent heat loss. In a design-build proposal, we would want a roof that doesn't leak, that is energy efficient, and that would support solar panels, said Edwards. That way we could take advantage of some local incentives, but the roof has to be able to bear the weight. Another criteria could be number of warranty years. Will we have the technical capability to feel confident that

every bid meets our objectives? I don't feel I have that with regard to buildings. Grob said if the roof were to be built up someone would have to determine the structure could take the weight. Why not put solar panels on the ground, asked Tamburrino. It would be less expensive. Then they get in the way of the crew working, answered Edwards. Right now, you have a builder sitting on the Board who knows a lot, said Charlene Martynowski. He could review bids and know what he was looking at, even though he's not familiar with steel buildings. I know engineers have to have liability insurance, responded Edwards. I would not want anyone to feel uncomfortable about saying a proposal meets certain specifications. That's why engineers have to be certified and take exams. If the beams have been wet for years they could be rusty, said Grob. Rafus recommended taking a first step of having the insulation removed. Then the condition of the interior roof and supports would be visible. Once we do that, said Edwards, we have to be ready to move. We can't leave it like that. You can't go through another winter like that, said Tamburrino; you'll ruin a lot of equipment. I appreciate your concern, replied Edwards, I also think it's a condition that has been ongoing. I do want to resolve it, but I don't know that I would raise it to a safety concern. Sumner said last winter was the worst yet. Rafus agreed—it used to be just a spot here and there, but now the insulation is wet and it's the whole roof. Are there any grants available, asked Combs. Not that I'm aware of, answered Edwards. We have budgeted for it; but a multi-step project might blow our budget. First we need to find out how much it is going to cost us, said Sumner. If we get it done this year, maybe borrow the money and then apply for a bond. We already have a bond on the building, said Edwards, can we add to it?

Marilyn Allen suggested that a weatherization grant might be available if a new roof resulted in a more energy-efficient building. SEVCA could give advice on that, she said. Any chance you could change the existing rafters to create a higher pitch?, asked Tim Putnam. After further discussion, *Edwards made a motion to request bids for insulation removal and disposal in the new town garage. Grob seconded the motion, which passed, 3-0.*

#### **VTrans Engineering Grant Discussion—Brad Rafus**

Rafus has talked with VTrans about the engineering grant for the Branch Road bridge at Hubbard Hill. Meghan Brunk and Marc Pickering will meet with the Selectboard at 10:00 a.m. on Monday, July 13<sup>th</sup>, to review the correct method of setting up a bid for that type of project.

#### **Wood Heat Initiative Information—Brad Rafus**

The Board is considering applying for Windham Regional Commission grant monies to convert the town garage heating system to wood chips or pellets. Rafus has given the board the entry paperwork that starts the process. Once that has been submitted WRC will conduct a site visit. Tamburrino asked if someone would have to feed the boiler. It is automatic, said Sumner, similar to the unit in use at Twin Valley high school and middle school. The product is delivered in tractor trailers and transferred by conveyor belt to a bin or silo-type storage unit. Sumner confirmed for Combs that the fuel supply was kiln-dried. Edwards would like an informational meeting with WRC's Kim Smith to give opportunity to ask questions. Rafus said WRC would conduct an on-site visit for that

purpose. Grob asked about the length of the grant; we are getting into a lot of expense with the garage already, he commented. We have to take grants when they are available, said Edwards, and don't yet know how much money would be offered. The first step, added Rafus, is to find out if we qualify. Sumner said WRC's goal is to help twenty municipal and school buildings convert to wood heat. Edwards recommended researching the bonding process; bonds can only be had at certain times of year. Sumner thought bond applications were submitted in the spring and awarded sometime in June. Gabriel will research the question. We need to get the insulation bid out quickly, said Sumner. The season is getting short. Bid invitations will be posted this week and opened at the next regular meeting on July 21<sup>st</sup>. Brad will complete and submit the wood heat application.

