

Huntington Ancient Roads Committee

Community Survey Report

November 2, 2008

Introduction

The Huntington Ancient Roads Committee (HARC) has been researching ancient roads since February 2006 under a \$5,000 ancient roads research and mapping grant from the Vermont Department of Housing and Community Affairs. The grant program is in response to Vermont's Act 178 which enables towns to decide the fate of ancient roads that are no longer in use and in the process clarify property titles for many residents. Very little of the grant allowance, only \$1,447, has been spent so far since we are fortunate to have many of the skills and services in the community and the committee volunteers.

Over a third of this expenditure has been associated with this "Community Survey". It is the Selectboard who will decide which ancient road right of ways to "throw up" and which to retain and for what purpose(s). This process will go on over the next year or so and will include dialogue with property owners and public meetings. The Community Survey was intended to give residents the opportunity to express their desires and concerns and also to make comments to the Selectboard regarding ancient roads.

The following report is divided into two parts – first a brief statistical analysis of the residents' responses followed by a section of residents' comments. Not all questions were answered by all residents. All comments made on the questionnaires were included. The comments were grouped in topical categories. Some people signed their comments however these names do not appear in this published report. The original survey questionnaires have been included with this report to the Selectboard and they will see any signatures.

A "text box" at the end of each section of comments is included to add information, clarity or answer some questions posed by the comments.

Survey Questionnaire:

Huntington Ancient Roads Committee- Community Survey

		<small>check box that applies</small>				
		<small>strongly agree</small>	<small>somewhat agree</small>	<small>don't care / it depends</small>	<small>somewhat disagree</small>	<small>strongly disagree</small>
1	I support the Town retaining the right of way of <u>ALL</u> ancient roads					
2	I support the Town retaining the right of way of <u>SELECT</u> ancient roads					
3	I support the <u>discontinuance</u> of ALL ancient roads					
4	I would support retention of a public right-of-way (ancient road) on or abutting <u>MY</u> property					
5	I would support retention of a public right-of-way on my property <u>ONLY</u> with no impact upon structures or pri					
6	If an ancient road were to exist on my property I would be willing to discuss re-routing its location to minimize					
7	My opinion to the above questions depends upon the intended use of the public right-of-way					
8	How would you rate the following current or future uses of historic rights-of-way?	<small>strongly approve</small>	<small>somewhat approve</small>	<small>don't care / it depends</small>	<small>somewhat disapprove</small>	<small>strongly disapprove</small>
	a. Road for development?					
	b. Access to desirable location (e.g., public land, town forest, swimming hole)?					
	c. Improved connection between current roads, neighborhoods or common destinations?					
	d. Improved safety – emergency vehicle access?					
	e. Conservation of forest and wildlife?					
	f. Use as a recreational trail?					
9	How would you favor the following recreational uses?	<small>strongly approve</small>	<small>somewhat approve</small>	<small>don't care / it depends</small>	<small>somewhat disapprove</small>	<small>strongly disapprove</small>
	a. Foot use – hiking, snowshoeing, and skiing?					
	b. Biking / mountain biking?					
	c. Snowmobiles?					
	d. Horseback riding?					
	e. Motorized vehicles (dirt bikes, motorcycles, ATVs, 4WDs)?					
10	Please indicate whether you own or rent in Huntington (<i>circle one</i>): OWN RENT					
	If own, how much land? < 1 Acre ___ 1 - 5 Acres ___ 5 - 10 Acres ___ 10 - 50 Acres ___ 50 - 100 Acres ___ 100 + Acre					
Please add any additional comments (use back for additional comments):						

Part I – Data Analysis:**Community Survey - What residents responded to the Ancient Roads Survey?**

10	Please indicate whether you own or rent in Huntington (<i>circle one</i>):					OWN	RENT	TOTAL
	If own, how much land?					164	2	166
	< 1 Acre	1 - 5 Acres	5 - 10 Acres	10 - 50 Acres	50 - 100 Acres	100+ Acres		
	24	44	23	47	12	14		
	14.6%	26.8%	14.0%	28.7%	7.3%	8.5%		

↑
164

The response to the survey as of October 13th 2008 was very good -166 residents or 17.5% of the 950 surveys mailed. Property owners were the primary respondents. No statistical attempt was made to correlate parcel size with the answers to specific questions. However, there seems to be no easily observed correlation between parcel size and position on any issue and a wide diversity of respondents on all issues.

