

**TOWN OF DEERFIELD  
BOARD OF SELECTMEN  
September 27, 2021**

**Public Hearing: Thurston Pond Road – Laying Out as Class VI highway**

**Call to Order**

5:30 pm – Chairman Robertson called the public hearing to order

**Present:** Andrew Robertson, Chairman; Richard Pitman, Vice Chairman, Fred McGarry, and Cynthia McHugh, Selectmen.

**Absent:** Alden Dill, Selectman

Chairman Robertson: And I am going to start by reading the notice of public hearing into the record.

Town of Deerfield Notice of Public Hearing

Notice is hereby given of a Public Hearing to obtain input regarding the re-laying out of Thurston Pond Road as a Class VI highway. Pursuant to the authority vest in the Board of Selectmen by RSA Chapter 231:8, to lay out and reconfirm the status as Class VI highways the following roads: 1. The portion of Ridge Road beginning at its intersection with Range Road and terminating at its intersection with Thurston Pond Road; and 2. The portion of Thurston Pond Road, also known as Ridge Road, beginning at its intersection with Middle Road and terminating at the outlet of Thurston Pond. This hearing shall be held for the purpose of providing an opportunity for the public to offer comment on the re-laying out of the road. The Board of Selectmen will hold a public hearing on Monday, September 27, 2021 at 5:30 pm. The hearing shall be held at the George B White Building, 8 Raymond Road, Deerfield, NH."

And, I'll give just a little bit of background before we start taking public comment.

Questions have arisen over the status of Ridge Road, sometimes called Ridge Road Extension and Thurston Pond Road.

The select board has received a petition requesting layout and reaffirmation of the Class VI status of portions of Ridge Road Extension and Thurston Pond Road not previously reaffirmed as Class VI.

The Board of Selectmen in 1991 did relay out portions of these road as Class VI and there has always been sort of a cloud over the status of the road.

From my research, there are multiple plot plans identifying the road portions in question as Class VI. There is one plot plan that does not identify a portion of Ridge Road as Class VI. It shows it reverting to abutters and that's a little over 200 yards of the beginning of the road.

Further research that I've had a chance to look at appears to show the road portions in question having originally been laid out on July 10<sup>th</sup>, 1772 by Selectman Jeremiah Eastman, Richard Jenness and Simon Martson.

It appears that the layout for the road was originally three rods. That would be 49 ½ feet wide and I believe the stone walls along the side of the roads in question clearly delineate that. It also appears that the road, the property for the road was a fee title purchase by the Town of Deerfield and I will leave it at that and from here we would take public comment and if you wish to make public comment, please head to the table over there and take a seat at the microphone and I would recognize Mr. Cross first.

**Jacob Cross – Thurston Pond Road:**

Hello. My name is Jacob Cross I reside and will be residing at One Range Road off of the extension there. I've been to many meetings. I haven't met many. I'm glad to see so many faces here today as this is an important issue.

So, just to give a very quick surmise of my position on this is I grew up in Deerfield as a child. I moved out when I was in my early twenties. I moved to Raymond for a number of years. I always wanted to move back to Deerfield and had always planned to.

At a time when land became available, I'll be at where I'm building the house which is off of the, what we're calling Ridge Road Extension. That land became available. I made a plan for my life in regards to selling my house and building on that property.

We went through all the proper channels. We got the building permit and we began building back there.

We ran into some hostility right off the beginning from neighbors who weren't happy with development happening on land that had never been developed before but again, being understanding we tried to be very friendly with in regards to all of that.

For those who are unaware, when the site was first stated I actually had a number of incidents of vandalism on site and I actually have two open police reports regarding to that that have never been fully addressed and that is why if you ever walk past my property, you'll see that there is a sign stating that it's under video surveillance and that was because of early vandalism. Nothing major but still vandalism on the site.

The issue with the road in regards to the status was started by the town. We never brought it up as a question as we had our understanding that our plot plan showed that we owned the road. That's why we built back there. That's why we used it as an extension for the driveway access.

When it was brought up on the town, it was mentioned in several different ways and it was brought back and forth and argued that potentially, if we owned that road, the beginning of the road, that we could block it off or cease access or bar and grade it or any of those things.

It was then, through several meetings that was brought up several times with many concerns from people that never once was asked of us. There was, we have never been approached by any citizens of the town. We have never been approached by the town counsel at any time to have any form of conversation as to what our plans were with that road.