### **Road Reclassification**

We met with Bob Fisher and made a decision on two roads after the public hearing in May, Sumner told the meeting. Fisher has written the formal decisions on Woodard Hill Road and Whitneyville Road, and the Board has those documents for signature. Edwards reviewed the proceedings: We warned and conducted a site visit on May 27<sup>th</sup>, 2015, at 5:00 p.m., examined the sites, had a public hearing at 7:00 in the Multi-purpose room to hear people who were interested in discussing these roads. No one present had a conflict of interest on either Woodard Hill or Whitneyville Road. While we do have a new Selectboard member, that member was present at the hearing. You can choose to vote however you wish on this, Edwards told Grob, or you can abstain. We have determined, she continued, that the necessity and convenience of the inhabitants and the public good requires that Whitneyville Road, town highway 21, be reclassified from a Class 3 town highway along its entire course to a Class 4 town highway from a point beyond the LaFlamme driveway in an easterly and southeasterly direction to the intersection with Tucker Road, which is town highway 22, for a distance of four-tenths of a mile. *Edwards made a motion to reclassify Whitneyville Road, from the LaFlamme driveway to the intersection of Tucker Road, from a Class 3 untravelled to a Class 4 road. Sumner seconded the motion, which passed, 3-0.* The Board signed the document. Blaise McGarvey said he had held his question until the paperwork was signed: There are several lot owners up there, what happens if someone decides to live up there? Do they have to go through a process to get it back to a maintained road? Yes, answered Sumner, they would have to petition the Selectboard for a reclassification to Class 3. And they would have to bring the road up to specifications, added Rafus.

For Woodard Hill Road, Edwards again described the sequence of a warned site visit and public hearing on May 27<sup>th</sup>, 2015. At this point Edwards spotted an error, and Gabriel revised the document. Edwards continued: We gave notice to abutters as required and no one had a conflict of interest. Our newly appointed Selectboard member was in attendance at the hearing. *Edwards made a motion that it is in the public good, necessity, and convenience of the inhabitants of the town that Woodard Hill Road, town highway 29, be reclassified from a Class 3 highway along its entire course to a Class 3 highway from the intersection with Stowe Mountain Road, town highway 30, up to the residence now or formerly of the Kirks, and then classified as a Town Trail for a distance of five-tenths of a mile from the Kirks' residence down to its intersection with Branch Road,*

*town highway 1. Sumner seconded the motion, which passed, 3-0.* In discussion, Marilyn Allen said she understood that is all John Kirk's land, and wondered what the thinking is to make it a trail and therefore cut off any possibility of building on that road. Sumner said the landowner could petition the town to upgrade; Allen was not certain of that. When we went through the legal process with trails on Josh Road, she added, the decision says that's not going back, ever. On Smith Road, Rafus said, the upper part was a trail, and was reclassified to a Class 4. On Woodard Hill there is a culvert, and a bridge that no longer exists. This change allows for recreation, but the town will never have to rebuild the bridge. Grob suggested the town might want to consider a turnaround at the Kirk house, as there is no good place to turn the plow trucks. There was further conversation regarding the use of motorized vehicles on town trails and whether the town had to renew permissions for VAST trailriders on town road sections yearly.

The Board chose potential meeting dates for a deliberative session on the two remaining road reclassifications—Sumner Farm and Weir Road. Gabriel will check on town attorney availability. The deadline on these decisions is July 26<sup>th</sup>. What happened to the original petition on Sumner Farm Road?, asked Ray Combs. We haven't made that decision yet, answered Sumner. That's the meeting we are planning for now.

#### **Discuss Information from Act 250/Denison/Ashfield Quarry Hearings, in Advance of Environmental Commission Request for Findings of Fact**

Edwards reminded the meeting that the last District #2 action was publication of recess order #3, which stated the Act 250 hearing was still in recess pending receipt of some additional information. Once that data is in hand the Environmental Commission will allow the applicant and interested parties to submit proposed findings of fact and conclusions of law under each of the criteria. As a Selectboard, said Edwards, we focused on public infrastructure criteria; we created an informational handout, posed questions, and spoke about Town Plan compliance. We may have an opportunity to give a summary of that information. The Planning Commission has indicated they would not be giving further input.