Community Survey - What should the Town do with Ancient Roads?

		check box that applies					Number Responding
		Strongly Agree	Somewhat Agree	Don't Care / It Depends	Somewhat Disagree	Strongly Disagree	
1	I support the Town retaining the right of way of <u>ALL</u> ancient roads	30 18%	15 9%	22 13%	23 14%	76 46%	166
2	I support the Town retaining the right of way of <u>SELECT</u> ancient roads	71 43%	44 27%	11 7%	7 4%	32 19%	165
3	I support the <u>discontinuance</u> of ALL ancient roads	34 21%	10 6%	17 11%	16 10%	83 52%	160
7	My opinion to the above questions depends upon the intended use of the public right-of-way	92 58%	34 21%	9 6%	4 3%	21 13%	160

Combining the “Strongly” and “Somewhat” positions for both the “Agree” and “Disagree” positions on each question, the following observations can be made:

- Retain all AR right of ways: 27% agree / 60% disagree.
- Discontinue all AR right of ways: 27% agree / 62% disagree.
- Retain SELECT AR right of ways: 70% agree / 23% disagree.

It appears that the majority of respondents (70%) favor a selective retention process over an all inclusive process to either retain or throw up ancient road right of ways (27%).

A strong percentage (79%) said that their answer depended on what the intended use of the AR would be.

Community Survey - What involvement do landowners want ?

		check box that applies					Number Responding
		Strongly Agree	Somewhat Agree	Don't Care / It Depends	Somewhat Disagree	Strongly Disagree	
4	I would support retention of a public right-of-way (ancient road) on or abutting <u>MY</u> property	29 18%	24 15%	52 32%	11 7%	47 29%	163
5	I would support retention of a public right-of-way on my property <u>ONLY</u> with no impact upon structures or privacy	61 38%	36 23%	15 9%	5 3%	42 26%	159
6	If an ancient road were to exist on my property I would be willing to discuss re-routing its location to minimize impact	75 47%	40 25%	22 14%	4 3%	19 12%	160
7	My opinion to the above questions depends upon the intended use of the public right-of-way	92 58%	34 21%	9 6%	4 3%	21 13%	160

- The support for an AR right of way declines (33%) when that road is on the property owner's land however it remains approximately the same (61%) if the right of way has no impact on structures or privacy.
- The opportunity to discuss re-routing of a right of way to minimize its impact increases this support to the original level mentioned in the first part of 72%.

There appears to be strong support for any specific road when landowners are involved in the decision and any impact can be minimized. The “Not-In-My- Backyard” feeling is negated through town and landowner participation in the process.

However of note, there are a sizeable number of residents (26 – 29%) that oppose any AR that is on their land or impacts their land regardless of involvement in the process.

Community Survey - What future use is favored by Town residents?

8	How would you rate the following current or future uses of historic rights-of-way?	Strongly Agree	Somewhat Agree	Don't Care / It Depends	Somewhat Disagree	Strongly Disagree	Number Responding
a.	Road for development?	4	16	29	33	80	162
		2%	10%	18%	20%	49%	
b.	Access to desirable location (e.g., public land, town forest, swimming hole)?	54	47	24	10	30	165
		33%	28%	15%	6%	18%	
c.	Improved connection between current roads, neighborhoods or common destinations?	24	49	31	14	47	165
		15%	30%	19%	8%	28%	
d.	Improved safety – emergency vehicle access?	42	48	30	14	28	162
		26%	30%	19%	9%	17%	
e.	Conservation of forest and wildlife?	95	34	11	5	20	165
		58%	21%	7%	3%	12%	
f.	Use as a recreational trail?	69	46	18	4	27	164
		42%	28%	11%	2%	16%	

- The strongest support for AR use falls in two areas:
 - Conservation of forest & wildlife – 79% Agree / 15% Disagree
 - Recreational trails – 70% Agree / 18% Disagree
- Majority support is found for the following areas:
 - Access to desirable location – 61% Agree / 24% Disagree
 - Safety – emergency vehicle access – 56% Agree / 26% Disagree
- The strongest opposition is AR use for development – 12% Agree / 69% Disagree
- Improved connection received balanced opinions – 45% Agree / 36% Disagree

Community Survey - What recreational uses would residents favor?