We never once said we were stopping access. We never once stopped anybody from using that road for walking. I have said hello to any person that I see on that road and have met one or two people who have walked down there regularly.

So, the whole status of where we are today is the town making vast assumptions and then townspeople panicking because of those assumptions and now we are here.

Again, we never made a statement that we were going to do anything and we were open for conversation on any occasion that anybody wanted to come down there and speak with me.

All we ever asked from the beginning was for the town to clarify the status as the status has never been fully clarified and again, we followed the proper channels. Did everything properly and then all of a sudden, we became the villains for something that was nothing we had anything to do with from the beginning with the town having inconclusive information on the status of the road, conflicting information in the town records that we based off of for our building permit.

So again, we did get a proper permit. We did follow everything properly down the roads and for some reason, everyone has now viewed us as trying to steal a road, trying to take a position back, trying to stop people's access or anything along those lines.

I am always open for conversation. I am at that site every day and every weekend. I am always there working and I am open to anybody coming back to have a conversation with me about concerns or questions regardless of what the outcome of this meeting is, that I am always willing to talk to any of my neighbors or any members of the town on anything further.

That's all I have to say.

Chairman Robertson: Great. Thank you, Mr. Cross.

Yes, Joanne Bradberry?

Ms. Bradberry: Good Evening and thank you for your time. I have given each of you members of the Board a packet that has my statement in there and a map that I'll be referring.

The town documents were provided to all of you back in June with a cover letter but I wanted to be sure they are included as part of tonight's meeting.

So, those, that packet is roughly 19 pages that shows all the exhibits from things that happened in 1991 that I'd like to lay out.

So, my name as you mentioned, is Joanne Bradbury. I live on Thurston Pond Road. Thurston Pond Road in its entirety and the unpaved portion of Ridge Road are recreational, cultural and historical gems. These roads belong to the town and should remain town property for the people of Deerfield.

We are now asking the Board of Selectmen to act favorably on the petition to lay out and reconfirm the Class VI status of the ends of Ridge Road and Thurston Pond Road.

These ends of the roads in the map that you have, mostly you all have a map, these ends of the roads are marked in orange on that map.

The layout of the middle section of the "T" that you see there, marked in yellow was voted and reconfirmed as Class VI by the Board of Selectmen on the 16<sup>th</sup> day of September, 1991 and that is in all the materials that I provided minutes of the meetings and all the signed documents.

This story does go back to the 1700's as you mentioned Andy. They were laid out over private property with the owners being paid for the land. The transactions were then entered into the town record and a thank to Roger King for his thorough historical research.

In 1939, the citizens of Deerfield voted to discontinue maintenance of the roads that make up the entire "T", both yellow and orange on that color map.

The 1939 printed warrant article number five stated that the vote was to see whether to discontinue the roads subject to gates and bars.

The handwritten meeting minutes state that the town voted to discontinue the roads however, there is no record that anyone moved to amend warrant article five and there is no record of any vote to amend it.

Robert Sanborn, an eye-witness in 1939 and a Board of Selectman member in 1991, specifically confirmed that the printed 1939 warrant article passed without amendment,

The 1991 Board of Selectmen resolved the confusion resulting from the conflicting records from that meeting.

After reviewing the printed warrant and minutes of the '39 annual town meeting and listening to the recollections of some who were present at that meeting in 1939 and who were familiar with the road, the Board determined that the 1991 Board determined that Thurston Pond Road was a Class VI road.

And, it's also good to remember that the town had already bought and paid for these roads in the 1770's and that's, that does appear in the very old records of the town.

Following a public hearing on September 16, 1991, they, the Board, voted unanimously to lay out and reconfirm the portion of the roads marked in yellow as Class VI highways under NH RSA Chapter 231:8 as you mentioned.

Signs were then posted on Thurston Pond Road identifying it as a Class VI. Those signs have been there for thirty years now.

We asked to lay out the portions of the road where we owned land and hoped to build.

As you mentioned Andy, it's also worthwhile to look at the existing surveys of the land along the roads. Most publicly available surveys along the road show ownership of the land to the edges of the road.

In 1981, before I bought my land, David Sidmore prepared a survey showing three of my parcels with boundaries that run along the edge of Thurston Pond Road and Ridge Road. That is plan 102222. It's recorded and dated as of 1<sup>st</sup> of February, 1981.