Edwards has drafted findings, conclusions, and conditions related to criteria 5 (traffic), 7 (municipal services), 9(K) (public infrastructure), and 10 (Town Plan). Should we discuss this, she asked. I expected a lighter agenda when I included this for tonight's meeting. A question arose concerning the Environmental Commission's expectations for interested parties' findings submissions. Would the document need to be in legal format or could it be a simpler summarization? Chait said the Planning Commission had decided not to submit findings, as John Bennett had described a formal legal document format. If it could be more in the form of a lay letter, said Chait, from my point of view this should be raised again with the Planning Commission. Edwards thought she had also understood the Planning Commission did not want to do anything further as they were about to turn their attention to the Zoning Board's conditional use permit process. Linda Lyon, who has attended all the Act 250 and Zoning Board hearings, said resubmitting a lay version of the Planning Commission's conclusions has value because it makes the point that we really mean what we said. I don't think the Environmental Commission could compel us to write something that only a lawyer could understand; the work is substantially done,

she added. Marilyn Allen was very impressed with the Selectboard and Planning Commission presentations during the hearing. It would just be a question of reminding them (the Environmental Commission) of what you have already said. The roads are going to be the town's concern, Edwards said. Other parties may not address that issue; could the Commission overlook it? They have a lot of criteria to look at. Janet Taylor suggested asking the town attorney what is expected in a written findings of fact. Edwards mentioned cost concerns. Gabriel will put the question to District #2 coordinator April Hensel. Is there a submission deadline?, asked Rafus. If you are going to meet with the attorney soon maybe you could get his opinion on the draft material. Gabriel printed copies of the draft for the Board to review. Edwards asked Rafus for rough estimates on guardrails and widening of roads. We may not be able to submit new information, she said, but it would be valuable for us to have that data. Lyon recommended submitting the information anyway; it concerns economic impacts to the town.

### **Hearing of Visitors**

Stephan Chait asked for information on the status of the recycling bins at the old town garage. The bins should be there until the end of December, answered Sumner. WSWMD will vote in September on what happens after that. If the bins are removed residents will either take their recyclables to the waste facility in Brattleboro or employ a private hauler who will pick up twice a month, for a fee.

Joe Tamburrino reminded the meeting of the site visit to the old town garage earlier in the year. That was February, before Town Meeting, said Sumner. Nothing has been done yet, continued Tamburrino. And I'd like to know what it cost to put a lock on the door last Friday or Saturday morning because it was unlocked. I thought the town crew was going to tear the garage down and sell the metal for scrap, but nothing has happened. We have a lot of things going on, said Edwards. As to cost, the lock was there, so it was cost of overtime for the employee. We haven't made a decision on what we are doing with the building yet. Have we heard from EMS, asked Rafus. Lyon, who is on the squad, said she did not think the EMS would pursue it, because of the flood plain location. But Christina Moore would have a more definite answer, she added.

Jessee Ferland welcomed Doug Grob to the Selectboard. Janet Taylor thanked Doug for filling Earl's position and also thanked Edwards and Sumner for making it a smooth transition.

Rafus reported on this year's sand and gravel purchases. Last year the town approved the lowest bidder on sand, but ended paying more because of the high trucking cost. Sumner noted that last year the chosen vendor changed the sand source from Brattleboro to Vernon, which resulted in increased cost. This year, Rafus has visited the vendors, examined the product, and made comparative distance calculations to determine cost of hauling. Rafus quoted the following prices: Corse Excavating, LLC, Brattleboro, Vermont--600 yards 3-inch minus gravel, \$11.00/yard; lowest price, closest location, good quality. Renaud Brothers, Vernon, Vermont--2,500 yards 1½-inch crushed gravel, \$11.00/yard; lowest price, slightly greater distance, but best quality. Cersosimo,



Brattleboro, Vermont—4,000 yards winter sand, \$8.00/yard. The other vendor choice, Zaluzny, quoted \$7.70/yd., but using Cersosimo will save trucking costs. The two gravel orders will be used on Deer Park Road and Thomas Hill projects.