9	How would you favor the following recreational uses?	Strongly Approve	Somewhat Approve	check box that applies			Number Responding
				Don't Care / It Depends	Somewhat Disapprove	Strongly Disapprove	
	a. Foot use – hiking, snowshoeing, and skiing?	100	32	7	2	24	165
		61%	19%	4%	1%	15%	
	b. Biking / mountain biking?	60	33	21	16	35	165
		36%	20%	13%	10%	21%	
	c. Snowmobiles?	18	20	25	22	81	166
		11%	12%	15%	13%	49%	
	d. Horseback riding?	50	43	26	12	35	166
		30%	26%	16%	7%	21%	
	e. Motorized vehicles (dirt bikes, motorcycles, ATVs, 4WDs)?	12	7	15	16	114	164
		7%	4%	9%	10%	70%	

IF an AR right of way was retained as a recreational trail, the following categories were chosen by residents:

- Strong support for foot use was polled – 79% Agree / 16% Disagree
- Slight majority support with moderate opposition was polled for:
 - Horseback riding – 56% Agree / 28% Disagree
 - Biking / Mountain biking – 56% Agree / 31% Disagree
- Slight majority opposition to Snowmobile use – 23% Agree / 62% Disagree
- Strong opposition to motorized vehicle use – 11% Agree / 80% Disagree

Specific comments on the general use and every recreational uses were contributed by residents. While opposition to some recreational uses was expressed, advocates for those same uses also submitted suggestions.

Part II – Residents' Comments:

In regard to the Survey Questionnaire - What comments did the community have regarding the survey?

- Great Idea!
- Good work you all!
- Thank you for being well organized.
- Thanks for getting town feedback!
- This is the worst Questionnaire that I have seen in a long time. Very generic.
- Thanks for your hard work.
- Thanks!
- Just considering the survey questions above assists in understanding the balance the committee needs. Certainly – decisions with studied reasons trump the “do-nothing” or “retain all for retaining’s sake”...*(Further comments included in Use Section- #1)*...P.S. Thanks for opportunity to comment – good survey.
- Thank You for all your efforts. We very much appreciate it!
- Good luck with this time consuming project! When Roads are discovered to be of interest for recreational use – inform the neighbors – it may help.
- I just found this underneath our dining room hutch! I know it’s late, but I’ll send it in anyway – Best Wishes, *Signed by Resident...* (You made it!)
- We have an opportunity to look deeply into our community’s values and future and help to guide it.

The Ancient Roads Committee appreciates the mostly positive comments. The survey questionnaire was intended to be broad, somewhat generic and open ended in order to solicit unbiased comments from the community with the intended purpose to aid the Huntington Selectboard in its decision process. It is the Selectboard, and not the AR committee that will make the decisions regarding the outcome of any ancient roads. With that goal in mind, HARC would like to thank all those who responded for their honest and thoughtful answers and many comments.

Is there a map of the ancient roads that have been “discovered” so far?

The following comments were made by residents or their agents:

- Is a town map showing these roads available? Where and how can we receive / get a copy?
- Landowners need to know where the roads cross their land 1st!!! To determine what could be their uses and how individual land owners are affected. Then a survey should be sent out!!!
- I would like to see a map of those roadway locations. Property owner’s decision on the way the roadway is to be used needs to weigh in final decision... (*Further comment in use section - #2*).
- Needs to be a map of the 132 road surveys and 18 discontinuances.
- For educational purposes, a map of what ancient roads are present would allow residents to understand areas in discussion, as most people probably do not know why they exist.

- The following letter from a local lawyer:

“Thank you for speaking with me earlier this week about the work of the Ancient Roads Committee. It sounds fascinating and I am very impressed with the thoroughness of the work.

In our conversation, you mentioned that the Ancient Roads Committee will likely put together a map that depicts the results of your research. I understand that this map will depict, among other things, town highways for which there is a survey in the municipal records, but not shown on the current town highway map and for which there is no evidence in the municipal records of discontinuance. I will check with from time to time so I can keep my client advised of the work of the Ancient Roads Committee. It would be extremely helpful if you could let me know when the ‘research map’ is available.

Again, I thank you for your time.