That survey confirms that my ownership of the land does not extend to the middle of the roads. I own to the edges of those roads. The town owns the roads.

And, we ask the Board of Selectmen to act favorably on the petition to lay out and reconfirm these roads as Class VI.

Thank you for your time and consideration.

Chairman Robertson: Thank you.

Yes, Mr. Adams.

#### **Brian Adams – 40 Thurston Pond Road**

Hi. Brian Adams, 40 Thurston Pond. I just wanted to echo what Miss Bradbury noted.

When my wife and I bought 40 Thurston Pond in 2018, we reviewed all the documents with the previous owner, Kate Hartnett and essentially, you know, it clearly states the Class VI status as well as I reviewed the packet that you have as well going back to the 1770's all the way to the present and I just encourage the Board to reflect on this information and continue moving forward with defining the road as Class VI.

Thank you very much.

Chairman Robertson: I'm going to note for the record here, as Mr. Cross stated, they had reviewed the paperwork when they purchased their property and I had mentioned that there is one plan that does indeed show abutting landowners owning a property and that's plan 41614. It's dated June 25<sup>th</sup>, 2019. It was stamped by Richard Bartlett and Associates and it identified Ridge Road as a woods road and placed the boundary in the middle and as I mentioned previously, this was for a little over 200 yards. None of the other plot plans on record that I was able to find, showed that and in fact, I reviewed three other plans, one that was just referenced by Ms. Bradbury that it was identified as the Arthur and Marion Baker plan that was done in 1981, well before the Board of Selectmen in 1991, took up the cause.

Just for the record, I would throw that in there.

Other people wishing to comment?

If there is no one, ... Mrs. Menard and then Mr. Cross.

#### **Jeanne Menard – 36 Mountain Road**

Good evening. My name is Jeanne Menard and I live on 36 Mountain Road and I believe that maintaining ownership of the Class VI roads leading to Thurston Pond reflect the common values and the shared vision of the majority of Deerfield citizens.

Aside from the obvious recreational and scenic qualities that these roads offer our community, I believe that the historical preservation of these roads are under-valued for us in terms of, like our master plan but they are, they represent the fabric of how our town has come into being in terms of they help support the maintenance of the rural character.

We talk about maintaining rural character of our small town and these Class VI roads help do just that so I won't go into, I'm sure others have other reasons for their desire to maintain the ownership but I see these areas, these Class VI roads are valuable assets to our town and I support you, and I'm grateful for the formalizing the opportunity to, you know, set the record straight and maintain ownership of our Class VI roads.

Thank you very much.

Chairman Robertson: Thank you.

Recognize Mr. Cross:

#### **Ed Cross – 4 Thurston Pond Road**

Ed Cross, 4 Thurston Pond Road. So, I think a little surprised, I really appreciate the fact that there's so many people here. I was expecting more people to want to speak but it doesn't look like that's the case.

But I did have a question before I start, if I could ask a question. Is that permissible or not?

Chairman Robertson: You can certainly ask a question. I may or may not be able to answer it.

Mr. Cross: So, what specifically, if you have, the purpose for relaying out the road? What is the reason for you considering relaying out the road in your words?

Chairman Robertson: Well, I'll speak for myself with regard to that. As I said, there was some confusion about the status of the road. The more research I did, the more information I looked at, it looked to me to be quite clear that that road, in its entirety was a Class VI road and had been purchased by the Town of Deerfield and clearly as a select board member, I don't think it's in the town's best interest for me to give up fee purchased roadways or allow them to be given up while I'm sitting on the select board and that would be my primary motivation.

I don't know if any other board members want to speak to that.

Vice Chairman Pitman: I totally agree.

Selectman McGarry: And certainly, this would clarify the situation with regard to the ownership of the property, of the road, I should say.

Chairman Robertson: So, I don't think anyone else has an answer, Ed.

Mr. Cross: So, I know that there's been some concern in the previous meetings that have been held and in some of the minutes that have been spoke that I was reading, the challenge, part of the biggest challenge is the fact that the access to the town forest for the most part, comes from that section of roadway.

Chairman Robertson: True.

Mr. Cross: In that the problem that was stated is if in fact I did own that, per my plot plan, that there was going to be some challenges of being able to gate it.

Chairman Robertson: I have no response to that.

