

# HUNTINGTON ANCIENT ROADS

## OVERVIEW, STATUS, NEXT STEPS and PRELIMINARY MAP

January 11, 2009

### INTRODUCTION

Between now and February 2010, the Huntington Selectboard must decide whether or not so called Ancient Roads will be made available as public right-of-ways or discontinued. The purpose of this document is to provide some basic information about the history of Ancient Roads and why Huntington is involved, review the major milestones and steps that need to be followed, and to describe the local decision making process. There is also a link to a map showing approximate alignments of Ancient Roads that have been identified to date.

This document was prepared by Joe Segale, a member of the Huntington Selectboard, with input from the Huntington Ancient Road Committee. It has been reviewed by the entire Selectboard. It is intended for informational purposes only and does not attempt to explain all of the specific public hearing requirements and other details found in the Ancient Road Legislation - Act 178.

### ANCIENT ROAD HISTORY and ACT 178

The Vermont League of Cities and Towns provides an excellent summary of the history of Ancient Roads:

Roads have been legally established in Vermont for centuries, spanning back to the time when America was still a British colony. Some roads, for example, were established to serve farms or other residences that, for a number of reasons, have faded back into the landscape. What was left behind was a network of roads that existed somewhere on paper and somewhat on the ground, but not clearly in either place.

Questions over whether or not certain roads existed and where they were if they did exist became contentious in a number of towns. Chittenden, Barnard, and Bethel are three towns that, for many, are most closely associated with the issue. In some towns, these disputes over whether or not a road ever existed on a resident's property resulted in protracted legal battles between the towns and property owners. In some towns, these disputes over whether or not a road ever existed on a resident's property resulted in protracted legal battles between the towns and property owners.<sup>1</sup>

After considering the views of landowners, Towns, and real estate interests, the VT Legislature passed [Act 178](#) in 2006. Act 178 allows each Town to decide for itself how it wants to deal with Ancient Roads while also establishing deadlines for the decision making process. A Town may choose mass discontinuance or a more selective and deliberative approach.

The deliberative approach includes developing an inventory of possible Ancient Roads by researching property deeds and other town records, mapping and field work to locate the Ancient Roads, developing selection criteria, and working with affected landowners. After gathering and evaluating all of the information and considering landowner issues, the Selectboard will decide which, if any, Ancient Roads will be kept open for public use and which will be discontinued.

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<sup>1</sup> "Planning for Ancient Highways, 11/14/06 Workshop Materials"; Vermont League of Cities and Towns

## **CURRENT STATUS of HUNTINGTON ANCIENT ROADS**

The Huntington Ancient Roads Committee was formed in 2006 to carry out the monumental task of developing the inventory and has completed much of its work. A preliminary map is now available for review and is described below. The Ancient Roads Committee also conducted a [Community Survey](#) that gathered opinions from Huntington residents on Ancient Roads which is available on the Town website.

It is now up to the Selectboard, with assistance from the Ancient Roads Committee, to develop selection criteria, identify which Ancient Roads it may have an interest in retaining as public right-of-ways, continue to gather public input, and to address affected landowners' issues and concerns before final decisions are made about the fate of any Ancient Road.

## **MAJOR DECISION POINTS AND DATES**

Act 178 gives a Selectboard the authority for "mass discontinuance" of all Ancient Roads up until February 2010 (with specific public hearing requirements). If the Selectboard does not choose to pursue a mass discontinuance, the following major decisions will be necessary:

**By February 2010:** All Ancient Roads are currently classified as class 4 town highways. The Town must decide whether or not each Ancient Road identified by the Huntington Ancient Roads Committee should be retained as a class 4 town highway or discontinued. Any Ancient Road not discontinued or retained as a class 4 road will automatically become an Unidentified Corridor (defined below).

**By February 2015:** The Town must decide whether or not each Unidentified Corridor should be discontinued or reclassified as a town highway.

**After February 2015:** Any Unidentified Corridor that has not been reclassified is automatically discontinued. Unidentified Corridors will cease to exist as a legal classification after 2015.

## **POSSIBLE SELECTBOARD ACTIONS RELATED TO ANCIENT ROADS**

**Discontinuance:** If an Ancient Road is discontinued by the Selectboard (either on-mass or individually), it becomes the property of the land through which it passes. The Town relinquishes all rights related to public use and access and any responsibilities for maintenance and other liabilities. If the discontinued road is located on a property line, the right-of-way is split and each land owner is given half.

**Class 4 Town Highway Classification:** The Selectboard may choose to retain an Ancient Road that has a verifiable location (described in a recorded survey, land deeds or other official town records; observable on the ground; and/or verified with an updated land survey) as a class 4 town highway. This action becomes codified by including the reclassified Ancient Road on the official Town Highway Map and sworn highway mileage certificate approved by the Selectboard each year and filed with the Town Clerk and VT Agency of Transportation (by February 2010). Once an Ancient Road is placed on the Official Town Highway Map, it is officially acknowledged as a public right-of-way.

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Class 4 Town Highway Defined: A class 4 road is a town owned highway that does not have to be maintained or constructed to the same standards that apply to higher level roads (class 1, 2, or 3 town highways<sup>2</sup>). Class 4 roads generally have a right-of-way width of 3 rods or 49.5' (unless otherwise recorded), are not eligible for state aid funds, are usually not maintained for winter use, and may be reclassified or discontinued. For more information on class 4 town highways follow this link: [Class 4 Highway and Legal Trail Information](#).

