

Road Discontinuance Hearing for Ancient Roads

Sparrow, Ormsby, West Curtis Pond, Joseph Brown, A.S. Nelson, Perez Wheelock, Sheple

January 12, 2015

unapproved

Present: Selectboard members Scott Bassage, John Brabant, Rose Pelchuck, Toby Talbot, Denise Wheeler; Donna Fitch, Clerk; Charlotte Hanna Bassage and Reed Cherington.

Denise Wheeler called the hearing to order at 6 pm. John Brabant and Toby Talbot viewed these roads on December 12, 2014. A hearing was held on December 22, 2014, and was continued to this date.

Sparrow Road

The Ancient Roads Committee recommended discontinuance. Toby Talbot reported Bill Porter is maintaining trails in the area, but the road could not be found. Scott Bassage said the Selectboard should take no action since the property was not properly walked by all members of the Selectboard. Rose Pelchuck stated she favored discontinuance since the road is not clear. Scott said that no law covers a requirement that the Selectboard has to take action; nowhere has the legislature said the Selectboard has to discontinue ancient roads. Reed Cherington said the legislature passed the ancient road legislation so that landowners would have clarity. John Brabant referred to a VT Supreme Court ruling that because a road could not be seen doesn't mean it has been discontinued and referred to two laws passed in different years relating to ancient roads. Doing nothing does not resolve the original issue, he said. The choices the Selectboard has, John said, are to make a road a Class 3 road, a Class 4 or an official trail. The law does not say the town can NOT take action, John said.

Stating that she believes John's opinion is his interpretation of the law, Charlotte Hanna Bassage said the Selectboard should err on the side of preserving the town's heritage for this small group of roads. There is no obligation that we must map ancient roads, she said. An email Charlotte sent earlier was added into the record. See attached. Denise Wheeler said doing nothing is not an option and the roads could be made into trails. Scott said the board could compromise and do nothing. Denise said the board could compromise and make trails. Scott said the Selectboard needs to make a decision for all the town, not just the landowner.

Rose said if all of Sparrow Road was visible she would feel differently. This is a different day and age now in relation to the location of the town's ancient roads. She stated she values the work of the Ancient Roads Committee. Toby pointed out there is very little documentation on this road.

Scott made a motion to designate Sparrow Road an official town trail and put it on the highway map. There was no second to the motion.

Rose made a motion to discontinue Sparrow Road. Toby seconded the motion and the motion carried 4 to 1 with Scott voting no.

Reed Cherington said that the Selectboard should not rely on the accuracy of the map that the Committee left with the Selectboard after it was done with its research.

Ormsby Road

Denise read an email (attached) from Alexandra Altman, who could not be at the meeting, in support of discontinuing Ormsby Road. Toby explained the road follows Mirror Lake Road and then heads off the

road to the left to a cement silo and cellar hole. The road deadends in the woods. It is observable. Toby made a motion to discontinue Ormsby Road. John seconded the motion. The motion to discontinue passed 4-1 with Scott voting no.

West Curtis Pond Road

John and Toby met with Harriet Gallagher who informed them the old West Curtis Pond Road goes through her property between her house and barn, but there is no clear evidence that it is there. It goes around the back end of the pond and onto Patrick Malone's field. There is opinion, Toby said, that the first 200 feet are private property. John made a motion to discontinue West Curtis Pond Road. Rose seconded the motion. Scott said it was a mistake to discontinue; it is the property of the town and it is important to keep the road open forever. The motion to discontinue passed 4-1 with Scott voting no.

Joseph Brown Road

This road is behind Rod Buck's house and is part of the old County Road. Joseph Brown is a spur off the old class 4 road commonly referred to as the Stevenson Road. According to Rod, it begins at the Copa/Oberg property, travels over the ridge to Rod's house and goes under his house to the old County Road. John said there was no evidence of the road on Rod's property. The Ancient Roads Committee recommended discontinuance. Toby made a motion to discontinue Joseph Brown Road. Rose seconded the motion. Scott said discontinuance was not in the best interest of the town; there might be a potential use to the town in the future. The motion to discontinue Joseph Brown Road passed 4-1 with Scott voting no.

A.S. Nelson Road

Toby explained this is now a driveway to David Roger's house and continues on into the woods. John made a motion to discontinue A.S. Nelson Road. Toby seconded the motion. Scott said it was wrong to discontinue the road because it would create a landlocked parcel. It is historic in nature and should not be given lightly to the landowner.

The motion passed 4-1 with Scott voting no.

Perez Wheelock Road

This road is near Jan and Peter Brough's property on Batten Road. Denise noted the Ancient Roads Committee wrote that the land is not posted and the road could be left open for making a change later. Toby said there should be a discussion with the landowners as the Broughs seemed willing to have the road become a trail. Toby made a motion to discontinue. John seconded the motion. Scott stated the road should be kept as a town right-of-way. The motion to discontinue Perez Wheelock Road passed 4-1 with Scott voting no.

Sheple Road

John recused himself and joined the audience as this road is on the property owned by him and his wife, Joanne Campisi. It is located off Singleton Road across from their house. There are old stone walls and the road deadends in the middle of the property. Scott made a motion to designate Sheple Road as an official town trail. There was no second. Toby made a motion to discontinue Sheple Road. Rose seconded the motion. Charlotte pointed out the walls on the property were built to contain sheep. I would be sorry if the public didn't have access, she said. John Brabant, speaking as the property owner, said it was a sheep farm and the walls are not viewable from the road. Anyone can walk there with our permission, he said. He asked the Selectboard to discontinue the road because it ends in the middle of his property. He pointed out he does not post the property. He said he is open to suggestions about

making it a trail as long as the entry point is not across from his house. Scott said that of all the roads discussed, this is the one with the greatest historic interest and it should be retained among the valuable assets of the town. The vote was taken and the motion to discontinue passed 4-1 with Scott voting no.

The motion was made, seconded and approved to close the hearing. The meeting adjourned at 7:20 pm.

Respectfully submitted,

Donna Fitch, Clerk