Mr. Cross: Okay. Well, those were in the minutes.

Chairman Robertson: Okay.

Mr. Cross: So, I just wanted to state that.

In, that was part of the biggest reason for looking to relay out the road or to or to at least straighten out what the issue is.

I'm not opposed to getting this issue straightened out. I've said from day one the biggest challenge I have is that my plot plan, my survey that was done by Bartlett, showed where the road was primarily on my land because of the status of what the town has in their records that it reverts back to its abutters.

I understand completely that it was a, it's a, it's been a confusing issue for quite some time. It was back in 1991 when you were dealing with the other side up on Thurston Pond Road and I think one of the things I just wanted to mention and I think my son, you know, covered a lot of it, is that, you know, we bought the land with the survey. Everything looked fine. Matched the town records. Pulled a permit. Did all that legally. That was actually submitted on March 9<sup>th</sup> and at that point, we just started to do work on the lot itself by clearing. You know, as the weather got better, you know, we started to actually do some construction.

It wasn't until June 24<sup>th</sup> when I received a call from John Harrington. I was actually on my way on a vacation informing me and inviting me to an upcoming Board meeting to discuss the issues with the status of Ridge Road as a Class VI road.

So, that's a long period of time. I appreciated the fact that there was a call. There were three previous meetings at least that talked about my road, my in, I mean my property, specifically and the, you know the first part of one of the discussions was that yes, Mr. Cross in fact owns it and then at the next or another following meeting, it was no, now we see that the town owns it.

So, it was conflicting, you know, minutes and it was confusing without a doubt.

You know, the thing that probably troubled me the most was in one of the meetings, I believe, June 22<sup>nd</sup>, there was discussion about the possibility of looking into a cease-and-desist order and just to be clear for what people may or may not understand what that means, you know a cease and desist is an order to stop suspicious or illegal activities and that really tarnishes, potentially, a person's reputation within the town because it puts speculation and suspect on these people for no reason.

So, that's what I took the most offense to in my whole position was that those words made it sound like Ed and Sandy Cross did something wrong and I know I stated that in one of our meetings but I wanted to be sure that with all these public people here that they were able to understand that because we followed as Jacob laid out, clearly, we followed all of the proper procedures. Took my survey. Got our septic design approval from the state of New Hampshire. Did all the setback requirements that were needed. Went in in March and filled out for a building permit. Got a building permit. No hassles, no problems, no nothing. Went in. Just kept on moving forward with what our, what our process was going to be for building a house.

The biggest other challenge that I have is that it's unclear. It's not clear. You stated at the beginning of this meeting that it's not clear and that there's a lot of misinformation or misunderstandings of what the minutes say versus what the posting was versus what the vote was and I understand all that and that's why I kept asking, "what do you have in legal documents that would be able to support the fact that my plan is wrong?"

And the whole reason for me wanting that document, which I was hoping to share with you in a meeting that wasn't in public was the fact that when you transfer a piece of property, there is a specific question that's asked and that question states "do you know of any controversy or unclarity on lot lines or anything else about abutting properties that you will have to disclose".

I now, with everything that's going on, have to have a situation that I can show so that it doesn't become a title problem when I transfer the title ownership of this piece of property to the next person.

This, in this case, is going to be my son so clarity is hugely important. That's what I've been asking from day one and I need it to be done legally so when the time comes, I can get this piece of property transferred.

The challenges that I have is when I asked if the town would do the process of looking at the title and doing the title research to try to straighten it up and clear it up, my answer from the Board was "the town is not willing to or sees it necessary to straighten that out or spend the money to straighten that out".

And again, that's a challenge that I have because now that means that instead of the town doing their due diligence and doing what's proper that they should have done maybe back in 1991, they're now in the same boat again of needing to clarify it and all I've been asking for is clarification and making sure that you do it proper because I need things to be right in that, yes, I stated in one of my meetings, just because we said so wasn't going to be a good enough answer for me. I said that at the first meeting. I want documentation that shows it

We have never said anything about stopping people from accessing that road. We say hi to everybody that walks down that road. We talked to them. There's been a couple of people that have stopped several times to talk to us.

Our intentions were never to do that okay, so I'm publicly stating that. We never intended to do anything different that just to live peaceably down in that road.

So, part of my challenge also, one of the things that is, that the town talked about to the select board talked about is the town forest and importance of being able to access it and think that a lot of people here understand that that's an important thing. I think a lot of people here like to use that road to walk on.