Marilyn Allen asked whether it would be less expensive to have the materials delivered, rather than having town trucks do the hauling. The least expensive course, said Rafus, is to hire outside haulers, who can haul more material per load, by the hour. He does this when short of time and manpower. This year the town crew will haul sand on rainy days, and Rafus will hire contractors when needed.

Rafus estimates the town has enough material stockpiled to crush 10,000 yards of our own gravel in a month, possibly as much as 15,000 yards if the operation went more quickly. Crusher rental is \$30,000 for a month, base cost \$3.00/yd for materials plus manhours, compared to \$16.00/yd. outside purchase price. The full highway crew would be working on the project. Grob asked about quality; it would be comparable to purchased gravel, said Rafus. Presently we're paying \$60,000 a year to have gravel trucked in. Tim Putnam asked if it would be feasible to mix town-crushed gravel with material purchased from an outside vendor; yes, replied Rafus. Grob had concerns about wear and tear on town equipment. Rafus said they would primarily be using the excavator, and moving the finished product with the trucks. Rafus clarified for Edwards that he was requesting approval of the gravel and sand purchases; the crushing project could be discussed on a future agenda. Edwards advised that approvals should be itemized on Selectboard agendas under regular business, to make the public aware that expenditures were underway. *Edwards made a motion to purchase 4,000 yards winter sand from Cersosimo at \$8.00/yd., 2,500 yards 1½ -inch crushed gravel from Renaud at \$11.00/yd., and 600 yards 3-inch minus gravel from Corse Excavating at \$11.00/yd. Total: \$66,100.00. Sumner seconded the motion, which passed 3-0.*

Town Hill will be reclaimed tomorrow, said Rafus. The road will not be closed; they will work on one lane at a time. Also, the excavator is in the shop at Catepillar getting the carriage bearing replaced. Repair cost will be \$6,500 for the bearing, plus labor.

Linda Lyon thanked to Doug Grob for serving on the Board, and Edwards and Sumner for a great job. She also announced the Halifax Community Club meeting would be July 20<sup>th</sup>, 6:45 p.m. at the Community Hall. On September 12<sup>th</sup> there will be an event with potluck snacks at 7:00 p.m. and, at 7:30, Bonnie Brown will do a slide presentation on plants and gardening. Lyon encouraged people to volunteer to assist with Community Club activities.

Charlene Martynowski said Diana Todd is working on updating the town tax map. She revises the map to show new subdivisions and is currently adding indicators to show which parcels have surveys on record in the town vault. She does this at no charge, but will be acquiring a new computer sometime in the coming year and will need a \$100 software update. Martynowski would like the town to donate the \$100 to cover software cost. How often do we reprint the maps, and is it possible for people to get them?, asked Edwards. The current map is from 2013. The Town Clerk sets up the printing orders and

maps can be purchased at the town office. Edwards told Martynowski the software cost could be submitted as a lister expense.

We need to schedule a meeting with the Highway Department crew, said Edwards. July's calendar is full, we will plan to meet with them in August. Rafus and the Board also discussed scheduling for the insulation removal bid, as time is short to get the work done. Gabriel and Rafus will set up bid requests and a newspaper advertisement tomorrow morning, with a July 21<sup>st</sup> bid submission deadline.

**Old Business**

None.

**Other Business**

None.

**Selectboard's Order to the Treasurer for Bill Payment**

The Selectboard's Order to the Treasurer was reviewed and signed.

**Correspondence**

Various pieces of correspondence were reviewed and appropriately filed, including two driveway permits.

Edwards had questions on a piece of correspondence from the state announcing increased fees to cover the Lake Champlain cleanup. Sumner said the Board could discuss this with VTrans at Monday's meeting.

**Adjournment**

The meeting was adjourned at 9:32 p.m.