Sincerely,”

We agree that where specific ancient roads lie certainly affects ultimate decisions regarding its retention and any possible uses. A GIS map is constantly being generated as we do our research. As stated in the cover letter to this survey, many of the ancient surveys describe current roads or close variants. In some cases, we have been unable to locate roads since we cannot “place” the starting or ending point of the survey on a map. Research of Town deed records is underway to pin these locations down. Also our research of town records for any further surveys and as importantly for any legal discontinuances is still underway. It was felt that Questions # 5, 6 & 7 would help identify how land owners felt about an ancient road right of way on their property and Questions # 8 & 9 would probe how they wanted any retained ancient road / trail used or not used. When our research is to the stage that we feel it is as complete as we can make it and before any public hearing process, a final map will be available. We are hoping to publish an interim map in the near future.

What concerns do residents have regarding Town rights and landowner rights in the Ancient Road issue?

This area solicited many comments. Here is what people said:

- If the Town has not used or needed them in all these years (which make them Ancient Roads) they should be allowed to be thrown up.
- Ancient roads, under the law, that have not received maintenance for a prescribed number of years have been constructively “thrown up” and they need to be discontinued. This issue has already caused many headaches for landowners across the state and this issue needs to be put to rest once and for all.
- This whole project strikes me as a free land grab by the town. It is ridiculous for the town to lay claim to property that has essentially been private for decades. If the town really needs a particular right of way, then it can enter into negotiations with the property owner. If this does not work and the town simply must have the land, then there always is eminent domain.
- If an ancient road is currently being used to access wilderness or public land, it probably should be kept. However, roads that aren't being used should be discontinued.
- We believe that any / all ancient roads and right-a-ways that have been abandoned should have all claims on them discontinued! Those still in use as trails must be evaluated case by case with deference given to actual landowners and adjacent neighbors input.
- This is another excuse for government to land grab. I pay high taxes for “private” land. If the public wants land, let them buy it.
- Ideally, the Town would retain rights only if the landowner also agrees. In general, the Town should discontinue rights unless a compelling reason can be made for keeping rights...*(Further comments in use section #3)*
- If the town has done nothing with these roads for many years, and a landowner has been taxed on these roads for many years, the ancient roads should fully belong to the landowner, without restriction.
- Don't want to impact my land.
- I bought & pay taxes on my land for our family's use & privacy. – *Signed by Resident.*
- Ancient roads were never identified or considered in the sale of Huntington property. To resurrect them now, for any use, is unfair and susceptible to legal challenge.

- Discontinue all ancient road claims.
- Do not want ancient roads on my property. They have become overgrown and w/o great improvements could not be used (*for emergency access*). (*Re conservation & recreational use*) - If these roads are opened – it would be detrimental to forest & wildlife. These properties are private and each landowner should have the opportunity to discuss. When new roads were developed, land was taken away from some landowners and the “old” was reverted back to them, although not on paper. Title searches have not revealed ROW's (*Right-of-Ways*).
- This issue should be dealt with on an individual landowner basis. These roads were obviously discontinued with no intention of future use. There should be no rights across private land unless the landowner wishes to have the ancient road mapped. All other roads should be discontinued. Trying to gain access across private land due to a paperwork technicality is morally wrong.
- I pay taxes & own my land for my own private use. – *Signed by Resident.*
- If any ancient road was unknown to a landowner when they purchased the property, I think the landowner's wishes on what to do with that road property should have the highest consideration.
- The whole process is absurd. How do we ever expect people to “play by the rules”?? You have a town map of the roads that people use to base their hopes and dreams for a nice house in the country, and then you go and want to change it midstream. To boot, you have zoning regulations you don't enforce on some people and put the screws to others – it's complete caprice! Rules are rules – let Huntington show the rest of the state that you don't change the rules half way through the game. - *Signed by Resident.*
- Opening up a lot of legalities, many issues, who will maintain road / trails – landowner? Posting land – now have individuals on land / walking etc...will posting now become unenforceable? The old roads need to be posted on map in Town Hall & notification that it is available - send to town patrons. I really believe it's an issue that should be left-to-rest. I feel we have enough recreational access / areas w/o opening up the potential major issues / problems between town & neighbors occur.
- Existing roads are more than adequate. State & federal land is for use of all (*word?*) and the committee should spend their time improving access as the public sees fit. Ancient roads in my opinion belong to the landowner where they exist as they were intended to be where the town abandoned them.