I can appreciate the fact Jeanne spoke highly about what the value of trailways are. I don't, I'm not saying or disagreeing with anything. I'm not disagreeing with what Joanne said and what her research says and what everything else that shows. I'm not disagreeing with that.

I don't think it shows legal clarity just because she has those documents. It hasn't been put into any kind of a judgment to try to figure out "is this right or is this wrong."

There's still room for challenge because the town records conflict and all I'm asking for the town to do is to fix the record so that there's not a conflict because the last thing I want to do, and I feel for Joanne, I don't want to deal with it 30 years from now that it's another problem.

Some of the challenges that I think we have is the fact that, you know, the town forest, if you look on the recreation maps, you're going to see what the town forest parking area is and the town forest parking area right now is right at the road bend, right there on the sharp corner. The very corner that in one of your meetings was stated as one of the most dangerous corners in the town.

So, there is no parking for anyone other than parking on private property to get down and to be able to utilize that town forest unless they walk from wherever they're coming from. So, there is no parking

And, I would say too, that the challenges that are left for that whole roadway system when it comes to public access is that the townspeople do not have a place that they can even park to utilize that whole roadway system.

At the other end of Thurston Pond Road, which is where my house is and where my driveway is, I have people parking along the sides of that part of Thurston Pond Road, sometimes, right in front of my driveway. Sometimes we can't even get in because their using that as the parking area to access the roadway.

So, there's bigger problems than just what the status of this road is. The reality is So, that this roadway needs or this town forest and this whole roadway system needs something better than what they have for the town to be able to access it and to use it.

And, I would suggest that the town look at what is the possibilities of putting some sort of a parking area on the town forest for the people in the town to be able to drive safely down, park in a very safe place and use that property.

I'm not against this being a road. I'm not. I'm against it being taken improperly and I'm against it being taken without the right documentation because I need it to be clear so that our title can be sold again and again and not have to be worried about someone else 30 years from now raising a flag.

Chairman Robertson: And I think that is the end result that this Board is interested in arriving at.

Mr. Cross: Perfect. So, then I have some thoughts here on that.

Chairman Robertson: Well, first, I'm going to ask if there's anyone else that wishes to speak and we've got two people and I'd like give some other folks a chance to speak, Mr. Cross, if you don't mind?

Mr. Cross: As long as I can come back up after.

Chairman Robertson: You can.

And I'm going to start with Mrs. Cady who has actually been followed by the gentleman in the one, tow, sort of fourth or fifth row.

### **Mrs. Cady – Old Centre Road**

Mrs. Cady: One of the things about this is how long it's gone on and their right to ask for the road to be laid out and that way it's there but there's something that's been said that is not correct.

Let the record be clear that many roads were not, they didn't buy the land. All they bought was the right to pass on a road.

The roads were laid out. I did a whole, big research on what is the road that was discontinued when 125 was built in Brentwood.

An interesting book to read is "The Road Less Traveled" by Bernie Wah with all the laws on Class VI roads, discontinued roads, town roads, etc. It has all the laws there but Thurston Pond has gone on and gone on and gone on and I do think the selectmen owe it to the people who own property on Thurston Pond to lay it out.

Joanne Wasson has maintained that it was closed in 1939 and I believe Joanne was right but she did say one thing. When you approved the road, considering it a Class VI. That the town had the right to that it was closed by gates and bars, you forgot to lay it out and without it being laid out, it cannot legally be because it was bought only for right to travel over, not buying the land.

Chairman Robertson: In this case, I think there's actually some pretty good documentation that this was a fee purchase of property. They're a very specific ...

Mrs. Cady: It may be. Joanne says it wasn't but and I believe Joanne has done more research in this town on deeds than anybody.

Chairman Robertson: I would agree.

Mrs. Cady: I just think that it's very wrong to say Class VI roads were bought by the town. The right to travel over was but not deeded land.

Chairman Robertson: Okay, thank you.

I'm going to recognize the gentleman who has had his hand up several times. That will be you.

### **Spencer Tate – 174 South Road**

Mr. Tate: And I'm just hopeful to provide maybe a little bit of information in this. I don't really have a stake other than the fact that I do this professionally.