Respectfully submitted,  
Robbin Gabriel  
Selectboard Secretary

ROAD RECLASSIFICATION

HALIFAX, TOWN OF, BOARD OF SELECTMEN  
TO  
SUMNER FARM ROAD

RECEIVED JUL 25 2015

STATE OF VERMONT  
TOWN OF HALIFAX

WHEREAS, at Halifax, Vermont, on the 7th day of April, 2015, the Selectboard of the Town of Halifax, by Petition of the requisite number of Town voters, and upon its own Motion, did vote to propose that pursuant to Title 19 Vermont Statutes Annotated, Chapter 7, as amended, that the following Town Highway, Sumner Farm Road (TH 62), in the Town of Halifax be considered for reclassification (Petition) from a Class 4 Town Highway to a Class 3 Town Highway, or for reclassification or discontinuance (Selectboard's Motion), along its entire 0.04 (four-hundredths) mile course:

Sumner Farm Road (TH 62)

Sumner Farm Road (TH 62), presently classified by the Town and listed with the Vermont Agency of Transportation as a Class 4 Town Highway measuring 0.04 (four-hundredths) mile from Branch Road (TH 1) to its terminus; has been considered for reclassification as a Class 3 Town Highway or Town Trail, or for discontinuance as a Town Highway along its entire length.

WHEREFORE, the Selectboard did order and appoint that on the 27<sup>th</sup> day of May, 2015, at 5:00 p.m. it would meet outside the Office of the Halifax Town Clerk and proceed to the site and then at 7:00 p.m. on May 27, 2015 it would meet at the Halifax Multipurpose Room in Halifax, Vermont for the purpose of hearing all persons interested in said Town Highway and its alteration, 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 Town Highway now lies or abutting on said Town Highway at their last known addresses; and did give notice thereof to the voters of the Town of Halifax by posting notices there on April 24, 2015 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 May 15, 2015, and did leave a copy of such notice with the Halifax Town Clerk.

AND, afterwards, on May 27, 2015 the Selectboard did examine said Town Highway, and did hold a public hearing on May 27, 2015, at 7:00 p.m. at the Halifax Multipurpose Room at which time individuals were given the opportunity to appear and give testimony regarding said Town Highway. There were no claims for damages. Testimony was received by over forty persons interested in the reclassification of Sumner Farm Road (TH 62) and other Town Highways at issue in the public hearing.

AND, the Selectboard determined that the present status of the Town Highway known as Sumner Farm Road (TH 62) is as follows:

1. That Sumner Farm Road (TH 62) is a Class 4 Town Highway from its origin with Branch Road (TH 1) running in a southwesterly direction for a distance of 0.04 (four-hundredths) miles until its terminus;
2. That the Sumner Farm Road provides access to a working farm;
3. That the reclassification of Sumner Farm Road (TH 62) from a Class 4 Town Highway for its entire course, to a Class 3 Town Highway from its origin at Branch Road (TH 1) running for 0.04 (four-hundredths) miles to its terminus is in the best interests of the Town.

AND, after due discussion and deliberation with those in attendance and after review of the premises with the adjoining landowners, the Selectboard was of the opinion and did so vote that the necessity and convenience of the inhabitants and the public good requires that the Sumner Farm Road (TH 62) be reclassified from a Class 4 Town Highway, along its entire course, to a Class 3 Town Highway.

AND, the said Selectboard did determine and vote 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 meets the public good, necessity and convenience of the inhabitants of the Town in that the reclassification keeps public access to a local business that serves the community, provides a maintained Town Highway for ingress and egress of the residents, farm workers, suppliers, and customers – Sumner Farm Road is distinguishable from other Town Highways that serve only one or two residences, such as Weir Road, because Sumner Farm Road services a working farm. Maintaining a working farm is in the Town's best interests. Malcolm Sumner of the Sumner Farm, a property served by the Sumner Farm Road, spoke of the length of time the farm has been in operation and of the necessity of having trucks to haul milk and deliver grain and other commercial products to stay in business and was in favor of reclassification 0.04 (four-hundredths) mile road from a Class 4 to a Class 3 Town Highway. Other Townspeople in attendance spoke of having a first job on the farm in the past. Townspeople expressed the idea that roads are lifelines and concern that the cost to replace the bridge over Branch Brook would likely put the Sumner Farm out of business.

