

Approved: October 8, 2008

Ancient Roads PublicHearing
October 1, 2008
7:00–7:25 p.m.

Present: Paul Saenger, Steve Goodrich, Karen Shackett, Bob Warren
Guests: Glenn Symon, Amy Douglas, Molly Francis, Dominic Francis, Ed James,
Will Stevens, Nancy Audet, Doug Atwood, Steve Brilyea, Sue Brilyea, Phil Kivlin

Call to order:

Paul called the meeting to order at 7:00 p.m.

AGENDA:

To hear concerns of residents of the Town of Shoreham regarding whether or not to discontinue ancient roads in the Town.

Paul called the meeting to order and read the requirements to be met by any trail or road coming under the jurisdiction of tonight's meeting. In order to fall under the classification of "ancient road" to be considered for discontinuance at this meeting, "...all town highways that are:

- 1) not otherwise clearly observable by physical evidence of their use as a highway or trail"
- 2) and that are not included as such on the sworn certificate of the description and measurement of town highways filed with the town clerk." [ie: the official town highway map]

Thus, any class 4 or other trails or roads on the current highway map or evidenced by any discernible on-site markings, tree lines, etc do not come under consideration for discontinuance at this particular meeting.

Five possible consequences to consider regarding the discontinuing of roads:

- 1) We may give up something the Town, at some future date, would rather have kept
- 2) Reclaiming a discontinued road is very expensive
- 3) Discontinuing roads can make title searches much cleaner and easier, thus less expensive, quicker
- 4) If the road in question goes through a property, discontinuance removes some property rights issues
- 5) If not discontinued, such roads may make additional road-frontage available (though road must be upgraded to a specified level at owner's expense)

A letter from the Dept. of Forests and Parks was entered into the record. The written testimony contained no objections to the discontinuance of roads in Shoreham.

Several attendees sought clarification on which roads were under consideration for discontinuance; The two criteria as set out by the Legislature were reviewed. Most were concerned about use of class 4 or other commonly used trails which do not fall under the requirements for tonight's discussion.

Steve Brilyea—presented a map from 1857 ("HF Walling Map of Addison County") expressing his desire that nothing on that particular map be discontinued and that any decision be based on that map.

Ed—concerned that by discontinuing certain of our roads, we are losing part of our history and heritage. Many old roads are part of King's Highway or provided access to it.

Glenn—In the event the Board chooses to discontinue the ancient roads, are there not issues that will arise between those who do and those who do not wish a particular road discontinued?

Nancy—if one class 4 road is discontinued, then all should be, not just one or another.

Doug—is the decision under discussion tonight a blanket decision?

Paul—To reiterate and clarify—this meeting is to help determine how to dispose of roads we do not currently know about, roads that may have been laid out at some point but never built and so on.

- The majority of concerns voiced tonight appear to deal with class 4 roads and trails that have clear evidence of use, none of which fall under this hearing.
- As far as determining how much evidence of existence is needed, there is nothing defining how little or how much. Determining the bounds of undefined roads is not something for this meeting.
- It will be the courts' province to determine landowner disputes that may arise in the future over what parties claim is or is not a road.
- When the board makes its decision, it will be a blanket decision covering the disposition of roads and trail meeting the requirements as set out by the Legislature's regulations.

Glenn—personally, in favor of the board discontinuing the roads as charged in the regulations.

Steve—reiterates opinion that the above noted map of 1857 is a good place to start when looking at roads.

No additional comments or concerns voiced.

Adjournment: Meeting adjourned at 7:25.

Respectfully submitted,
Robin Conway
Minute Taker

Signed: _____
Marthe Fisher, Secretary
Town of Shoreham Selectboard