In the book previously referenced, "A Hard Road to Travel", the court of certs in Davin Hall verses Cameron, 116 NH, "once established, a highway is presumed to exist until discontinued. Only a formal discontinuance by town meeting can legally terminate the public's rights to travel on any public way."

So, for that, I would say, the selectmen are correct in their stance of not doing any sort of title search or additional work at taxpayer expense for the benefit of abutters or potential benefit of abutters.

I'll further add in the Davin Hall versus Cameron, the party asserting discontinuance, has the burden of proving the discontinuance by clear and satisfactory evidence.

The best evidence of discontinuance is the official record of the municipality. If gaps exist in municipal records due to fires and the like, the proponent may introduce circumstantial evidence such as deed recitals, actual use of the road and other municipal records which describe the apparent status of the road.

And so, to that point, I'd like to add that the 1939 article language needs to be read and reviewed. Everything else subsequent may have been done illegally or legally but it's secondary to the vote of the people. It's made very clear in the RSA's and in court opinion that it's the will of the townspeople at the time of the article that is the enforcement power of the language so whatever the language was at that time was the determining factors so I'm not, I don't, you know, 1991, I was sucking my thumb. It's, I don't know what transpired then but I guess I would defer to the selectmen and the people of the town to really review the 1939, Article 5 vote and the discussions therein which is all, I think, microfiched upstairs and you can pull it up on the website. It's available as a pdf so there's no wool over anybody's eyes.

Thank you.

Chairman Robertson: The Board of Selectmen and town counsel have both reviewed the actual language of the warrant article, the handwritten minutes and the official minutes of that meeting as well.

Thank you for your input.

Before I go back to Mr. Cross, just to simplify this, I'm going to ask, how many people are here this evening by a show of hands in favor of the select board laying out the road and reaffirming it's a Class VI and how many are opposed?

Okay, thank you. That give the Board a good sense of people's thought process.

Vice Chairman Pitman: Glad you asked.

Chairman Robertson: At this point, anyone else wish to speak?

Yes, Ms. Greig.



### **Denise Greig – Thurston Pond Road**

Mr. Greig: Good evening. Thank you all for coming. Denise Greig, Thurston Pond Road.

And, just two points. Just to be clear, there was an official layout subsequent to the 1991 meeting and the packet that's been provided to the Board and that they've had an opportunity to review has all of the documents from the 1991 and the 1939 materials that were all reviewed by the Board in 1991.

So, the revisiting of a lot of that information, it has been abundantly clear that Class VI portion of Thurston Pond Road was as Joanne explained, the period, the point from Mt. Delight up to the outlet of the pond and down Ridge Road to where the driveway is.

The Board had opportunity to revisit that many times over the years and again, that information was filed with the Board of Selectmen with respect to the Class VI status there.

I want to just kind of pull back a little bit. I know we've had an opportunity to talk about the legal side of this but I have a wonderful opportunity to sit and watch the use of Thurston Pond Road and it is one of those places that is a treasure for the town and I strongly encourage the Board to act favorably on the petition.

We have people out there every day with every type of recreational use. We also have folks who are there to use it as a quiet place where you can have kids on bikes, older folks sauntering along and I include myself in that and you have folks there who are out to visit the town forest.

There's also folks going up to the mills to Thurston Pond to the mill site and the historical area so there are, it's a wonderful capsule of our recreational cultural and historical treasures here in town.

I understand that it's, a lot been said. Mr. Cross has been our neighbor on Thurston Pond Road for almost 20 years and has passed those signs about the Class VI roads so I, you know, I want to be sure that we're here understanding that it is an opportunity to resolve the ends of the road but I do hope that the Board acts favorably on the petition and grants classic status for those ends.

Thank you.

Chairman Robertson: Thank you.

Yes, can't see all the way to the back of the room, Mr. Rhodes.

### **Erroll Rhodes – Church Street**

Mr. Rhodes: Erroll Rhodes, Church Street. I want to thank Mr. Tate for his elucidation which I think not everybody in the room has seen the whole packet.

I also appreciate Mr. Cross's conundrum and having, I suspect, when he started out, limited resources to know everything about what was. I think I'm in favor of the Board relaying out this road and resolving the lack of clarity from Mr. Cross but I think in the midst of all this, I hope we don't miss the fact that we have a records problem in this town and I think that needs to be seriously addressed so that these kinds of issues don't arise in the future because I sympathize with Mr. Cross on the records side of issues and, that's something that we should listen to.