Selectboard Member Edee Edwards stated that the Town was looking broadly at whether the Town should be responsible for road maintenance and plowing for roads that only served one or two homes, and that all of the options from upgrade to Class 3, to discontinuance should be under consideration; she also noted that the Petition that was filed required a hearing, and that it was in the Town's best interests to have all options available. Ray Combs asked if anyone in attendance was opposed to reclassification of the Sumner Farm Road from a Class 4 to a Class 3 Town Highway and no one in attendance stated such opposition.

THEREFORE, it is ORDERED by the Selectboard that Sumner Farm Road (TH 62) be

Road Reclassification (cont')

Halifax, Town of, Board of Selectmen to  
Sumner Farm Road

reclassified from a Class 4 Town Highway to a Class 3 Town Highway for its entire course, a distance of 0.04 (four-hundredths) miles from its intersection with Branch Road (TH 1) until its terminus.

Dated at Halifax, Vermont this 25<sup>th</sup> day of July, 2015.

Selectboard, Town of Halifax

Lewis L. Sumner

Lewis Sumner, Chair

Edee Edwards, Vice Chair

Doug Grob

Doug Grob

HALIFAX, VERMONT, TOWN CLERK'S OFFICE, July 25, 2015 at 10:00 A.M.

Received for Record a ROAD RECLASSIFICATION which the foregoing is a true copy. Recorded in Book 62, Pages 641-644 of the Halifax Land Records.

Attest:

Patricia Dow

Town Clerk

ROAD RECLASSIFICATION

TOWN OF HALIFAX, BOARD OF SELECTMEN  
TO  
WOODARD ROAD

STATE OF VERMONT  
TOWN OF HALIFAX

WHEREAS, at Halifax, Vermont, on the 7th day of April, 2015, 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 the following public highway, Woodard Road (TH 29), in the Town of Halifax be reclassified from a Class 3 Town Highway along its entire course, to a Class 3 Town Highway from the intersection of Woodard Road (TH 29) and Stowe Mountain Road (TH 30) up to the residence now or formerly of the Kirks, and classified as a Town Trail for a distance of 0.5 (five-tenths) miles from the residence of Kirks in a southerly and westerly direction down to its intersection with Branch Road (TH 1):

Woodard Road (TH 29)

Beginning at the intersection of Woodard Road (TH 29) and Stowe Mountain Road (TH 30), in a westerly direction for 0.90 (nine-tenths) mile to the residence now or formerly of Harvey J. Kirk and John R. Kirk Woodard Road is a Class 3 highway; from the Kirks' residence beyond for a distance of 0.5 (five-tenths) mile in a southerly and westerly direction, until its intersection with ~~Tucker~~ <sup>Branch</sup> Road (TH ~~22~~ <sup>1</sup>), "the roadway is s Class 3 not up to standard, functionally Class 4" Town highway as identified by the Vermont Agency of Transportation.

*8/22/15*

WHEREFORE, the Selectboard did order and appoint that on the 27<sup>th</sup> day of May, 2015, at 5:00 p.m. it would meet outside the Office of the Halifax Town Clerk and proceed to the Town Highway and then at 7:00 p.m. on May 27, 2015 it would meet at the Halifax School Multipurpose Room in Halifax, Vermont for the purpose of hearing all persons interested in said public highway and its alteration, 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 thereon on April 24, 2015 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 May 15, 2015, and did leave a copy of such notice with the Halifax Town Clerk.

AND, afterwards, on May 27, 2015 the Selectboard did examine said premises, and did hold a public hearing on May 27, 2015, at 7:00 p.m. at the Halifax Multipurpose Room at which time individuals were given the opportunity to appear and give testimony regarding said Town Highway. There were no claims for damages. Testimony was received by over forty persons interested in the reclassification of Woodard Road (TH 29) and other Town Highways at issue in the public hearing..