**Unidentified Corridor Classification:** Unidentified Corridors are a new town highway classification created by Act 178 to help manage the decision making process on the fate of Ancient Roads where there is uncertainty about actual on-the-ground location and alignment. In general, an Unidentified Corridor has a paper trail in town records that suggests a highway was legally laid-out, and there is no record that it was discontinued. The road may even be shown on old maps. However, there is no clearly observable physical evidence a road ever existed such as parallel stone walls, old culverts and bridge abutments, or remnants of a road bed.

An Ancient Road that is not included on the Town Highway Map by February 2010, or that has not been discontinued, will automatically be classified as an Unidentified Corridor. Unidentified Corridors will not be included on the Town Highway Map. The Selectboard has until 2015 to decide whether or not to reclassify an Unidentified Corridor and include it on the Town Highway Map (as a Class 2, 3 or 4 Town Highway or Legal Trail). If no action is taken by 2015, all Unidentified Corridors will be automatically discontinued.

To reclassify an Unidentified Corridor as either a highway or trail, a town must follow the process established for laying out or altering highways established in [Title 19, Chapter 7](#) of Vermont law. That process may include compensating landowners for the right-of-way in question.

## **HUNTINGTON ANCIENT ROADS LOCAL DECISION MAKING PROCESS**

Act 178 and other state statutes related to Town Highways spell out the legal requirements and processes for highway re-classification and discontinuance. But, the decision on whether or not to discontinue an Ancient Road versus reclassifying and preserving it as a public right-of-way rests with the Town in general, and the Selectboard specifically. Even more importantly, the Town must determine how affected landowners will be involved in the decision and will develop its own selection criteria for determining which Ancient Roads should be discontinued and which should be reclassified.

The Selectboard is moving forward with the process described below. The process may be modified as the Selectboard collects information and hears from affected landowners and members of the public.

1. Establish Preliminary Screening Criteria

At its December 15, 2008 meeting, the Selectboard decided to move forward with a preliminary screening of Ancient Roads identified by the Ancient Roads Committee. Mass discontinuance

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<sup>2</sup> Highway Class Examples in Huntington: Class 2 – Main Road, Hinesburg Hollow; Class 3 – East Street, Sherman STAUHollow; Class 1 – There are none (town owned road with a state or US route #)

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will remain available as an option. For an Ancient Road to be considered further, it must satisfy one or more of the following purposes:

- a. Transportation: Could the ancient road be part of the highway, bicycle or pedestrian network and provide for basic travel needs and emergency access now or in the future? Could it provide an alternate route if it became necessary to close a section of existing town road or bridge?
  - b. Access to a Destination of Interest: Does the ancient road provide the only public access to public property such as the town or state forest? Does the ancient road provide access to an otherwise land locked business, home, or natural resource that requires public access?
  - c. Recreation: Could the ancient road be used for various forms of recreation such as hiking, biking, snowmobiling, skiing, fishing/hunting access, etc now or in the future?
2. Conduct Preliminary Screening (To occur February and March 2009).
- a. Use the preliminary screening criteria to place the Ancient Roads into two categories. ARs that do not meet any of the criteria, require no further consideration, and should be discontinued; and
  - b. ARs that satisfy some or all of the criteria and therefore warrant further evaluation/discussion and discussions with landowners.
3. Landowner Outreach and Input
- a. Goal is win/win for landowner and public. Respect landowner rights and provide for public use. Meet with individual landowners or groups of landowners that are all affected by the same Ancient Road.
  - b. Is the Landowner supportive, supportive w/ conditions, absolutely opposed under any conditions?
    - i. If a landowner is supportive with conditions, work with landowner to address concerns (re-alignment, use restrictions, etc)
    - ii. If a landowner is absolutely opposed, the Selectboard will consider options on a case-by-case basis including:
      1. Leave as unidentified corridor to keep possibility open until 2015.
      2. Discontinue the AR; or
      3. Other options to be determined

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4. Public Information Meeting.
  - a. The outcome of the preliminary screening and landowner outreach steps will be a draft list of AR's the Selectboard recommends discontinuing, adding to the Town Highway Map as Class 4 roads and those that will become Unidentified Corridors. These lists will be presented to the general public for comments.
5. Final verification of roadway location and re-alignment where necessary
  - a. Field verify alignments (with land survey if needed, or by observation)
  - b. Agreement with landowners on any proposed realignments
6. Follow statutory process, including official public hearings, for adding roads to town highway map.

The process for moving forward on Unidentified Corridors after 2010 will be determined then.

#### **PRELIMINARY ANCIENT ROAD MAP**

The Huntington Ancient Road Committee has created a map that shows the approximate locations of Ancient Roads identified to date. Please keep in mind the following points when reviewing the map:

- The locations shown on the maps are approximate and are based on metes and bounds (compass bearings and distances) from surveys that date back to the mid 1700s when the Town was first Chartered.
- The lines indicate general path of the Ancient Road. Accuracy is limited by the scale of the map.
- This is not an official town highway map. Inclusion or exclusion of an Ancient Road on this map, does not suggest any official action or point of view by the Selectboard.
- There have been no decisions made about the fate of the roads included on the map. Some or all may be discontinued, some may be classified as class 4 roads,, and some may remain as Unidentified Corridors.

Click on the link below to see the map.

[HUNTINGTON PRELIMINARY ANCIENT ROAD MAP](#)