Obviously, not the primary focus of this meeting but something that in listening to everything, we should understand that that's part of the issue and frankly, I'm afraid it could be a bigger issue going forward given all the changes that we're about to see.

So, thank you very much.

Chairman Robertson: Thank you.

If there's no one else that wishes to speak, I would return to Mr. Cross.

### **Ed Cross – 4 Thurston Pond Road**

I want to be clear. I'm not against this being a Class VI road. I'm not against changing the way everybody's been using that road for all the years, whatever they've been doing.

I am very challenged with the incorrect records that could be very misleading for others just as it was for me and I'm not totally ignorant but I'm not a professional either when it comes to reading those documents. I'm just like everybody else.

I looked at the plan. I checked the records in the town. Everything seems to match up. I purchased the land with certain expectations I think, just like anybody else would have.

So, I'm not arguing anything about keeping people from doing what they've been doing on this road. I'm all about them straightening out the status of this road to make sure that we don't have to have this argument.

Where are my concerns now that we've been down on that road working? I see concerns where it's very difficult when you come up out of that road and there's two or three cars parked on that sharp corner. It's very difficult to see anything until you get up on the road.

I think that there's a bigger challenge with parking. I deal with it down in Thurston Pond Road. I've been dealing it for 18 years. I have never complained to anyone in the town about getting blocked out of my own driveway. I'm not saying that that's anybody in this room that's doing it. I'm just stating a fact that it is a challenge because everybody loves to walk down that road.

Thurston Pond is a beautiful place. Looking at the historical bridges down there. That's a wonderful thing. I bought the land because of all that. I bought more land because my son liked that, too and we came up with a plan for him to be able to live in the town he wanted to come back to live in because of that area.

We love that land. We love using it. I've been neighborly to everyone that lives on that road. I've helped. I do my fair share. I maintain part of the 200 feet of Thurston Pond Road. I fill the potholes. I do what's needed. If I go out in the morning with my plow, I plow and clear it up. I know that Joanne and Kate in the past, have paid to have that taken care of.

You know, Tom Stevens was the gentleman that used to plow for them for years. I'm very friendly with Tom. Sometimes on big storms, I would plow that road all the way down to the very end so that Tom would have an easier time because Tom worked really hard.

He loved it when I got the front of the road done first because it made it easier for him to continue. I fixed the bridge which is past my driveway when the railings got broke. I do my part in sharing on my responsibilities and that's what I was asked when I signed that document 18 years ago or 19 years ago. Okay, I've done my part.

Now I have a situation on the other side that's very confusing and in the town minutes, specifically state that the road was discontinued. That's what the 1939 town minutes said. The vote was to discontinue.

So, I'm not the legal guy. I don't know that. What does that mean except for back in 1939, I think discontinued meant the road went away but I'm not the guy here and I'm not arguing that.

I can only say that the towns people have the say. The townspeople voted. The townspeople canceled the road. It's been in records in there, reverts to abutters probably ever since. I know it's been there since at least 1994 because they had the colorful map in there that was done just for the sake of people seeing it.

So, I can only go by what information I have. I don't, I shouldn't have to research and do all of this kind of legal work to try to figure out why this matches this but yet I'm told it's not correct.

It's not against the road being a road. I am challenged with parking and I really think that a solution needs to be given for the townspeople to enjoy the land that the town has been graciously given and it's not being done.

Now I'm the guy that's maintaining it. Mr. Stevens has been maintaining it for his access for doing his sugaring for years. He's done a great job at what he could with what he's done.

Okay, there's a lot of people that use that road. A lot of public people walk it. There's motorbikes, four wheelers, automobiles going up and down that road all the time so the reality is if we have agreements where abutters share the use of a Class VI road when it's unmaintained by the town, then I think that that's fair and I really do think that the town because of the fact that they have a town forest and that their concern is access to the town forest, I truly think that the town should be responsible for making it available to the public to be able to utilize properly.

And, I'm not asking for a million dollars of aid here at all but I'm asking if you're going to open it up and because you're an abutter requesting it, then do your fair share, okay and what that can look like is something that I'm happy to have a discussion with the Board on, on how that can be fair and equitable for everybody and that would allow the townspeople to have access to that town forest and all that roadway without a problem.