- *With numerous comments on the questionnaire proper, a resident also attached the following letter summarizing her opinions:*

"Reclaiming Ancient Roads

The Ancient Roads Committee has asked for feedback regarding the idea of using Ancient Town Roads. Here is what I think.

Where ancient roads have been un-maintained and un-claimed by the town for so long that they are basically hidden and unmarked, the adjacent landowners have every reason to expect that their current level of privacy and quiet should be maintained. It would be an unfair re-possession to claim public access to long-unused areas simply because at some time in the ancient past there was a public trail that once was used and maintained by the town.

That said, if no adverse affect is perceived by the adjacent landowners, then a public use could be considered.

Each ancient roadway has unique considerations, so the possible "future uses" listed in survey questions 8 and 9 can only be addressed individually for each location. For this purpose, I would suggest creating a list of criteria, which might include:

1. Is there a NEED, and what is it, for the public use of the ancient road?
2. Will the PRIVACY or NOISE level of adjacent landowners be impacted?
3. Does public use of the ancient corridor IMPACT the neighbors in any substantial way, such as they would object?
4. Is the COST of maintenance acceptable to the voters of Huntington, as the Town would need to accept long-term responsibility for MAINTENANCE, as well as LIABILITY costs of public use?
5. What will be the potential ENVIRONMENTAL concerns, such as erosion and sediment flowing into streams and impacting river vitality?
6. What NOISE regulations would be appropriate: decibel level for machines; time of day or night; should a town ordinance be devised to address noise in public areas?
7. Will wildlife be affected?

"Signed by Resident"

- I feel that the Selectboard should be judicious in which roads are selected to retain. They should set up criteria for the selection process and make these public. The results of the "Residents' Survey" should be used to help determine AR selection criteria and future uses of ARs. The process must be open and fully involve current landowners in the decision making. Strong opposition by any landowner should be given due consideration and the utmost accommodation if at all possible.

– Signed by Resident

- If we aren't using the public R.O.W. (*"Right-of-Way"*) – throw them up!
- I pay the taxes on my land, the committee or person doesn't pay for the use of my land or taxes. I don't like people telling me what I can or can't do with my property. I don't tell any one what they can do with their property – (you want to do something with land pay taxes on it and Buy It. Sept-24-08-12:15 pm – *Signed by Resident.*
- Many of our comments keep in mind that if an ancient road happened to come on our property, how would we feel about public usage? Probably would not want people wandering on our property...And the same about a road through someone else's property becoming public access to us – Is this right?

The above comments were transcribed as accurately as possible. Any error due to inability to read the hand written comments is regretted. Also in some cases grammar and spelling were corrected. However, the content and intent of a resident's comment was maintained.

Any "legal" positions stated or implied by a resident is their own opinion and may or may not be accurate. This said, their published comments do reflect their positions on the broader issues.

HARC does not advocate any specific position in regards to ancient roads and supports the development of criteria for ancient roads retention

If an ancient road is retained, what comments do residents have regarding its use?

- (1)...What public purpose is served if there is conserved land with no road / trail to get there? I tried to be inclusive but just can't where motorized (read: Loud) or damaging rec uses were rated. Quiet is quiet.
- (2)...Don't support ATV / 4WD – proven damage to trails.
- (3)...and roads should be subject to restrictions: (1) no development and (2) no motorized vehicles. Other uses should be careful to maintain environmental quality.
- This could be a wonderful opportunity to add trails for public use without serious compromise by landowners depending on road locations. Access to Huntington's beauty should be shared & preserved while protecting our environment. Development has closed off many of the woody trails open to equestrians in Huntington just 10 years ago – I hope we can keep such trails open.
- *The following letter was attached by a resident:*

"Dear Committee Members:

First, I would like to thank you for the volunteer work you are doing in behalf of the town of Huntington. My comment is as follows:

As may be obvious to some of you, my primary reason for living in Huntington is to have a facility where I can own, maintain and enjoy my horses. An integral part of this experience is to be able to trail ride around the town. In the thirty-seven years that I have resided in Huntington there have been many changes. Traffic on the main roads has increased tremendously, eleven or more farms have gone out of business, and many traditional routes have been closed off as land has been put to alternative uses, fields and paths become overgrown or land owners have just closed off access to their property. Therefore I would give my wholehearted support to opening any and all "ancient rights of way" that make sense.

