

Middlesex Ancient Roads Research Project Workplan

I. Background

In 2006, the Vermont Legislature addressed the question of “ancient roads” by passing H.701 (now Act 178), which establishes a process for towns to determine the legal status of their roads. Essentially, ancient roads are town highways that have fallen into disuse and no longer appear on the official town highway map. They are often shown on older maps such as the well known Beers Atlas maps of Vermont towns, early topographic maps and others. While these roads have dropped off more recent maps from lack of use many were never formally discontinued by the town and remain public rights of way.

Under Act 178 towns have the opportunity to research, identify and add to the town highway map all town highways and trails that the town wishes to retain as a public right-of-way. There are several important dates in this process:

- July 1, 2009: towns have until this date to add unmapped town highways to the town highway map by a fairly simple process in order to retain those roads as town highways.
- Between July 1, 2009 and July 1, 2015: unmapped town highways can still be added to the town highway map, but it requires the town to reclassify the unmapped town highway as a town highway or trail following the procedure laid out in state statute.
- After July 1, 2015: any highway or trail that does not appear on the town highway map will be considered discontinued and will belong to the owners of the adjoining lands.

All towns in Vermont will be working with these deadlines to assess their public rights of way. To assist towns in this endeavor, the Department of Housing and Community Affairs (DHCA) is administering grants of up to \$5000 for researching and mapping these town highways and trails and for implementing a public review process to determine which of these right of ways should be retained for the future. The Town of Middlesex applied for and has received one of these grants from the DHCA. The Middlesex Conservation Commission (MCC) has been tasked by the Selectboard with overseeing this project.

II. Process

In order to research and document unmapped town highways in Middlesex, the town proposes to:

1. Form an “Ancient Roads Review Committee” (ARRC) of the MCC with broad representation of recreational and other interests to oversee and coordinate the research and identification of unmapped highways in Middlesex. Ideally, without being so large as to be unwieldy, this committee would include representatives from the MCC, Planning Commission, Historical Society, Selectboard, recreational interests, Road Commissioner and other interested town residents.
2. Hold an initial public information meeting, ideally including a presentation by an informed individual such as Paul Gillies or possibly a staff person from an organization such as the Vermont League of Cities and Towns, Vermont Agency of Transportation or the Central Vermont Regional Planning Commission. The intent of the meeting would be to:
 - a. inform town residents of the issues around unmapped highways and this project;
 - b. seek input from town residents on the results they would like to see from the completed project;
 - c. seek volunteers to do the intensive research of the town records necessary to identify unmapped highways.

- d. Seek volunteers for non-research related activities that are anticipated for the future (i.e. field identification / GPSing / surveying / mapping, trail maintenance, eventual trail creation, etc.)
3. Form the research group with a desired size of four to six dedicated volunteers.
4. Seek a consultant to train the research group by requesting at least two consultants, qualified in this type of research, to provide Middlesex with an account of the services they can provide and a cost estimate for providing a training session for the volunteer researchers.
5. Chose a consultant for the training and carry out the training. It may be advisable for at least some members of the ARRC to also attend the training to gain a better understanding of the research needs and so that they could potentially assist with the research if the research group should need additional assistance or if some members drop out of the project.
6. Following the training, the ARRC will determine a strategy for conducting the research. Some of the issues to be taken into account include:
 - a. Define the scope of the research - how far back in time does the town want to go with its research and what sources does the town want to use for its research? (select board minutes, deeds, maps – see below)
 - i. From Town Charter
 - ii. 1854 Chase & Scott Map
 - iii. 1869 Beers Atlas
 - iv. 1882 Child’s Atlas
 - v. 1931 First Official State Road Maps
 - vi. 1965 Typical 40 year title search
 - vii. Most recent official town map
 - viii. From “today”
 - b. Any roads on the current town highway map that need further research.
7. The research group will begin researching the pertinent town records.
8. Concurrently with the research effort, the ARRC will need to develop a process for evaluating whether individual unmapped highways that are identified through the research should be recommended for addition to the town highway map. Some potential criteria that might be considered include:
 - a. recreational potential of a given unmapped highway, including whether it connects to other town highways or trails;
 - b. historical significance of an unmapped highway;
 - c. whether an unmapped highway provides access to otherwise landlocked parcels of land.
 - d. the desires of landowners with property that an unmapped highway passes through or abuts.
9. Unmapped highways that are determined through the research will likely need to be verified in the field and added to a base map. If necessary, grant money will be used to purchase tools to assist in this such as mapping software and a geo-positioning instrument (GPS). Owners of private land through which an unmapped road passes will be provided with written notice prior to the ARRC conducting its field verification. At this same time, the ARRC will make itself available to the landowners to answer any questions and / or address any questions they may have. The ARRC will also attempt to gauge each landowner’s “feeling” about their respective properties containing a public right of way.
10. The ARRC will need to be kept informed of the progress of the research group and, in consultation with the Selectboard, it may become necessary to prioritize the research effort on specified unmapped highways.
11. As part of the MCC, the ARRC and MCC will review the base map with the unmapped highways that have been identified and will make a recommendation to the Seletboard as to which of these rights of way should be added to the town highway map.

12. The Selectboard will make a final determination on which roads to add to the town highway map. Any roads to be added will need to be placed onto the town highway map and submitted to the Vtrans Mapping Unit with the annual Mileage Certificate. There will be a written record of how the select board (or the Town) deliberated on each of the MCC's recommendations and why they made each of the decisions they made.

III. Timeline

The tasks associated with this project will be carried out according to the following projected timeline:

April/May 2007: Conduct initial public informational meeting and establish the ARRC and the research group.

May/June 2007: Select consultant and conduct training.

Approximately May 2008: Submit mid-project report to DHCA.

May 2007 through September 2008 – Complete research, identification and mapping of unmapped highways.

October 2008 – ARRC makes recommendations to the Selectboard as to the unmapped roads to be added to the town highway map.

November 2008 – Selectboard makes determination of the unmapped roads to be added to the town highway map.

Not later than December 27, 2008 – Selectboard will hold a duly warned meeting to provide an opportunity to be heard by any persons owning land through which passes or abuts an unmapped highway proposed to be added to the town highway map.

On or before February 10, 2009 – A town highway map and Mileage Certificate, including any unmapped highways the town desires to add to the map, will be submitted to the Vtrans Mapping Unit.

If any other unmapped highways remain to be researched and mapped for possible inclusion on the town highway map, this can be done up until July 1, 2015, but the town will need to follow current policy contained in 19 V.S.A. Chapter 7 and may need to provide landowner compensation.