I'm even willing, because I need my documents to be clear and I don't think that what you're about to do is going to make it very clear. I still think it's going to have controversy, at least on the section that I have. I'll do a quick claim deed. I'm happy to do something to make it so that myself is that I'm taken care of legally. I want it done right.

That's what I have been saying since day one. Nobody came and asked me what our status or what our intentions were. Nobody's asked me for solutions. I find myself defending, spending money defending the town records as a citizen of this town. I'm spending my money to defend their records because I'm told that the records are wrong.

Chairman Robertson: I think that we're getting away from that ...

Mr. Cross: We might be getting away from it Andy, but I'm going to state my part because I'm telling you what, I just think that we have a solution or we need to work to a solution that's better for everybody.

Chairman Robertson: I think ...

Mr. Cross: and I happy to do that.

Chairman Robertson: I think you're getting repetitive about your comment now. We clearly understand your position. We understand your situation. If you've got something new to add, by all means.

Mr. Cross: The only thing I really want to add and I'm going to say it again is because I'm not adding it. I just want to make sure that the town starts looking at an opportunity to make something better for parking purposes. I have some solutions in mind. Happy to talk to anybody about it. Feel free to come and see me.

Thank you very much.

Chairman Robertson: Thank you, Mr. Cross.

Mrs. Cady.

### **Mrs. Cady – Old Centre Road**

Just a quick question. If legally the town closed it, not by gates and bars, how can the selectmen vote to change that without having it at a town meeting?

Chairman Robertson: RSA 231:8 gives the Board the power to lay out what was that ...

Mrs. Cady: But that would be a Class VI road that wasn't closed with the land reverting to owners. That law refers to if a road has just been sitting there without a town vote.

Like we know the law says if it's not used for five years, it becomes closed.

Chairman Robertson: I'm not going to debate the legal specifications of this. 231-8 was what was used in 1991 for very similar portions of the road and as I've said, we have multiple plot plans that show the abutters property lines at the edge of the roadway.

We've been advised by town counsel that we can act upon this petition with the authority of 231-8.

Mrs. Cady: I think it needs to have a town vote.

Chairman Robertson: Okay. Thank you.

Mrs. Cady: (couldn't understand as she was not at the microphone)

Chairman Robertson: Further comment.

Mrs. Cady: And I've proven it.

Chairman Robertson: Mr. Cross.

Mr. Cross: I'm going to agree with what Mrs. Cady has stated that I don't think, I don't think you have the authority to do this particular process, the way you're doing it. I do think you can do it. I think it's a different process than what you're currently doing and it does, I believe, have to go through to the town vote because the townspeople spoke once and the townspeople should be able to speak again.

And I understand that it's going to be a yes but I, and I'm not opposed to that. I want everybody to state that but that would be the right way and the legal way to do it to clear up everything.

Chairman Robertson: Thank you.

Further comment.

Okay, seeing no hands, I am going to close the public hearing at this time.

Oh, I would also mention that we did receive three letters in support of laying out the road as a Class VI road as well from people that couldn't be here this evening.

So that said, I'm going to close the hearing.

At this point, I don't know what the Board's pleasure is. The Board could make a motion in favor of the petition at this time. We could ask for one more final review from town counsel before we do that. We're not under an obligation to make a decision immediately following the public hearing. I don't know what the Board's pleasure is.

Vice Chairman Pitman: Can we make the motion subject to the legal?

Chairman Robertson: You could make the motion to support the public hearing subject to legal opinion but I think it might be cleaner if that's what we want to do, that we actually hold off and ....

Vice Chairman Pitman: Is there any need for us to do legal? All the homework that's been done.

Chairman Robertson: Well, you've heard some people say that they don't feel that this is appropriate and that it could be open to challenge so...

Selectman McGarry: The only question I have is the specific language that would end up using for the layout?

Vice Chairman Pitman: That's what my problem is.

Chairman Robertson: Okay. Given that, those, that concern, I think that possibly we should have the town counsel give us one final review and advice to make sure that we make the motion properly, if that's what we're going to do.

Selectman McGarry: I'd prefer to do it that way.

Chairman Robertson: Okay.

So, I had to drag this on a little bit further but it looks like we are indeed not going to make a motion this evening on the petition. We are going to hold off until we get one final review and advisement from our legal representation and I would thank everybody for being here this evening.

You are welcome to stick around. We're going to talk about town budgets moving forward and I'll wait a minute or two for folks to leave.