I would point out to you that horses provide a benefit to the whole town. For every horse at least two acres of land are kept open for pasture and hay production. We buy our hay locally benefiting the local farmer. The feed stores, farm supply stores, and farm implement dealers supply the equine as well as the dairy community, thus an economic benefit of a larger scale is reached.

Please let me know if I can be of any further assistance

– *Signed by Resident*

- Cost of town to preserve a road? Who pays for insurance if any injury happens on ancient road? If use is just for hiking / skiing – Who “polices” the use? Keeps motor vehicles off it?
- I think ancient roads are a great opportunity for Huntington to permanently preserve the right for recreational uses of the right of way, so long as it does not adversely impact the current owner. If possible I think these right of ways should be rerouted to avoid conflict w/ owners, but that they should not be “thrown up”. We keep losing trails to development and this is an excellent way to preserve these rights of way especially for foot & biking access, and possibly others depending on their proximity to houses, etc.
- *(Re recreational use & foot use) – No dogs. (Overall comments) – My top priority is wildlife and habitats that support wildlife. Quiet human beings who move slowly on foot or snowshoes are the only recreators I would welcome on my land. If an ancient road were discovered on my land, I would definitely want to have a say in what’s going to happen to it.*
- No Vehicles or mountain bikes in the woods, fields, wetlands.
- For responsible recreational use of ancient roads, organized groups tend to help manage areas: VAST, Fellowship of the Wheel, some new ATV organizations – without these any use can cause damage.
- Access for ATVs or snowmobiles need to be acquired for more of Huntington to use.
- A major quality-of-life aspect of Huntington is the bike – hike – ski opportunities our ancient roads offer. Let’s keep them for all, and not become property rights fascists like Texans have become. – *Signed by Resident.*
- Norway has customary law (called “Allemanns rett”) that allows all to cross land as long as one doesn’t damage crops / animals / etc. We could benefit from this wise philosophy. *Signed by Resident. (Note: The public policy had its origin in Sweden and where it is known as “Allemansratten”)*

<http://www.sverigeturism.se/smorgasbord/smorgasbord/natrecspo/nature/every.html>

- 1) Any recreational use has a group / club(s) hold some responsibility for rule compliance and maintenance. 2) Absolutely no motorcycles, ATV’s, etc....
- Can’t emphasize enough – no motorized vehicles anywhere but existing roads. ATV & snowmobile use needs to be eliminated and / or curtailed on many existing woodland routes. No more development. Working woodlands & certain ag. use is necessary – motorized recreation is completely UN-necessary. Thanks!
- Let’s not become Williston or Stowe.

- A great opportunity to extend VAST to allow those of us north of Huntington Center to connect either through Richmond / Bolton to Huntington Center. I support all recreational use (motorized and non-motorized) of ancient roads, but definitely not development into public roads for car use.
- I'm all for leaving roads for recreational use but fear future development in critical areas for wildlife.
- My desire is to keep land open and wild. I do not want to encourage development.
- Where "Don't care / It depends" boxes are checked – we only imply "It Depends" and not "Don't care". It would depend on the circumstances, though in nearly every one foot travel and conservation purposes would be great. Keep up the good work!
- *(Re Biking / mountain biking)*- Depends on the specific characteristics – affect on flora / fauna habitat. *(Re General Comments)*- My biggest concern with placing roads on maps is how it will affect changes to the status quo. I am strongly opposed to motorized vehicles altering conditions / affecting wildlife habitat. Structures or privacy (Q#5) is only part of the no impact concerns. Far greater is concern for me is impact on ENVIRONMENT! Also, these roads aren't critical (to use) and that's why they're class four roads!! OBSOLETE.
- *I like the idea of using ancient roads as walking* – hiking trails open to ALL – NO VEHICLES!
- Huntington has access to Camels Hump mountain range, Long Trail, and nearby Audubon of VT. It is NOT necessary to open any ancient roads for the world of public use; Huntington has more than its share of public hiking trails.
- Do not approve ancient road improvement & maintenance for commercial gain such as development.

Again, the Huntington Ancient Roads Committee would like to thank all residents who participated in this survey and especially for their additional comments.