

Pownal locates 5 ancient roads

KEITH WHITCOMB JR., Staff Writer
Posted: 02/03/2009 03:01:18 AM EST

Tuesday, February 3

POWNAL — Five "ancient roads" in Pownal will be submitted to the Vermont Agency of Transportation for approval as public right of ways.

The Select Board voted Thursday to submit extensions of the Tubbs Road, Dummy Noble Road, Montgomery Road, Crow Hill Road and Woods Road on to the AOT, and decided to take no action on ancient road extensions of the Snake Hill Road and Castle Hill Road.

Sent to AOT

The board will also take no action on separate extensions of Dummy Noble Road, extension 4B, or the Wood Road.

The submissions are a response to legislation created in 2006 as part of Act 178. The law splits Class 4 roadways into two groups, one being a traditional Class 4 road that is easily identifiable as a road and the other being an ancient road, not visible or identifiable as such.

It also requires towns to identify their roads by a certain date, or lose them.

Stephen Kauppi, chairman of the Pownal Ancient Roads Committee and a board member, said the roads the board has taken no action on will be researched more over the summer to see if there is evidence of their decommissioning or deeds proving their creation. Kauppi said the work being done to identify the ancient roads is being paid for by a grant from the Vermont Department of Housing and Community Affairs.

A number of landowners owning property on which an ancient road has been identified by the committee have voiced concern over the potential designations. Much of the concern stems from potential misuse of the surrounding land, which some property owners said is already happening.

Property owners present at Thursday night's meeting said they have had problems with ATV traffic and people leaving trash on their property.

Robert Barlow, who owns land with a potential ancient road, criticized the committee's method of identifying the ancient roads. He said simply finding a road marked out on a map does not legally make it a road. Further paperwork, such as deeds, are required, he said.

When submitting an ancient road to the AOT for approval, Kauppi said it is his understanding that the town is to provide all the information it is able to gather.

If all the town possesses is information recorded on a Beers Atlas, then that is what the town will submit.

Kauppi said the only roads the committee can send to the AOT are roads where there is no documented evidence of the road's decommissioning.

He said the committee's investigations so far have found several ancient roads that have been officially decommissioned and the matter regarding them has been dropped.

Board Chairman Nelson Brownell said that if the AOT feels the town has not provided sufficient information it will not approve the road.

Barlow said only submitting information on a 19th century Beers Atlas and nothing else to the AOT was "embarrassing."

Brownell said the ancient roads identified as part of the process will not automatically be opened to ATV traffic.

He said to do so is a separate process that requires public hearings.

The ATV traffic is there already, said Kauppi, and by working to set up some form of trail system, a club could potentially be formed to police any ATV traffic in Pownal.

If an ancient road is identified and turns out to be a detriment to the town, it can be decommissioned, said board member Harry "Hap" Percey.

Kauppi said part of the reason the state is acting is to avoid legal battles by marking public right of ways that have fallen into disuse, in case a landowner unknowingly builds a house over a public right of way that is no longer visible as such.

Kauppi said the town is willing to work with landowners to reroute ancient roads around property boundaries, or whatever is convenient for landowners and beneficial for the town, should the ancient road be approved by the AOT.

The reason Pownal has chosen to pursue the process of identifying ancient roads is because it would not serve the public good to allow the public right of ways fall into disuse, Brownell said, adding that if the public has a right to a pathway or road, that right has to be protected.

He said that at some point in the future, the roads could become useful as hiking or biking trails.

The deadline for submitting the ancient roads is July 1, 2010. The town must annually submit how many miles of roadways it owns by Feb. 10 to get state highway funding. By July 1, 2015, the town must submit a list of all its roadways, ancient or otherwise.

Contact Keith Whitcomb at kwhitcomb@benningtonbanner.com