AND, the Selectboard determined that the present status of the Town Highway known as Woodard Road (TH 29) is as follows:

1. That Woodard Road (TH 29) is a Class 3 Town highway for a distance of 0.90 (nine-tenths) mile from the point of intersection of Woodard Road and Stowe Mountain Road (TH 30) until the Kirks' residence;
2. That beyond the Kirks' residence for a distance of 0.5 (five-tenths) miles the roadway of Woodard Road (TH 29) to the is "legally Class 3, but....deemed 'Not Up To Standard,' and are functionally Class 4 Town Highways" by the Vermont Agency of Transportation, and that such section is presently unmaintained;
3. That there is no bridge allowing passage over Branch Brook, nor any throughway connection to Branch Road (TH 1);
4. That the landowners on Woodard Road (TH 29) who attended the hearing were not opposed to reclassification of the highway beyond the "Kirk" residence;
5. That the reclassification of Woodard Road (TH 29) to from a Class 3 highway along its entire course, to a Town Trail beyond the residence of "Kirk," is in the best interests of the Town.



AND, after due discussion and deliberation with those in attendance and after review of the premises with the adjoining landowners, the Selectboard was of the opinion and did so vote that the necessity and convenience of the inhabitants and the public good requires that Woodard Road (TH 29) be reclassified from a Class 3 highway, with portions identified as "functionally" Class 4 along its entire course, to a Town Trail for a distance of 0.5 (five-tenths) miles from the "Kirk" residence in a westerly and southerly direction to its intersection with Branch Brook.

AND, the said Selectboard did determine and vote 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 meets the public good, necessity and convenience of the inhabitants of the Town in that the reclassification allows the Town will not be required to maintain the Town Trail portion of Woodard Road and not be required to construct any bridge or structure over the Branch Brook yet shall retain the legal right of way for access to the land for current or future development. The Selectboard recognizes that Town Trail designation for the 0.5 (five-tenths) mile portion of roadway beyond the Kirks' residence will allow for the educational opportunities and recreational use; local school children will continue to be able to legally travel the Town Trail right of way, as will walkers, bicycle riders, Nordic skiers, and others using this Town Trail for recreational purposes.

THEREFORE, it is ORDERED by the Selectboard that Woodard Road (TH 29) be reclassified from a Class 3 highway along its entire length, to a Town Trail beginning at a point 0.90 (nine-tenths) mile in a westerly direction of Woodard Road's (TH 29) intersection with Stowe Mountain Road (TH 30) at the residence now or formerly of the Kirks; thence Woodard Road (TH 29) shall be a Town Trail running in a westerly and southerly from the residence now or formerly of Kirk, for a distance of 0.50 (five-tenths) mile to the point where a bridge formerly stood across Branch Brook.

Road Reclassification (cont')

Town of Halifax, Board of Selectmen to  
Woodard Road

Dated at Halifax, Vermont this 7 day of July, 2015.

Selectboard, Town of Halifax

Edee Edwards  
Edee Edwards

Lewis Sumner  
Lewis Sumner

Doug Job

HALIFAX, VERMONT, TOWN CLERK'S OFFICE, July 7, 2015 at 6:30 P.M.  
Received for Record a ROAD RECLASSIFICATION which the foregoing is a true copy. Recorded  
in Book 62, Pages 535-538 of the Halifax Land Records.

Attest: Patricia Orr  
Town Clerk

TOWN OF HALIFAX, BOARD OF SELECTMEN  
TO  
ROAD RECLASSIFICATION  
WHITNEYVILLE ROAD

STATE OF VERMONT  
TOWN OF HALIFAX

WHEREAS, at Halifax, Vermont, on the   7th   day of April, 2015, 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 the following Town Highway, Whitneyville Road (TH 21) in the Town of Halifax be reclassified from a Class 3 Town Highway along its entire course, to a Class 3 Town Highway up to the LaFlamme Driveway and thence a Class 4 Town Highway beyond the LaFlamme driveway easterly and southerly to Tucker Road (TH 22):

Whitneyville Road (TH 21)

Whitneyville Road (TH 21), a Class 3 Town Highway measuring 1.6 (one and six-tenths) miles from Branch Road (TH 1) to Tucker Road (TH 22) with a 0.4 (four-tenths) mile section identified as “legally Class 3...deemed ‘Not Up To Standard’ and [is] functionally [a] Class 4 Town Highway[.]” by the Vermont Agency of Transportation; the four-tenths (0.4) miles section was considered for reclassification as a Class 4 Town Highway or Town Trail, and for discontinuance beginning at a point 1.2 miles. (one and two-tenths) easterly of the intersection of Whitneyville Road (TH 21) and Brook Road (TH 1) to Whitneyville Road’s (TH 21) intersection with the driveway of LaFlamme. The 0.4 (four-tenths) mile section under consideration thence runs easterly and southerly approximately to Whitneyville Road’s (TH 21) intersection with Tucker Road (TH 22), said point being 75 feet, more or less, westerly of the intersection of Tucker Road (TH 22) and Old County Road (TH 16).

WHEREFORE, the Selectboard did order and appoint that on the 27<sup>th</sup> day of May, 2015, at 5:00 p.m. it would meet outside the Office of the Halifax Town Clerk and proceed to the site and then at 7:00 p.m. on May 27, 2015 it would meet at the Halifax School Multipurpose Room in Halifax, Vermont for the purpose of hearing all persons interested in said Town Highway and its alteration, 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 Town Highway now lies or abutting on said Town Highway at their last known addresses; and did give notice thereof to the voters of the Town of Halifax by posting notices thereon April 24, 2015 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 May 15, 2015, and did leave a copy of such notice with the Halifax Town Clerk.

AND, afterwards, on May 27, 2015 the Selectboard did examine said Town Highway, and did hold a public hearing on May 27, 2015, at 7:00 p.m. at the Halifax Multipurpose Room at which time individuals were given the opportunity to appear and give testimony regarding said Town Highway. There were no claims for damages. Testimony was received by over forty persons interested in the reclassification of Whitneyville Road (TH 21) and other Town Highways at issue in the public hearing.

AND, the Selectboard determined that the present status of the Town Highway known as Whitneyville Road (TH 21) is as follows:

1. That Whitneyville Road (TH 21) is a Class 3 Town Highway from its origin with Branch Road (TH 1) for a distance of 1.2 (one and two-tenths) miles until TH 21 intersects with the driveway of LaFlamme; beyond the driveway of LaFlamme and running in an easterly and southerly direction, the roadway is "legally Class 3 but...deemed 'Not Up To Standard,' and [is] functionally [a] Class 4 Town Highway[]" as designated by the Vermont Agency of Transportation for a distance of 0.4 (four-tenths) miles.
2. That the landowners on Whitneyville Road (TH 21) who attended the hearing are not opposed to the reclassification proposal of the 0.4 (four-tenths) mile section;

3. That the reclassification of Whitneyville Road (TH 21) from a Class 3 Town Highway for its entire course, to a Class 4 Town Highway beyond the LaFlamme driveway for a distance of four-tenths (0.4) miles is in the best interests of the Town.

AND, after due discussion and deliberation with those in attendance and after review of the premises with the adjoining landowners, the Selectboard was of the opinion and did so vote that the necessity and convenience of the inhabitants and the public good requires that the Whitneyville Road (TH 21) be reclassified from a Class 3 Town Highway along its entire course, to a Class 4 Town Highway from the point beyond the LaFlamme driveway in an easterly and southerly direction to its intersection with Tucker Road (TH 22) for a distance of 0.4 (four-tenths) miles.

AND, the said Selectboard did determine and vote 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 meets the public good, necessity and convenience of the inhabitants of the Town in that the reclassification allows the Town will not be required to plow and grade the four-tenths (0.4) mile Class 4 portion of Whitneyville Road (TH 21) and that landowners will retain opportunity to development of lands abutting this Town Highway, by having a legal Town right of way preserved for access to the land for current or future development. Moreover, Class 4 designation of the 0.4 (four-tenths) mile section recognizes and allows for the recreational use by walkers, bicycle riders, Nordic skiers, and others.